



MINUTES OF THE COUNCIL MEETING HELD IN WADEYE ON
WEDNESDAY 29 SEPTEMBER 2021 AT 09:12AM

PRESENT

Joe Parry
Wilfred Harris
Ralph Narburup
Jake Clark
Mark Tunmuck-Smith

Staff

Matthew Eastham
Andrew Everingham
Nicole Johnston
James Cartwright
Chris Kassman

Guests

Steven Wenzel NIAA
Georgia Eagleton NT Government

APOLOGIES AND LEAVE OF ABSENCE

Nil apologies

DISCLOSURES OF INTEREST – COUNCILLORS AND STAFF

There were no disclosures of interest at this Council Meeting.

CONFIRMATION OF MINUTES

Minutes of the Ordinary Council Meeting held on 25 August 2021

079/2021 Motion

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

Moved: Cr. Narburup

Seconded: Cr. Tunmuck-Smith

Resolution: Unanimously

Outstanding Action Items from Council Meeting held on 25 August 2021.

1. Paper to be developed for the next meeting re ways in which outstanding rates can be recovered. James Cartwright advised that this has not been done but a document will be developed for next OCM.
2. That Council would like a briefing by Murinbata Tribal Development (MTD) at an OCM with the date YBC. Meeting to be arranged by EA CEO/Mayor. Presentation being given at OCM 29 September 2021.
3. EA to CEO/Mayor to investigate the length of time of Elected Members Councillors Minjin, Martin and Narburup have served in Council and complete nomination forms if eligible. Nil Councillors were eligible for nominations.

CALL FOR ITEMS OF GENERAL BUSINESS

NIL

1) Apologies and Leave of Absence

080/2021 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 29 September 2021.**

Moved: Cr. Harris

Seconded: Cr. Narburup

Resolution: Unanimously

2) Absent Without Notice / Permission

081/2021 Motion

- 1. That Council records that no Councillor was absent without permission for the Ordinary Council meeting held on 29 September 2021.**

Moved: Cr. Clark

Seconded: Cr. Harris

Resolution: Unanimously

3) Swearing in of Elected Members

082/2021 Motion

- 1. That each Elected Member cites their declaration and signs their Swearing in Certificate.**

All Councillors read the Oath and were presented with Swearing in Certificate. Photos of each Councillor were taken.

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

4) Acceptance of Agenda

083/2021 Motion

- 1. That the agenda papers for the Ordinary Council meeting held on 29 September 2021 as circulated, be received for consideration at the meeting.**

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

5) Ballot for the Position of Mayor

084/2021 Motion

- 1. That Council approves of the rules and procedures as noted in this paper.**
- 2. That Council notes the election results and that Joseph Parry is appointed to the position of Mayor of the West Daly Regional Council for the term of office, and will cease at the conclusion of the next Northern Territory Local Government Election.**
- 3. That Council directs the administration to inform the following organisations of the result of the ballot for the Mayor:**
 - 1. The Northern Territory Electoral Commission**
 - 2. All relevant government departments in the Northern Territory**
 - 3. West Daly Regional Council staff**
 - 4. The Local Government Association of the Northern Territory.**
- 4. That Council directs the administration to update the Council's website and media outlets.**

- 5. Directs the administration to destroy the ballot papers for the election of the Mayor.**

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

6) Ballot for the Position of Deputy Mayor

085/2021 Motion

- 1. That Council approves of the rules and procedures as noted in this paper.**
- 2. That Council notes the election results and that Wilfred Harris is appointed to the position of Deputy Mayor of the West Daly Regional Council for the term of office, and will cease at the conclusion of the next Northern Territory Local Government Election.**
- 3. That Council directs the administration to inform the following organisations of the result of the ballot for the Deputy Mayor:**
 - 1. The Northern Territory Electoral Commission**
 - 2. All relevant government departments in the Northern Territory**
 - 3. West Daly Regional Council staff**
 - 4. The Local Government Association of the Northern Territory.**
- 4. That Council directs the administration to update the Council's website and media outlets.**
- 5. Directs the administration to destroy the ballot papers for the election of the Deputy Mayor.**

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

Steve Wenzel (NIAA) left the meeting at 9.44am.

7) Overview - Responsibilities of Council

086/2021 Motion

- 1. That Council notes the information contained in the reported titled: Overview – Responsibilities of Council**

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

8) Policy Approval

087/2021 Motion

:

1. That Council approves the follow polices:
 1. EM02 Code of Conduct
 2. EM03 Conflict of Interest
 3. EM04 Scheduling and Conduct of Meetings
 4. EM05 Elected Member Allowances
 5. EM06 Elected Members Gifts and Benefits
 6. EM07 Mayors Work Entitlements

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

9) Casting Vote Policy

088/2021 Motion

1. That Council approves the West Daly Regional Council EM01 Casting Vote Policy.

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

Georgia Eagleton from Dept. of Chief Minister and Cabinet left the meeting at 10.10am

Meeting suspended at 10.10am

Meeting recommenced at 10.25am

10) Delegation Policy of Council

089/2021 Motion

1. That Council approves the Delegation of its powers and functions to the CEO as outlined in the attached Delegations Policy - FIN08, in accordance with sections 40, 41, and 183 of the *Local Government Act 2019*. The Council notes the CEO's delegation to Council employees as outlined in the attached Delegation Policy.
2. That Council notes further development of the Delegations Policy – FIN08, will occur involving a review of Council employee's delegations.

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

11) Code of Conduct - Elected Members

090/2021 Motion:

- 1. That Council receives, discusses and notes the information contained in the report: Code of Conduct – Elected Members – EM02.**

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

12) Chief Executive Officer Report

091/2021 Motion:

- 1. That Council asks questions of the Chief Executive Officer and notes the Chief Executive Officer report.**

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

13) Overview - Responsibilities of the Chief Executive Officer

092/2021 Motion:

- 1. That Council are encouraged to ask questions of the Chief Executive Officer and seek guidance as required.**
- 2. That Council notes the information within the report titled: Overview – Responsibilities of the Chief Executive Officer.**

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

14) Nomination of Deputy Chief Executive Officer

093/2021 Motion:

- 1. That Council notes the appointment of the Deputy CEO (COO)**
- 2. That Council notes that the Deputy CEO (COO) is nominated to act as the CEO during absences of the CEO.**

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

15) West Daly Regional Council Governance Framework

094/2021 Motion:

1. That Council notes, accepts and approves the West Daly Regional Council Governance Framework relating to Committees of Council.
2. The Council approves the Terms of Reference for the following Committees as per the West Daly Regional Council Governance Framework:
 1. Audit and Risk Management Committee
 2. Finance Committee of Council
3. That Council notes the West Daly Regional Council Governance Framework and those relating to Council Chief Executive Officer Committees.
3. That Council notes the Terms of Reference for the following Council Chief Executive Officer Committees:
 1. Executive Committee
 2. Workplace Health and Safety Committee
 3. Service Delivery Committee
 4. Projects & Procurement Committee

NOTE: Terms of Reference for the Projects & Procurement Committee were not included in the agenda pack. They were hand delivered to Elected Members within the meeting and discussed.

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

16) Attendance of Elected Members at Council Meetings

095/2021 Motion:

1. That Council receives the information within this report and that Council is encouraged to note and discuss the report titled: Attendance of Elected Members at Council meetings.

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

17) Council Meeting Schedule & Proposed Meeting Dates for 2021-2022

096/2021 Motion:

1. That Council receives and accepts the upcoming meeting dates.

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

18) Elected Member Allowances 2021-2022

097/2021 Motion:

1. That Council notes the follow allowances that have been approved for the financial year 2021-22:

	Mayor	Deputy Mayor	Councillor
Base Allowance	75,116.61	27,776.12	13,509.96
Electoral Allowance	19,771.29	4,943.73	4,943.73
Total Base & Electoral Allowance	94,887.90	32,719.85	18,453.69
Professional Development Allowance	3,753.17	3,753.17	3,753.17
Extra Meeting Allowance (max)	-	-	9,006.64
Others Allowance	3,753.17	3,753.17	12,759.81
Total Claimable	98,641.07	36,473.02	31,213.50

The maximum daily rate to act in the place of the Mayor

	Daily Rate
Acting Principal Member (max - 90 days)	261.34
Maximum claimable - \$23,520.60	

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

19) Annual Return of Interests - Elected Members

098/2021 Motion:

1. That Council receives and understands Elected Members obligations in relation to Annual Return of Interests.
2. That all Elected Members fill in the attached Declaration of Interest form.

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

20) Financial Report - July 2021

099/2021 Motion:

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

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

21) Council Fees & Charges

100/2021 Motion:

- 1. That Council receives and approves the updated Schedule of Fees and Charges for the FY2021/22.**

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

22) Grants Acquittal Summary for FY 2020-21

101/2021 Motion:

- 1. That Council accepts and acknowledges all grants acquitted for Financial Year 2020-21.**

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

23) Certification of Special Community Assistance and Local Employment (SCALE) 2019-20

102/2021 Motion:

- 1. That Council acknowledges and accepts certification of the Special Community Assistance and Local Employment (SCALE) project.**

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

Meeting suspended at 12.12pm.

Meeting reconvened at 12.47pm

Cr Mark Tunmuck-Smith left the meeting at 12:48 PM

24) Certification of 2020-21 Local Authority Project Funding

103/2021 Motion:

- 1. That Council approves the attached certification.**

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

25) Local Authority Minutes and Recommendations

104/2021 Motion:

- 1. That Council receives and notes the minutes from the following Local Authority Meetings:**

Peppimenarti – 3 September 2021

- 2. That the Council notes and approves the following recommendations:**

Peppimenarti – 3 September 2021

1. Contribution of 35% (up to \$12,250) towards the purchase of a Kubota 4WD Mower

LA Motion:

That the Local Authority recommends to Council that the Local Authority - Peppimenarti contribute 35% (up to \$12,250) towards the purchase of a Kubota 4WD Mower, if Council can find further funding from other sources to pay the balance of costs.

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

26) Chief Operations Officer Report

105/2021 Motion:

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

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

27) Chief Performance and Capability Report

106/2021 Motion:

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

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

28) Elected Member Training

107/2021 Motion:

- 1. That Council notes and approves the information within this report and confirms the attendance of all elected member at the two day LGANT Symposium on 5 & 6 October 2021.**

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

29) Audit and Risk Management Committee Membership: Appointment of Elected Members, Continuation of appointed Independent Chair, and Advertising of Vacant Independent Member position

108/2021 Motion:

- 1. That Council appoints three Elected Members to the Audit & Risk Management Committee for a period of 2 years.**

Recommendation

That Council recommend that Deputy Mayor Wilfred Harris & Councillor Narburup be appointed to the Audit & Risk Management Committee for two years.

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

109/2021 Motion:

- 2. That Council approves the ongoing appointment of Cathryn Hutton as the Chairperson of the Audit & Risk Management Committee for the duration of this Council's term in office (4 years).**
- 3. Council approves the commencement of the appointment of an independent/ external member to the Audit & Risk Management Committee for the duration of this Council's term in office (4 years).**

Council notes and approves the attached Terms of Reference for Audit & Risk Management Committee

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

30) Finance Committee of Council: Appointment of Elected Members

110/2021 Motion:

- 1. That Council appoints the Mayor, Deputy Mayor and Councillor Clark to the Finance Committee of Council.**
- 2. Council notes and approves the attached Terms of Reference for the Finance Committee of Council.**

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

31) Local Authority Membership: Appointment of Elected Members and Nominations for Vacancies

111/2021 Motion:

- 1. That Council notes and receives the report.**
- 2. That Council nominates and approves the appointment of Elected Members to each of the Local Authorities in their respective Wards.**
- 3. Approves the commencement of the nominations process for appointed Local Authority member vacancies.**

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

32) Nominations for Casual Vacancies Local Government Association of Northern Territory (LGANT) Executive

112/2021 Motion:

- 1. That Council nominate the following Elected Member Deputy Mayor Harris to the LGANT Executive Board.**

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

This agenda item was held over until after Confidential Meeting, when representatives from MTD will be present.

This item agenda was discussed at 14:21pm

33) Murinbata Tribal Development - New Store and Recreation Club

113/2021 Motion:

- 1. That Council notes the update on the Murinbata Tribal Development (MTD) proposal for a new Shop and Recreation Club at Wadeye.**

CEO welcomed the representatives of MTD.

Bill Ivory, Andrew Clark MTD CEO, Steven Putschen, Senior Traditional Owner and Board Member of MTD and Kardu Alliance.
CEO introduced the new West Daly Regional Council Mayor Parry, Deputy Mayor Harris and Councillors. WDRC staff were introduced to the visitors.

At the next OCM this will be discussed, and correspondence will be sent to the representatives of MTD if required.

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

34) LGANT Conference - 2021

114/2021 Motion:

- 1. That Council notes and approves the attendance of the Mayor and Deputy Mayor at the LGANT Conference and AGM in Alice Springs on 4 & 5 November 2021.**
- 2. Costs associated with travel and fees of the LGANT Conference and AGM to be met by the Elected Member Professional Development Allowance.**

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

CORRESPONDENCE IN & OUT

35) Correspondence Report

115/2021 Motion:

- 1. That Council receives and notes the items of incoming and outgoing correspondence.**

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

Action Item

Nil

GENERAL BUSINESS

Nil

Elected Members Business without Notice

Nil

DECISION TO MOVE TO CLOSED SESSION @ 13:33hrs

RECOMMENDATION:

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 65(2) of the *Local Government Act* as the items lists come within the following provisions:-

- 36 Standard Form Works Agreement -** *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.*
- 37 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)(d) of the Local Government (General) Regulations 2021. It contains information subject to an obligation of confidentiality at law, or in equity; AND information subject to an obligation of confidentiality at law, or in equity.*

- 38 CEO Leave** - *The report will be dealt with under Section 99(2) of the Local Government Act 2019 and Regulation 51(1)(a) & (e) of the Local Government (General) Regulations 2021. It contains information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual; AND information provided to the council on condition that it be kept confidential; AND information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual; AND subject to sub regulation 51(3) - information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.*

The meeting closed at 1455hrs

This page and the preceding pages are the UNCONFIRMED Minutes of the Ordinary council Meeting held on Wednesday 29 September 2021. These Minutes will be CONFIRMED at the next Ordinary Council Meeting.