



**MINUTES OF THE COUNCIL MEETING
HELD IN
THE WEST DALY REGIONAL COUNCIL CHAMBERS
AT
1/4 ALBATROSS STREET WINNELLIE NT 0812
ON
TUESDAY 23 NOVEMBER 2021 AT 11:00AM**

MEETING OPENED

Meeting was declared open by Acting Mayor Wilfred Harris 11:00 AM.

PERSONS PRESENT

ELECTED MEMBERS PRESENT

Wilfred HARRIS	Acting Mayor
Ralph NARBURUP	Councillor
Jake CLARK	Councillor
Mark TUNMUCK-SMITH	Councillor
John WILSON	Councillor

STAFF PRESENT

Matthew EASTHAM	Chief Executive Officer
James CARTWRIGHT	Chief Financial Officer
Nicole JOHNSTON	Chief People and Capability Officer
Sharon BINNS	Secretariat

QUORUM DECLARED

GUESTS

Mr Dheran YOUNG	Member of Daly
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1) Apologies and Leave of Absence

109/2021

The CEO stated that an apology for Andrew Everingham.

Motion:

- 1. That Council receives and approves Elected Member apologies and/or requests for a leave of absence for the Ordinary Council meeting held on 23 November 2021.**

Moved: Cr. Narburup

Seconded: Cr. Tunmuck-Smith

Resolution: Unanimously

2) Absent Without Notice / Permission

110/2021

Motion:

- 1. That Council records that no Councillor was absent without permission for the Ordinary Council meeting held on 23 November 2021.**

OR

- ~~2. That Council records that Councillor was absent without permission for the Ordinary Council meeting held on 23 November 2021.~~

- ~~3. That Council does accept the absence without permission as an apology.~~

OR

- ~~4. That Council does not accept the absence without permission as an apology.~~

- ~~5. That the CEO writes to Councillor informing them of the resolution and Council Policy.~~

Councillors approved motion 1.

Moved: Cr. Tunmuck-Smith

Seconded: Cr. Clark

Resolution: Unanimously

3) Acceptance of Agenda

111/2021 **Motion:**

- 1. That the agenda papers for the Ordinary Council meeting held on 23 November 2021 as circulated be received for consideration at the meeting.**

Moved: Cr. Clark
Seconded: Cr. Tunmuck-Smith
Resolution: Unanimously

DISCLOSURES OF INTEREST – COUNCILLORS AND STAFF

There were no declarations of interest at this Council Meeting.

5) Swearing in of Elected Member

112/2021 **Late – supplementary agenda item.**

The CEO spoke to his report. John Wilson agreed to the declaration to be a Councillor of WDRC which was spoken to by the CEO.

A/Mayor Wilfred Harris welcomed John Wilson as a Councillor of West Daly Regional Council.

Motion:

- 1. That the Elected Member John Wilson cites his declaration and signs the Swearing in Certificate.**

Moved: Cr. Clark
Seconded: Cr. Narburup
Resolution: Unanimously

CONFIRMATION OF MINUTES

Minutes of the Council Meeting held on 29 September 2021

113/2021

CEO asked if there were any changes to the minutes from the Councillors.

Motion:

That the minutes be taken as read and be accepted as a true record of the Meeting.

Moved: Cr. Clark
Seconded: Cr. Tunmuck-Smith
Resolution: Unanimously

Minutes of the Finance Committee Meeting held on 27 October 2021

114/2021

CEO informed that as Finance committee hasn't met since the meeting, therefore this paper is for information purposes only until they are confirmed.

Motion:

That the minutes be taken as read and be accepted as a true record of the Meeting.

Moved: Cr. Clark
Seconded: Cr. Narburup
Resolution: Unanimously

Minutes of the Special Council Meeting held on 9 November 2021

115/2021

Motion:

That the minutes be taken as read and be accepted as a true record of the Meeting.

Moved: Cr. Tunmuck-Smith
Seconded: Cr. Narburup
Resolution: Unanimously

CALL FOR ITEMS OF GENERAL BUSINESS

CEO - Confidential paper to be presented

REPORTS OF COUNCIL

4) Chief Executive Officer Report

116/2021 .

The CEO spoke to his report and matters relating to governance and management. COVID compliance is currently an active issue working with government, LGANT etc.

Thanks to Nikki Johnston for her hard work in regards to COVID.

Cr. Tunmuck-Smith asked about the location of the Pool in Wadeye as there may have been an issue with it sometime ago. CEO will speak to DIPL and get back to Council.

Action:

- **CEO to meet with DIPL about swimming pool in Wadeye.**

Motion:

1. **That Council asks questions of the CEO and notes the CEO report.**

Moved: Cr. Clark
Seconded: Cr. Narburup
Resolution: Unanimously

5) Election of Mayor

117/2021 .

The CEO spoke to his report. The CEO raised concerns around the delay in electing a Mayor and spoke to Council about governance.

The CEO asked if there was any questions and discussion occurred.

Motion:

1. **That Council agrees that elections for a new Mayor be held at the first OCM post-election results being notified for the Nganmarriyanga ward.**

Moved: Cr. Narburup
Seconded: Cr. Clark
Resolution: Unanimously

6) Financial Report - October 2021

118/2021 .

The CFO spoke to his report referring Council to page 38 with a snap shot of year to date and explained the 'current ratio' stating 1.78 is very good. CFO referred to Income and Expense statement and discussed further stating we are tracking well. Monthly Balance Sheet report was discussed and CFO spoke to the pages presented.

Motion:

- 1. That Council receives and notes the Financial Report for October 2021.**

Moved: Cr. Clark
Seconded: Cr. Tunmuck-Smith
Resolution: Unanimously

7) Grants Acquittal Summary for the SLGIF for FY 2020-21

119/2021

CFO spoke to his report. He informed about the funds available for Wadeye and Peppimenarti rubbish tips and a report for noting.

A/Mayor asked if funds were for upgrade and is there any feedback. The advice is to move to a transfer station model.

The CEO stated we are preparing a new waste management strategy with the assistance of consultancy.

Motion:

- 1. That Council accepts and acknowledges the Acquittal of the Strategic Local Government Infrastructure Fund for Financial Year 2020-21.**

Moved: Cr. Narburup
Seconded: Cr. Tunmuck-Smith
Resolution: Unanimously

11:55 am Mr Dheran Young Member of West Daly joined the meeting.

8) S19 ALRA Licence - Licence to Maintain Public Ablution Facility

120/2021 . CFO spoke to his report.

Action:

- **Common Seal was used incorrectly and to be noted on register.**

Motion:

1. **Council ratify the signing of the Licence to Maintain Public Ablution Facility Lot 579 in Wadeye.**

Moved: Cr. Clark

Seconded: Cr. Tunmuck-Smith

Resolution: Unanimously

9) Finance Committee of Council: Delegated Functions

121/2021 . The CFO spoke to his report and noted that under the Act, a resolution of Ordinary Council Meeting is required when delegating Council functions to the Finance Committee. Without these delegations, Finance Committee is unable to carry out the necessary financial functions in the months where Council does not meet. The functions requested related to Contracts, Legal and Operational and Capital Expenditure.

Motion:

1. **That Council delegates the reported functions to the Finance Committee of Council.**

Moved: Cr. Narburup

Seconded: Cr. Tunmuck-Smith

Resolution: Unanimously

10) Rates in arrears

122/2021 The CFO spoke to his report. The WDRC does have rates in arrears for longer than 3 years. The Act allows interest to be charged for arrears.

Motion:

1. **That Council note and accept the rates in arrears report.**

Moved: Cr. Tunmuck-Smith

Seconded: Cr. Narburup

Resolution: Unanimously

11) 2021-22 Waste and Resource Management Grant Program

123/2021

The CFO spoke to his report. The WaRM grant to combine with the LA at Wadeye to purchase a garbage truck.

Motion:

- 1. That Council acknowledges 2021-22 Waste and Resource Management Grant Program funding and approves the use of WaRM funding to purchase a side load garbage compactor truck.**

Moved: Cr. Clark
Seconded: Cr. Wilson
Resolution: Unanimously

Mr Dheran Young – Member of West Daly

Mr Young was invited to speak to Council. He informed there are a number of things on his radar, including funding for the Wadeye swimming pool. Mr Young is working through his election commitments and will be sending a letter to Ministers to ensure delivery of promises made at election. Mr Young stated he would visit the local authorities in the new year.

Meeting suspended at 12:20pm for lunch.

Meeting reconvened at 12:51pm.

12) Bad Debts

124/2021 .

The CFO spoke to his report. These bad debts are not recoverable as external debt collectors are more expensive.

Due to *Local Government (General) Regulations*, regulation 51 the names of the debtors have been removed as confidential.

Motion:

- 1. That Council approves the writing-off of the bad debts owed by Debtor 1, Debtor 2 and Debtor 3.**

Moved: Cr. Narburup
Seconded: Cr. Tunmuck-Smith
Resolution: Unanimously

13) Acceptance of Indigenous Jobs Development Funding (IJDF) 2021-22

125/2021 .

The CFO spoke to his report. This grant pays for 50% of wages for civil work crews, Council needs to cover the other 50%. This assists with more jobs in communities.

Motion:

- 1. That Council notes and accepts the Indigenous Jobs Development Funding (IJDF) 2021-22.**

Moved: Cr. Wilson
Seconded: Cr. Clark
Resolution: Unanimously

14) Service Delivery

126/2021 .

The CEO spoke to the report of the COO due to being unavailable in community. The Service Delivery Committee (SDC) forms part of Councils governance framework tasked with monitoring and reviewing all areas of operational service delivery in the West Daly region.

Cr Clark asked about the path on the Wadey main road as people are beginning to trip up and concerned and wanted it looked at.

Motion:

- 1. That Council receives and notes the Chief Operations Officer report.**

Moved: Cr. Clark
Seconded: Cr. Narburup
Resolution: Unanimously

15) Chief Performance and Capability Officer Report

127/2021 .

The CPCO spoke to her report and informed that COVID certificates have been sent in except 2 people who were casual employee's, so no workers lost.

Action:

- **CEO asked elected members to speak to LA chair's regarding vaccination certificates and confirmations of such by LA members before they can attend meetings**

Motion:

- 1. That Council notes the information contained in the report titled Chief Performance and Capability Report.**

Moved: Cr. Clark
Seconded: Cr. Wilson
Resolution: Unanimously

16) Acknowledgement of Traditional Owners

128/2021

The Council members agreed that something needed to be done in regards to acknowledging and welcoming to country.

It was suggested for the new year Council could ask a Larrakia person to come to the meeting in the Winnellie office to welcome members. In regards to attending a meeting in the West Daly region there are traditional owners for each area that could welcome at each meeting being:

Peppimenarti – Cr John Wilson and Henry Wilson (brother)
Palumpa – Wodidj family
Wadeye - Cr Ralph Narburup

Motion:

1. Council does not / adopt the protocol of Acknowledging Traditional Owners or Welcoming outsiders to Country during Ordinary Council meetings beginning [insert date].
2. West Daly Regional Council emails will / will not add to the signature an Acknowledgement of Country with the wording:

“West Daly Regional Council acknowledges the Traditional Owners and Custodians of the lands on which we live and work, paying our respect to Elders past, present and in the future.”

Action item:

- CEO and Governance to discuss further.

Further Amendment required

Moved: Cr. Narburup

Seconded: Cr. Tunmuck-Smith

Resolution: to come back to Council with proposal.

17) Local Authority Nominations - Wadeye

129/2021 .

Sharon spoke to the report. The Council spoke about members and were happy with nominations.

Motion:

1. That Council notes, accepts and adopts the five (5) nominations for becoming a Local Authority community members of Wadeye.

Moved: Cr. Tunmuck-Smith

Seconded: Cr. Clark

Resolution: Unanimously

Cr Mark Tunmuck-Smith left the meeting, the time being 1:36 PM

Cr Mark Tunmuck-Smith returned to the meeting, the time being 1:45PM

18) Local Authority Minutes and Recommendations

130/2021

Motion:

- 1. That Council receives and notes the minutes from the Wadeye Local Authority Meeting:**

Wadeye – 11 November 2021

- 2. That the Council approves the motions of the Wadeye Local Authority and approves the following recommendations:**

Minute number **033/2021 Wadeye Rubbish Compactor \$50,000**

Minute number **034/2021 Community Projects \$165,000**

- 3. That Council receives and notes the minutes from the Palumpa Local Authority Meeting:**

Palumpa – 14 October 2021

- 4. That the Council approves the motions of the Palumpa Local Authority and approves the following recommendations:**

Minute number **024/2021 - Cemetery Shade Structure \$7,116**

Moved: Cr. Harris

Seconded: Cr. Clark

Resolution: Unanimously

19) LGANT - Animal Welfare Advisory Committee (AWAC) nomination

131/2021 .

Council declines the invitation to nominate to represent LGANT on (AWAC).

Motion:

- 1. That Council notes the invitation to nominate to represent LGANT on the Animal Welfare Advisory Committee (AWAC).**
- 2. Council has declined the invitation to nominate;
or
Nominates [insert name] to be a representative on the Animal Welfare Advisory Committee (AWAC).**

Moved: Cr. Harris

Seconded: Cr. Clark

Resolution: Unanimously

CORRESPONDENCE IN & OUT

20) Correspondence Report

132/2021 . **Motion:**

- 1. That Council accept the correspondence report.**

Moved: Cr. Harris
Seconded: Cr. Clark
Resolution: Unanimously

CLOSE OF ORDINARY COUNCIL MEETING – MOVE TO CONFIDENTIAL

21) Deed of Variation (no. 8) Municipal and Essential Services (MES), Housing Maintenance Services (HMS) and Homelands Jobs (HJ) Funding

The report will be dealt with under Section 99(2) of the Local Government Act 2019 and Regulation 51(1)(ci) of the Local Government (General) Regulations 2021. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person; AND information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person (Commercial in confidence.).

22) CEO Remuneration

The report will be dealt with under Section 99(2) of the Local Government Act 2019 and Regulation 51(1)(a) of the Local Government (General) Regulations 2021. It contains information that would, if publicly disclosed, be likely to cause prejudice to the individual.

Cr Ralph Narburup left the meeting, the time being 01:56 PM
Cr Ralph Narburup returned to the meeting, the time being 02:00 PM

The meeting closed at 2:02pm.

THIS PAGE AND THE PRECEEDING PAGES ARE THE MINUTES OF THE
Meeting of Council
HELD ON
Tuesday 23 November 2021
AND to be CONFIRMED
Thursday 20 January 2022.