



MINUTES

ORDINARY COUNCIL MEETING

24 November at 10:00am

COUNCILBIZ OFFICE DARWIN



WEST DALY REGIONAL COUNCIL

Minutes for Ordinary Council Meeting 24 November 2016

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WEST DALY REGIONAL COUNCIL

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Michael Freeman
Acting Chief Executive Officer

MINUTES
ORDINARY COUNCIL MEETING
TO BE HELD AT THE COUNCILBIZ OFFICE
ON 24 NOVEMBER 2016
COMMENCING AT 10.00AM

Mayor of the West Daly Regional Council Harold Wilson declared the meeting open at - 10:00am and welcomed all in attendance.

1 PERSONS PRESENT

ELECTED MEMBERS PRESENT

Mayor	Harold Wilson
Deputy Mayor	Andrew Brown
Councillor	Mark Martin
Councillor	Ralph Narburup
Councillor	Wally Minjin

STAFF PRESENT

Acting Chief Executive Officer	Michael Freeman
Acting Deputy Chief Executive Officer	Ramesh Pudasaini
Finance and Admin Team Leader	Rebecca Purser

PERSONS PRESENT

Local Government Regional Manager	Nathaniel Knapp
Director Sustainability and Compliance – Department of Housing and Community Development	Meeta Ramkumar

2 PRESENTATION FROM DEPARTMENT OF HOUSING AND COMMUNITY SERVICES REGARDING COMPLIANCE REPORT

Meeta Ramkumar, Director Sustainability and Compliance – Department of Housing and Community Development outlined the process for compliance reviews and advised that the compliance review draft report had been completed. There were 39 identifiable issues which is significantly high in comparison to other Councils. Council was informed that it has until the 16th December 2016 to respond otherwise the report will automatically be deemed to be accepted by Council. Mayor Harold Wilson advised that he wishes to keep the report confidential at this stage until Council has had an opportunity to respond after which the report will be available to the public.

Meeta Ramkumar left the meeting at 10:32am

3 APOLOGIES AND LEAVE OF ABSENCE

Nil apologies received.

RECOMMENDATION

That Council receive and notes that there were nil apologies for the Ordinary Council Meeting.

Moved: Clr. Wally Minjin
Seconded: Clr. Ralph Narburup
Carried: Unanimously

4 RESIGNATION OF COUNCILLOR LEON MELPI

It was noted that Councillor Melpi resigned on 23rd November 2016.

RECOMMENDATION

That Council receive and notes the resignation letter from Councillor Melpi dated 23 November 2016.

Moved: Clr. Wally Minjin
Seconded: Clr. Ralph Narburup
Carried: Unanimously

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Council meeting held on 21st September 2016 be confirmed as a true and correct record of the meeting

Moved: Clr. Ralph Narburup
Seconded: Clr. Mark Martin
Carried: Unanimously

RECOMMENDATION

That the Minutes of the Special Council meeting held on 10th November 2016 be confirmed as a true and correct record of the meeting

Moved: Deputy Mayor Andrew Brown
Seconded: Clr. Mark Martin
Carried: Unanimously

6 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Nil Declarations noted

RECOMMENDATION

That Council receives the declarations of interest as listed for the Ordinary General Meeting held 24 November 2016.

Moved: Clr. Andrew Brown
Seconded: Clr. Ralph Narburup
Carried: Unanimously

7 INCOMING/OUTGOING CORRESPONDENCE

Author: Shae Reilly, Administration Assistant
Attachments: Mail Register

Councillors perused the incoming and outgoing correspondence register. There were no requests to provide copies of any correspondence.

In addition, it was noted that the Acting CEO received a letter from the Department of Housing and Community Development on 23 November 2016 regarding the compliance report.

Mayor Wilson advised that he would like an opportunity to peruse and consider the report prior to the report being made public.

RECOMMENDATION

1. THAT Council receives and notes the correspondence received and sent on behalf of Council.
2. That Council receive the report from the Department of Housing and Community Development and moved to keep the correspondence confidential until Council has considered the report.

Moved: Clr. Mark Martin
Seconded: Clr. Ralph Narburup
Carried: Unanimously

8 COUNCILLOR REPORTS

Nil

9 LATE REPORTS

Nil

10 ACTING CHIEF EXECUTIVE OFFICER REPORT

Author: Michael Freeman, Acting Chief Executive Officer

It was noted that Mayor Wilson will be unable to attend the LGANT meeting. Deputy Mayor Andrew Brown is also unavailable to attend and Councillor Ralph Narburup was elected to attend on behalf of the Council.

The Acting CEO advised that a letter has been forwarded to and signed by each of the delegated managers regarding delegation. The letter was also followed up with a conversation with each delegated manager so that there were clear instructions regarding what their delegation authority is.

Acting CEO also advised that three major contractors to Council were requested to provide a status report. Two of the three have been received and we are following up with the third.

Funding departments have also made contact regarding various funding contracts. PM&C have sought the Acting CEO's attendance at a meeting regarding the delivery of certain programs.

In regards to the dual roles ie: General Manager of CouncilBIZ and Acting CEO for West Daly Regional Council, the Acting CEO advised that he will attend the CouncilBIZ meetings but will not vote on any matters due to a potential conflict of interest.

RECOMMENDATION

1. THAT Council receive and notes the Acting Chief Executive Officer's report.
2. THAT Council confirm the appointment of the Acting Chief Executive Officer to the Board of CouncilBIZ, but request that a conflict of interest be avoided on any voting matters.
3. That Councillor Ralph Narburup attend the LGANT meeting on behalf of Mayor Wilson

Moved: Clr. Wally Minjin

Seconded: Clr. Mark Martin

Carried: Unanimously

11 ORGANISATIONAL STRUCTURE

Author: Michael Freeman, Acting Chief Executive Officer

It was discussed that it is a legislative requirement that all Council's have an Organisation Chart.

Council has employees in positions that do not exist on the approved Organisational Chart. A new chart has been prepared to more accurately reflect the Council however the incoming CEO will need to review same. For legality reasons, it was suggested to adopt the chart in the interim.

RECOMMENDATION

THAT Council approves the interim Organisation Structure pending a review by the incoming CEO

Moved: Clr. Ralph Narburup
Seconded: Clr. Wally Minjin
Carried: Unanimously

12 HUMAN RESOURCES REPORT

Author: Cathy Bottrell, Human Resources Advisor

Deputy Mayor Andrew Brown questioned where the 54 staff are at Wadeye. It was suggested that a list of staffing for each community be available at the next meeting detailing the position, the position description and whether the job is full time or part time.

ACTION: HR Advisor to compile a list of staffing for each community which details whether the employee is full time/part time and what position they fill

It was also noted that as a WDRC permanent employee you can not have two jobs without having written permission and approval from the CEO.

11:14am – Wally Minjin left the room.

11:17am – Wally Minjin returned to the room

Aged care was discussed extensively, in particular the sub-contracting of aged care and the risk that the explicit responsibility ultimately lies with the council. It was agreed that a briefing day would be needed as to whether we sub contract or not. The Acting CEO is to prepare a report regarding Aged Care.

ACTION: Acting CEO to prepare a report regarding Aged Care for discussion.

11:31am Ramesh Pudasaini left the room

11:33am Ramesh Pudasaini returned to the meeting

11:34am Ralph Narburup left the room

RECOMMENDATION

That Council receives and notes the Human Resources Report.

Moved: Deputy Mayor Andrew Brown

Seconded:	Clr. Wally Minjin
Carried:	Unanimously

Note that Ralph Narburup was not present for this recommendation.

13 FINANCE REPORTS

Author:	Ramesh Pudasaini, Acting Deputy Chief Executive Officer/Senior Financial Consultant
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Deputy Mayor Andrew Brown asked whether it was good to have unspent grants sitting in the bank account. Senior Financial Consultant advised that the interest is not that great and in fact we now have to pay interest back to Prime Minister and Cabinet for interest earned on unspent grant money.

11:44am – Ralph Narburup returned to the meeting.

11:46 am – Harold Wilson left the meeting

11:47 am – Harold Wilson returned to the meeting

11:49am – Wally Minjin left the meeting

11:52am – Wally Minjin returned to the meeting

RECOMMENDATION

THAT Council receives and notes the Finance Report for the month of October 2016.

Moved:	Clr. Andrew Brown
Seconded:	Clr. Ralph Narburup
Carried:	Unanimously

14 DEDUCTION AUTHORITY

Author:	Ramesh Pudasaini, Acting Deputy Chief Executive Officer/Senior Financial Consultant
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RECOMMENDATION

1. Any travel allowance or additional costs incurred by Councillors can be deducted from fortnightly allowance payment without further approval from Councillors.
2. Before final settlement of these dues, if any Councillor resigns, Council have authority to deduct full remaining amount before paying final amount.

Moved: Clr. Mark Martin
Seconded: Clr. Ralph Narburup
Carried: Unanimously

15 TRADITIONAL CREDIT UNION UNRECONCILED ACCOUNT SUMMARY

Author: Ramesh Pudasaini, Acting Deputy Chief Executive Officer/Senior Financial Consultant

RECOMMENDATION

THAT Council acknowledge and agree to write off the amount of \$1,495.27.

Moved: Clr. Andrew Brown
Seconded: Clr. Mark Martin
Carried: Unanimously

16 COMMON SEAL

Author: Rebecca Purser, Finance and Admin Team Leader

It was discussed that any documentation/agreement requiring the use of the Common Seal shall be brought to the Ordinary Council Meetings and noted on the Common Seal Register.

RECOMMENDATION

That Council receives and notes and ratifies the use of the Common Seal on:

1. 12/10/16 – NTG Dept. of Housing & Community Development (Grants Agreement: MESSPG \$556,582 – 6x projects)
2. 12/10/16 – NTG Dept. of Housing & Community Development (Variation to Grants Agreement: MES Housing and Homeland Extras Allowance \$121,458)
3. 27/10/16 – Aust. Government Department of Education and Training (Deed of Variation: Emu Point Creche)

4. 7/11/16 – Aust. Government Department of Prime Minister and Cabinet (Community Night Patrol Building Deed of Variation)

Moved: Clr. Ralph Narburup
Seconded: Clr. Wally Minjin
Carried: Unanimously

17 GENERAL BUSINESS

15.1 Christmas Holiday

Author: Cathy Bottrell, Human Resources Advisor

RECOMMENDATION

That Council receives and notes and authorises the distribution of the memorandum regarding Christmas Holidays to all staff.

Moved: Deputy Mayor Andrew Brown
Seconded: Clr. Mark Martin
Carried: Unanimously

15.2 AMENDMENT TO FEES AND CHARGES

Author: Ramesh Pudasaini, Acting Deputy Chief Executive Officer/Senior Financial Consultant

Clarification was provided that the hourly rate for the use of the Dingo includes labour.

It was queried whether we can hire out the tilt tray at a fixed rate from Wadeye to Darwin and return rather than the \$3.00 per kilometre rate. The \$3.00 per kilometre rate should apply for usage between Wadeye, Palumpa and Peppimenarti. An amount of \$500.00 was discussed as the fixed fee rate.

12:10pm - Meeting adjourned for lunch for 30 minutes.

12:39pm - Mayor Harold Wilson resumed the meeting.

RECOMMENDATION

That Council approve the amendments of Fees and Charges for FY16/17

Moved: Clr. Andrew Brown

Seconded:	Clr. Ralph Narburup
Carried:	Unanimously

15.2 VARIATION TO NIGHT PATROL BUILDING

Author:	Chris Gipp, Acting Night Patrol Team Leader
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The building required variations. Council is extremely dissatisfied with the amount of variations and the reasons for the variations. It was noted that a fourth variation maybe expected in regards to the drainage as there is no drainage.

RECOMMENDATION

That Council receives and notes the report from the Night Patrol Team Leader and ratifies the acceptance of variations 1 and 2.

That Council receives and notes and accepts Variation 3 to the Night Patrol Building.

Moved:	Clr. Ralph Narburup
Seconded:	Clr. Andrew Brown
Carried:	Unanimously

RECOMMENDATION

Council accepts that the Variations are required however, Council has expressed its' extreme disappointment with the process.

Moved:	Clr. Mark Martin
Seconded:	Clr. Ralph Narburup
Carried:	Unanimously

18 COMMUNITY SERVICES MANAGER AND COMMUNITY OPERATIONS MANAGER'S REPORT – WADEYE

Author:	Michael Fitisemanu, Community Services Manager Scott Page, Acting Community Operations Manager
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Deputy Mayor Brown asked if it has been noted that approximately 300 tonne of concrete has been dumped at Wadeye Dump. A negotiation with Sitzler is required in regards to seeking compensation from Sitzler.

ACTION: Council has instructed CEO to negotiate with Sitzler regarding compensation for the use of the Wadeye Dump.

Nathaniel Knapp has strongly advised Council that we should implement a waste management fee and also suggested that the Wadeye report be split into two ie: one from the Community Services Manager and one from the Acting Community Operations Manager.

Stealing batteries from the outstations was raised. Outstations are supposed to safe guard their assets. Acting CEO advised that it is really a matter for police.

RECOMMENDATION

That Council receives and notes the Community Services Manager and Acting Community Operations Manager’s report for Wadeye.

Moved: Deputy Mayor Andrew Brown
Seconded: Clr. Ralph Narburup
Carried: Unanimously

19 REGIONAL SERVICES MANAGER REPORT – PALUMPA

Author: Steven Horton, Community Services Manager

Discussion took place in regards to the lack of meal delivery services. We are receiving funding to provide the meals so we are not currently meeting obligations.

No names are to be on the reports from the Community Services Managers as this is a breach in confidentiality.

Staff not turning up to work was discussed. An instruction to employees needs to be reiterated to the employees that they must tell the Community Services Manager if they are going to be away/absent.

Staff issues should not be reported on the in CSM reports. It should all be under the report from HR Advisor.

RECOMMENDATION

That Council receives and notes the Community Services Manager’s report for Palumpa.

Moved: Clr. Ralph Narburup
Seconded: Clr. Wally Minjin
Carried: Unanimously

20 REGIONAL SERVICES MANAGER REPORT – PEPPIMENARTI

Author: Glenn Parker, Community Services Manager

Nathaniel Knapp advised that we have received good feedback regarding the Local Authority Meetings for Palumpa and Peppimenarti.

CSM for Peppimenarti will need to follow up regarding nomination forms.

RECOMMENDATION

That Council receives and notes the Community Services Manager's report for Peppimenarti including the appointment of the three local authority members, who are:

1. Henry Wilson
2. Dean Wilson
3. Josephine Miler

Moved: Clr. Mark Martin
Seconded: Clr. Ralph Narburup
Carried: Unanimously

21 CLOSURE OF MEETING FOR CONFIDENTIAL ITEMS

- (a) CONFIDENTIAL: Section 65(2), regulations part 4 8(d) information subject to an obligation of confidentiality at law, or in equity
- (b) CONFIDENTIAL: Section 65(2), regulations part 4 8(c)(i) Commercial Prejudice
- (c) CONFIDENTIAL: Section 65(2), regulations part 4 8(c)(i) Commercial Prejudice; and part 4 8(c)(ii) Legal Prejudice
- (d) CONFIDENTIAL: Section 65(2), regulations part 4 8(c)(i) Commercial Prejudice

22 CLOSE OF MEETING

Time: 1:21pm

23 NEXT MEETING

The next Ordinary General Meeting of West Daly Regional Council will be held in Darwin on Wednesday 25th January 2017 with a briefing meeting to be held on Tuesday 24th January 2017 in Darwin.