

WEST DALY PROSPECTIVE REGIONAL COUNCIL

MINUTES

ORDINARY COUNCIL MEETING

**HELD IN THE INTERVIEW ROOM GROUND
FLOOR 83-85 SMITH STREET DARWIN ON 18
JUNE, 2014 COMMENCING AT 10.15AM**

1. Attendance
2. Confirmation of Minutes 6 June 2014
3. Establishment of West Daly Regional Council
4. Purchases and Budget – West Daly Prospective Regional Council
5. Late Agenda Items
6. General Business
7. Next meeting – 30 June 2014 Darwin
8. Meeting Closure

WEST DALY PROSPECTIVE REGIONAL COUNCIL DISCLAIMER

No responsibility is implied or accepted by the West Daly Prospective Regional Council for any act, omission or statement or intimation occurring during Council or committee meetings.

The West Daly Prospective Regional Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the West Daly Prospective Regional Council during the course of any meeting is not intended to be and is not taken as notice of approval from the West Daly Prospective Regional Council.

The West Daly Prospective Regional Council advises that anyone who has any application lodged with the West Daly Prospective Regional Council shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the West Daly Prospective Regional Council in respect of the application.

Signed: Lee Farrell – Change Manager

MINUTES

ORDINARY COUNCIL MEETING

To be held in the Interview Room Ground Floor, 83-85 Smith Street
Darwin on Wednesday 18 June 2014, commencing at 10.15am

1. PERSONS PRESENT

Manager West Daly Prospective Regional Council Shaun Hardy

STAFF PRESENT

Change Manager	Lee Farrell
Team leader Project Management Regional Development Project	Neil Murray
Executive Assistant	Jo'Anne Kinter

2. CONFIRMATION OF MINUTES – MEETING HELD ON 6 JUNE, 2014.

Minutes of the Meeting of the West Daly Prospective Regional Council held on 6 June 2014 are attached.

2.1 RESOLUTION

That the Manager of the prospective West Daly Regional Council notes and accepts the Minutes of the prospective West Daly Regional Council as a true and accurate record of the meeting held on 6 June, 2014.

MOVED that Resolution 2.1 be carried

ACTION: Change Manager to arrange a meeting with CEO VDRC to finalise asset list including vehicles and EDRC budget (27th June).

3. ESTABLISHMENT OF THE WEST DALY REGIONAL COUNCIL

3.1 SUMMARY

In December 2013, the Minister for Local Government and Regions, Mr David Tollner MLA announced that the Victoria Daly Regional Council will be split into two with a new West Daly Regional Council (WDRC) in the Wadeye – Peppimenarti- Palumpa area and the continuing Victoria Daly regional Council (VDRC) in the remaining area. Under the

guidance of a representative Transition Committee, the establishment of the new West Daly Regional Council by 1 July 2014 is now well underway.

As applied during the 2008 Shire Council amalgamation process, the legislative mechanism for creating new councils is restructuring Orders. These orders provided the power for the Minister to make any order that the Minister considers necessary or desirable to facilitate restructuring of the system of local government.

The first restructuring order establishes a prospective council, an interim body with various functions and powers under the control of a manager, to undertake a task that prepares the council for its future role.

The first restructuring order has been signed by the Minister, gazetted on 28th April, 2014 and in accordance with the provisions of the Local government act has been tabled in parliament and published in relevant newspapers.

The restructuring order has established the West Daly regional council as a body corporate and defined the local government area for the West Daly Regional Council

3.2 BACKGROUND

The restructuring order provided for a range of tasks to be undertaken such as opening a bank account, procuring insurance, applying for various registrations, setting of budgets, negotiating agency service contracts and the authority of the Prospective manager Mr Shaun Hardy and Change Manager Mr Lee Farrell.

The Local government Act requires certain events to be completed and include but not limited to the following;

Finalisation of 2014/15 Budget by 31 July, 2014.

Creation of Bank Accounts, ABN and GST registration

Delegation of Authority

Policies and administrative procedures

Strategic, Service delivery and long term financial plan developed and approved.

Office Location and appointment of CEO.

3.3 COMMENT

- **Strategic Plan and Budget development:** Departmental staff are currently preparing a draft budget. Strategic Plans are being developed by the Change Manager for consideration by the Councillors from the West Daly region.
- **Transfer of Staff:** Letters have been sent to all staff from the VDRC. For those staff transferring to the WDRC, letters have been sent offering them a position on the Council. These letters have been developed by the Prospective WDR Council's lawyers

and were delivered on or before the 31st May 2014. The letters of acceptance are required to be received back by the WDRC by 13 June, 2014.

- **Website:** A WDRC website is under development.
- **Use of Common Seal:** The various agreements will require the approval of Council to use the Common seal.

3.4 CONSULTATION

Transition Committee Meetings – 4 meetings held to date and minutes of meeting recorded.

Local Government Project team staff meetings – Minutes recorded

Minister for Local Government and Regions office meetings

CEO of Department of Local Government and Regions- Darwin

LGANT

CouncilBiz

Councillors – VDRC

CEO & Staff VDRC

Legal representatives

Commonwealth & State Government Departments – Ongoing Non-Core service contracts.

3.5 STATUTORY ENVIRONMENT

Section 25 of the *Local Government Act* states: Council to be body corporate etc.

- (1) A council is a body corporate.
- (2) A council has the name assigned to it by or under this Act.
- (3) A council has full legal capacity to acquire or incur any rights, powers, obligations and liabilities that may attach to a body corporate.
- (4) A council has the functions and powers conferred by this Act.

Section 26 of the *Local government Act* states how council acts in its corporate capacity

- (1) A council acts:
 - (a) through local authorities, local boards or council committees, officers, staff and agents to whom the council has delegated powers or authorised to act on its behalf; or
 - (b) Through officers or other persons authorised by this Act (or a by-law) to act on the council's behalf; or
 - (c) Under its common seal.

Note: It follows that a contract will be made by a council under its common seal or by an officer or other agent of the council with authority to act on its behalf.

Section 10E of the Local government Act Effect of restructuring order

- (1) A restructuring order operates to the exclusion of any inconsistent provision of this Act.
- (2) If a manager is appointed by a restructuring order mentioned in section 10C (1) (g), the manager assumes the council's functions and has all the powers of the council.

3.6 POLICY IMPLICATIONS

Not applicable (N/A)

3.7 FINANCIAL IMPLICATIONS

Not Applicable

3.8 VOTING REQUIREMENT

N/A

3.9 RESOLUTION

That the Manager of the Prospective West Daly Regional Council endorses the following action;

- 3.9.1 Approve the Draft Strategic Plan 2014/15 to 2018/19 and for this document to be placed on Councils website and notice published in the NT News seeking submissions for a period of 21 days expiring on 11 July 2014.**
- 3.9.2 Accept the quote from Captovate of 1/22 Cavenagh St, Darwin NT for \$20,900 to design and develop the permanent website for West Daly Regional Council and \$1680 per annum for ongoing hosting and support.**
- 3.9.3 Approve the application of the WDRC Common Seal to the Agreement to Lease Unit 3/ 21 Parap Road Parap.**
- 3.9.4 Approve the application of the WDRC Common Seal to the below listed agreements with the Commonwealth and Northern Territory Government agencies;**

**NT Jobs Package - Aged Care
Aged Care CACP - Peppimenarti
Aged Care Flexible Services Wadeye
HACC
Disability in Home support Service
DEEWR - Staff Mentoring
JET CrecheEmu Point
Attorney Generals - Night Patrol
Environmental Health Worker - Thamarrurr
FAHCSIA - Emergency Relief
Administer FAA General Purpose
Administer FAA Roads
Grafitti prevention, reduction and/or Removal
Program - Wadeye
SPG - Fencing project
Public Library Funding
NT Jobs Transition - Media & Broadcasting
RIBS Support (Indigenous Broadcasting Program IBP)
Matching Fund Grant MFG**

Converted Jobs Program
Outstations Essential Services
NT DHLGRS Capital Infrastructure - New Bore Site
NT DHLGRS - Capital Water Lines
NT DHLGRS - Capital Bore
NT DHLGRS - Capital Infrastrucure - Bore Services
DHLGRS - Outstations Management & Maintenance
Administer NTG Operational Grant
Vacation Care Wadeye
DPMC Indigenous Sport & Recreation (ISRP)
Job Creation Package - Sport & Rec
Active Remote Communities
FAHCSIA - Leadership for Indigenous Women (Regional Women's Program)
SPG - Upgrades to Paulmpa Playground, shade structure, solar lighting and resurfacing
ENI Linguistic and Cultural Heritage
DLG Wadeye Street lighting
Capital Infrastructure - Merrepen Upgrade to airstrip
Capital Infrastructure - Mulingi new bore
Capital Infrastructure - Uminuluk - Electrical upgrade
Establishment of Local Authorities
Youth Vibe - Palumpa Cooking Club Jun Jul
Grass Roots Round 2 - Soccer and Bball equipment
Grass Roots Round 2 - Gym Equipment
Emu Point Creche Establishment

MOVED that Resolutions 3.9.1 to 3.9.4 be carried

4. PURCHASES – WEST DALY PROSPECTIVE REGIONAL COUNCIL

4.1 SUMMARY

The establishment of the West Daly Prospective Regional Council has required the purchase of goods and services to ensure the Council is functioning by 1 July 2014. This has required the purchase of office equipment, the valuation of Assets, the lease of office space, Conditional report of heavy machinery, Representation review and Wards, IT and Accounting operational services, Contractual Accounting service and Emergency maintenance of buildings for the Aged, Advertisements for staff recruitment.

4.2 BACKGROUND

The West Daly Prospective Regional Council will be operational on 1 July 2014 and all the services outlined in the Summary need to be implemented to ensure the smooth transition from the VDRC to the WDRC. The purchase of goods and services is being undertaken utilising a manual system with sign off on all purchases by the Manager and Change manager of the West Daly Prospective Regional Council.

4.3 COMMENT

The following is a summary of expenditure incurred to date in the establishment of the West Daly Regional Council to 16th June 2014.

WDRC Expenditure May - June 2014						
PO Date	PO Number	Supplier	Purchase	Invoice Number	Invoice Amount	Budget
28/05/14	1	NT News	Recruitment advertisement		\$ 1,229.76	\$ 100,000.00
28/05/14	2	Colemans printing	Rubber stamps	INV-1614	\$ 289.30	
4/06/14	3	Jape Furnishing	Office furniture	11029367	\$ 4,477.00	Balance
4/06/14	4	Jarrod James Carpentry	Renovations Lot 75 Peppi		\$ 10,340.00	\$ 10,693.75
4/06/14	5	Hastings Deering	Carry out inspection of machines		\$ 8,685.60	
12/06/14	6	SBA	Stationery and office Supplies		\$ 3,663.79	
12/06/14	7	Good Guys	Electrical Equipment for Kitchen		\$ 805.00	
12/06/14	8	Captovate	Interim and permanent web sites		\$ 25,330.00	
16/06/14	9	Multifile/WSA	2 door filing cabinet fire resistant		\$ 1,870.00	
16/06/14	10	NT News	Regional Council Plan advertisement		\$ 343.80	
16/06/14	NA	Bowden & McCormack	legal advice on employees		\$ 3,994.00	
16/06/14	NA	LGANT	Bond Deposit Parap Office		\$ 11,650.00	
16/06/14	NA	CouncilBiz	Licence Charges		\$ 16,628.00	
			Total Expenditure		\$ 89,306.25	

4.4 BUDGET

The Budget for the operating period ending 30 June 2014 is as follow:

Budget for Prospective West Daly Regional Council for period May to June 2014			
Income			
NT Government funds		\$	100,000
	Total Budgeted Income		100,000
Expenditure			
Advertising	\$	1,500	
Stationery & office supplies		6,300	
Office furniture & equipment		5,500	
Renovations Lot 75 Peppimenarti		10,500	
Machinery inspections		9,000	
Web site development costs		26,000	
HR Legal advice		9,000	
Audit costs		3,000	
Petty cash		500	
Other expenses		3,700	75,000
	Total Budgeted Expenses		75,000
	Budgeted Surplus/ Deficit	-	\$25,000

4.5 CONSULTATION

Manager West Daly Prospective Regional Council
Executive Assistant - WDRC
Change Manager – WDRC
Director Local Government Sustainability Department

4.6 STATUTORY ENVIRONMENT

The Payment and authorisation of Orders is carried out under the signature of both the Manager and Change Manager of the West Daly prospective regional Council.

Local Government Accounting Regulations

14 Allocation of money

(1) A council must not allocate money for a particular purpose unless:

(a) provision for the allocation is made in the budget for the relevant financial year; or

(b) the allocation is:

- (i) authorised by resolution of the council; and
- (ii) made in anticipation of the adoption of a budget, or an amendment to a budget, making provision for the expenditure for the relevant financial year.

(2) An allocation of money for a particular purpose under subregulation (1)(b) must not exceed one-quarter of the expected budgetary provision for expenditure for the relevant purpose.

18 Financial reports to council

(1) The CEO must, in each month, lay before a meeting of the council a report, in a form approved by the council, setting out:

- (a) the actual income and expenditure of the council for the period from the commencement of the financial year up to the end of the previous month; and
- (b) the forecast income and expenditure for the whole of the financial year.

20 Disbursements from authorised accounts

(1) A cheque issued on behalf of a council must be signed by at least 2 persons authorised by resolution of the council to sign cheques on its behalf.

(2) An electronic disbursement from an authorised account must be processed by at least 2 persons authorised by resolution of the council to process electronic disbursements on its behalf.

(3) An authorisation under subregulation (1) or (2):

(a) may only be given to 1 or more of the following:

- (i) the council's principal member;
- (ii) the CEO;
- (iii) a member of the council's staff; and

(b) may be given subject to limitations and conditions determined by the council and specified in its resolution.

4.7 POLICY IMPLICATIONS

No Policies currently in place.

4.8 FINANCIAL IMPLICATIONS

The Department of Local Government has provided funding of \$100K to cover the costs to set up the West Daly Regional Council \$50K will be paid this month and \$50K in July 2014.

4.9 VOTING REQUIREMENT

Nil

4.10 RESOLUTION

4.10.1. That in accordance with Local Government Accounting Regulation 14 and 18, the Manager of the West Daly Prospective Regional Council approve the authorisation of purchase orders 8 through to 10 totalling the sum of \$27,543.80 and non-purchase order expenditure items of \$32,272.00.

4.10.2. That in accordance with Local Government Accounting Regulation 14 and 18 the Manager of the West Daly Prospective Regional Council notes the Credit Balance of the operating account of WDRC of \$10,693.75.

4.10.3 That in accordance with Local Government Accounting Regulation the Manager of the West Daly Prospective Regional Council adopts the Budget for the operating period ending 30 June 2014.

MOVED that Resolution 4.10.1 to 4.10.3 be carried

LATE AGENDA ITEMS

5. APPOINTMENT OF ACTING CEO

SUMMARY

Section 100 of the Local government Act (Act) requires the Council to appoint a CEO to undertake the roles and functions as described under Section 101 of the Act. The Change Manager has been appointed by the Department of Local Government to carry out this role until the 30 June 2014 and then assume the role of Interim CEO until a CEO is appointed.

5.1 BACKGROUND

Mr. Lee Farrell has been engaged by the Department of Local Government since the 7 April 2014 to undertake the role of Change Manager until the new CEO is appointed to the WDRC.

5.2 COMMENT

The West Daly Prospective Regional Council has met on three occasions and has carried out the functions of the prospective Council to ensure it is fully operational by 1 July 2014

5.3 CONSULTATION

Elected members of the West Daly area of the VDRC
Manager Prospective WDRC
Frank Crawley: Dept. of Local Government.

5.4 FINANCIAL

The Interim CEO will be funded by the Department of Local Government until 31 August, 2014 and then by the WDRC.

5.5 RESOLUTION

That the Manager of the prospective West Daly Regional Council approve the appointment of Mr. Charles Leonard (Lee) Farrell as Interim CEO of the West Daly Regional Council until the appointment and commencement of a CEO.

MOVED that Resolution 5.5 be carried

6. REGIONAL SERVICE MANAGERS

6.1 SUMMARY

The wages payable to the Regional Service Managers (RSM) at Wadeye, Palumpa and Peppimenarti were reviewed in accordance with the minutes of the meeting held on 6 June 2014. Each RSM employee was assessed against the VDRC staff assessment criteria and the results were provided to the meeting.

6.2 BACKGROUND

The de-amalgamation of the VDRC has seen the development of a new organizational chart placing additional responsibilities on the roles of the three Regional Service Managers. The additional duties and responsibilities need to be reviewed in light of these work related changes.

The proposed changes in Levels attributable to these new roles are as follows;

Wadeye	From Level 9.2 to 10.1	\$113,640 new cash wage
Palumpa	From Level 7.1 to 9.1	\$95930 new cash wage
Peppimenarti	From Level 8.1 to 9.1	\$95930 new cash wage

6.3 COMMENT

The introduction of the new Org. chart and discussions with the West Daly Elected Members supported the new Org. chart and for an increase in the salaries of the Regional Service Managers.

6.4 CONSULTATION

Elected Members from the West Daly region
Manager prospective West Daly Regional Council

6.5 STATUTORY ENVIRONMENT

N/A

6.6 POLICY IMPLICATIONS

The prospective WDRC has no policies in existence.

6.7 FINANCIAL IMPLICATIONS

The increase in salaries will form part of the 2014/15 draft budget.

6.8 VOTING REQUIREMENT

N/A

6.9 RESOLUTION

- 6.9.1 That to enable the new CEO to review the current WDRC Staff Org. and higher duties being performed by the Regional Service managers, the manager of the Prospective West Daly Regional Council approves an increase in the Regional service managers salaries effective from the first pay period in on or about the 5 July 2014 to terminate on 31 December 2014**
- 6.9.2 That the Manager of the Prospective Regional Council recommend that the WDRC undertake a review of the Org Chart prior to the 31 December 2014 to enable the three Regional Service manager contracts and other staff appointments to be reviewed and payment schedules confirmed.**

MOVED that Resolution 6.9.1 and 6.9.2 be carried

7 APPROVAL OF COUNCIL POLICIES

7.1 SUMMARY

The first restructuring order establishes a prospective council, an interim body with various functions and powers under the control of a manager, to undertake a task that prepares the council for its future role.

The first restructuring order has been signed by the Minister, gazetted on 28th April 2014 and, in accordance with the provisions of the Local Government Act, tabled in parliament and published in relevant newspapers.

The restructuring order has established the prospective West Daly Regional Council as a body corporate and defined the local government area for the West Daly Regional Council.

7.2 BACKGROUND

The restructuring order provided for a range of tasks to be undertaken such as opening a bank account, procuring insurance, applying for various registrations, setting of budgets, negotiating agency service contracts and the authority of the Manager of the West Daly Prospective Regional Council Mr Shaun Hardy and Change Manager Mr Lee Farrell.

The Local Government Act requires certain events to be completed and include but not limited to the following:

Finalisation of 2014/15 Budget by 31 July, 2014.

Creation of Bank Accounts, ABN and GST registration.
Delegation of Authority.
Policies and administrative procedures.
Strategic, Service deliver and Long term financial plan developed and approved.
Office Location and appointment of CEO.

7.3 COMMENT

At the 6 June meeting of the prospective West Daly regional Council is was agreed as follows ;

“That the Manager of the prospective West Daly Regional Council approve the Chief executive and meeting procedure polices as presented and undertake a further review of the members allowance payments prior to the adoption of the 2014/15 Council budget.”

A review of the following Councils was made and all Councils were paying the maximum allowance set by the Department of Local government and Regions.
VDRC, Tiwi Islands, Central Desert, Barkly, Litchfield.

7.4 CONSULTATION

Victoria Daly Policy Manual
VDRC Executive Staff
Neil Murray Dept. of Local Government
VDRC members for the West Daly region area.

7.5 STATUTORY ENVIRONMENT

Local Government Act Section 10E Effect of restructuring order

- (1) A restructuring order operates to the exclusion of any inconsistent provision of this Act.
- (2) If a manager is appointed by a restructuring order mentioned in section 10C(1)(g), the manager assumes the council's functions and has all the powers of the council.
- (3) No stamp duty is payable in respect of a transfer of property under a restructuring order.
- (4) The Registrar-General must, on application for registration of a disposition of an interest in land under a restructuring order, make appropriate entries in the land register.

Note for section 10E

Section 10A applies in relation to the effect after a restructuring order of by-laws made before the order

LOCAL GOVERNMENT ACT 2008 (NO 12 OF 2008) - SECT 71

Allowances

- (1) A [member](#) of a council is entitled to be paid an allowance by the council.
- (2) The allowance is to be at a rate fixed by the council (subject to guidelines issued by the Minister) for the relevant financial year.
- (3) Allowances for each financial year are to be fixed as part of the council's budget for the relevant financial year.

- (4) Differential allowances may be fixed for:
 - (a) the principal [member](#); and
 - (b) the deputy principal [member](#); and
 - (c) other [members](#) of the council.
- (5) Allowances are to be paid as determined by the council but are not to be paid in advance.

7.6 POLICY IMPLICATIONS

The prospective WDRC has no policies in existence.

7.7 FINANCIAL IMPLICATIONS

N/A

7.8 VOTING REQUIREMENT

N/A

7.9 RESOLUTION

That the Manager of the prospective West Daly Regional Council approve the Elected Members Allowances Policy and the following amendment to the Draft Elected Member Allowances - “Allowances to be paid fortnightly in arrears”.

MOVED that Resolution 7.9 be carried

8 GENERAL BUSINESS

8.1 COUNCILBIZ UPDATE – 6 JUNE 2014

Please find below an update on how the CouncilBiz Team is progressing with the West Daly Establishment - Jason De Mamiel, General Manager.

Payroll

All Basic Configuration has been completed.

The Org Chart has been done with a few minor descriptions to be tweaked here and there but no major elements remain.

We encountered a minor setback regarding old positions still being available for selection – we have since rectified this to ensure no positions unrelated to West Daly are in the system.

All reports have been finalised but cannot be tested as operational as there is no data in the system to generate reports by.

Need permission

To use Rose Peckham as the test employee for being set up in the system to ensure all configuration is working as per normal.

Once this test has been complete payroll is all ready to load the employees and begin processing payroll.

Information needed:

New User Employee Forms with Tax Declaration Forms.
Opening Balances for any payroll deductions such as Fines Recovery or Repayments to Vic Daly.

Finance

All Vic Daly users not transitioning over have been removed from the system leaving only those West Daly users.

New Document Registers created to ensure numbering begins from 1 again
Charts, ledgers etc. are all configured and ready to go.

All stationery and XLOne reports updated to reflect new organisation details and remove any old logos.

Removed any unnecessary recurring jobs from the DP and set up new relevant ones for West Daly.

Ongoing

Assets Register – Awaiting new fair values and other details before loading in the system. Not crucial for 1 July and will be operational as soon as new values received.

Projects and Tasks for Fleet Management – have discussed with TechOne and now have a clearer idea on how to configure.

Information Needed:

Review the attached user access and financial delegations and note any changes that need to be made.

Review of AP and AR ledger – scheduled for 3pm today with Phil Oliver.

Rates

All associations, attributes, themes, memos and aliases removed from the system.

All names removed from the system.

All non-structured addresses removed from the system.

Import spread sheets created for next processes when they can be carried out.

Ongoing

Removal of structured addresses.

Removal of charges and all related journals.

Removal and re-installation of properties and their owners and ratepayers.

Information Needed:

Rates Declaration to help with charge controls – preferably valuation based to help increase rates rather than fixed rate.

8.2 RESOLUTION

8.2.1 That the Manager of the Prospective West Daly Regional Council notes the CouncilBiz report dated 6 June 2014.

8.2.2 That the Manager of the Prospective West Daly Regional Council requests that CouncilBiz provide SLA Agreement duly signed together with their final costing to implement and provide IT and Accounting/Payroll services to the WDRC by close of business on 27 June 2014.

MOVED that Resolution 8.2.1 and 8.2.2 be carried

9 **NEXT MEETING**

30th June Darwin Office

10 **MEETING CLOSURE**