



## MINUTES OF THE ORDINARY MEETING HELD IN THE ENGAWALA COUNCIL OFFICE ON THURSDAY, 27 SEPTEMBER 2018 AT 1:30

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The meeting opened at 1:33pm.

### **1 ATTENDANCE AND APOLOGIES**

#### **Present:**

##### *Councillors*

Cr Adrian Dixon (President), Cr Warren Williams, Cr Robert George, Cr James Glenn, Cr Audrey Inkamala, Cr April Martin, Cr David McCormack, Cr Norbert Patrick, Cr Renita Webb

##### *Apologies*

Cr William Liddle

##### *Absences*

Cr Jacob Spencer, Cr Freddy Williams

##### *Council Officers*

Diane Hood (CEO), Chris Kendrick (DCORP), Greg Buxton (DA&I), Libby Nuss (Governance Manager)

### **1.1 ACCEPTANCE OF APOLOGIES**

**OC090/2018 RESOLVED (Cr James Glenn/Cr Norbert Patrick)**  
**That Council accept the apology of Cr William Liddle on medical grounds.**

### **2 ACCEPTANCE OF AGENDA**

## **2 CHANGE TO THE AGENDA**

*OC091/2018* **RESOLVED** (Cr Robert George/Cr April Martin)

**That agenda Item 12.7 Local Decision Making and Item 13.1 Deputation from the Office of Aboriginal Affairs are moved to follow Item 8.2 Election of the Deputy President.**

## **3 DECLARATIONS OF CONFLICT OF INTEREST**

Cr Warren Williams declares a conflict of interest in relation to item 16.3 in the Closed Agenda as he works as a mediator for Southern Tanami Kurdiji Indigenous Corporation (STKIC).

## **4 CODE OF CONDUCT MATTERS**

### **ACCEPTANCE OF THE CODE OF CONDUCT**

*OC092/2018* **RESOLVED** (Cr James Glenn/Cr Adrian Dixon)  
**That Council confirm their commitment to the Code of Conduct.**

## **5 CONFIRMATION OF PREVIOUS MINUTES**

### **5.1 CONFIRMATION OF PREVIOUS MINUTES**

*OC093/2018* **RESOLVED** (Cr Robert George/Cr Norbert Patrick)  
**That the minutes of the previous meetings listed below be received and confirmed as a true and correct record:**

- 26 July 2018 Failed Ordinary Meeting
- 30 July 2018 Failed Special Meeting 9am
- 30 July 2018 Special Meeting 3pm
- 13 August 2018 Ordinary Council Meeting

## **6 ACTIONS FROM PREVIOUS MINUTES**

### **6.1 ACTIONS FROM PREVIOUS MINUTES**

*OC094/2018* **RESOLVED** (Cr April Martin/Cr David McCormack)

**That Council:**

- 1. Note progress reports on outstanding actions from the minutes of previous Ordinary Council meetings, and**
- 2. Approve the removal of completed action items.**

## **7 LOCAL AUTHORITY REPORTS**

### **7.1 LOCAL AUTHORITY MEETING MINUTES**

*OC095/2018* **RESOLVED (Cr Norbert Patrick/Cr April Martin)**  
That Council note the minutes of the Local Authority meetings which have occurred since the last Ordinary Council meeting on 13 August 2018, and approve the following LA project subject to operational costs being scoped and funded:

**Atitjere 21 August 2018**

- Atit013/2018 – Construction of a public toilet in community park

### **YUENDUMU GRANDSTAND FOR FOOTBALL OVAL**

*OC096/2018* **RESOLVED (Cr Renita Webb/Cr Robert George)**  
That Council endorse the recommendation from the failed meeting of Yuendumu Local Authority of 4 September 2018 to purchase grand stands for their football oval upgrade project.

### **MERGING OF YUENDUMU AND NYIRRIPI LOCAL AUTHORITIES**

Cr Warren Williams suggested that Yuendumu and Nyirripi local authorities should be merged to assist with achieving quorum for meetings.

Cr George suggests that both Local Authorities be asked before the Minister is approached.

*OC097/2018* **RESOLVED (Cr Warren Williams/Cr Adrian Dixon)**  
That Council request the CEO:

- a) ask the next meeting of the Yuendumu and Nyirripi Local Authorities if they are happy to have one combined Local Authority, and

- b) the CEO write to the NT Government requesting that they approve having one combined Local Authority for Yuendumu and Nyirripi.

## 7.2 CHANGES TO LOCAL AUTHORITIES

*OC098/2018* **RESOLVED** (Cr Warren Williams/Cr David McCormack)

That Council

- a) accept the resignation of Deb Williams from the Laramba Local Authority bringing the LA numbers to 6 appointed and 4 elected members, and
- b) accept the resignation of Joe Marshall from the Lajamanu Local Authority bringing the LA number to 8 appointed and 2 elected members.

## 7.3 ROAD FROM ATITJERE ROAD TO STORE

### SUMMARY:

The Atitjere Local Authority Meeting of 21<sup>st</sup> August 2018 recommended to Council that a road from the Atitjere access road, around the back of the Works Depot and Council Office to the Atitjere store be built.

This was proposed to remove the truck traffic when delivering to the store from using the main access road.

This report proved by officers in the Council Agenda summarises the cost estimate to create a new service road at the Atitjere community.

*OC099/2018* **RESOLVED** (Cr James Glenn/Cr Warren Williams)  
That Council request the CEO to investigate with the NT Government, Central Land Council and the community store the issues and risks around installation of a service road to Atitjere Store to determine the feasibility.

## 7.4 NYIRRIPI LA ELECTION

**SUMMARY:** Following a local election to choose the most suitable candidates for the Nyirripi Local Authority, a community vote has resulted in a tie.

Council is asked to consider setting the number of appointed members for the Nyirripi LA to 9 which is in-keeping with the Local Authority Policy. This will prevent a second election happening and also allow for some members to resign over time whilst remaining within the numbers suggested in the Local Authority Policy and moving over time to the recommended seven appointed members for smaller communities.

A late resignation one of the nine proposed appointed members meant there was 8 to consider.

Based on the results of the Nyirripi Local Authority election from 6-12 September 2018, Councillors W. Williams, N. Patrick and R. George suggested that Council's resolution numbered OC082/2018, passed at the Ordinary Meeting of Monday 13 August, be amended.

**OC100/2018 RESOLVED (Cr Warren Williams/Cr Norbert Patrick)**

**That Council amend OC082/2018 to endorse the election of the following 8 members of the Nyirripi community to their local authority as appointed members:**

**Christine Ellis  
Kenneth Martin  
Lance Turner**

**Ben Gallagher  
Leston Spencer  
Desmond Williams**

**Judith Martin  
Alastair Turner**

**Bringing the total number of members to 12 appointed and elected members.**

## **7.5 NYIRRIPI COMMUNITY ENGAGEMENT**

### **SUMMARY:**

Council discussed some suggestions made as a result of an informal discussion with Nyirripi LA members, including three Councillors. The aim being to encourage the community members at Nyirripi to re-engage on a community wide level.

**OC101/2018 RESOLVED (Cr Robert George/Cr April Martin)**

**That Council seek engagement with the Nyirripi community stakeholders and that at the next Nyirripi Local Authority meeting, two competitions be announced;**

- a) a community level "Tidy Towns" award, and**
- b) a "Community Employee" award to be nominated to an employee of any local employer.**

**And that at the next Local Authority meeting, a BBQ be held to announce the winners**

## **8 PRESIDENT'S REPORT**

### **8.1 PRESIDENT'S REPORT**

**OC102/2018 RESOLVED (Cr James Glenn/Cr David McCormack)**  
**That Council receive the President's report.**

### **8.2 ELECTION OF THE DEPUTY PRESIDENT**

**SUMMARY:** Council resolved at the September 2017 Ordinary Council meeting that the term of the Deputy President should be 12 months. That period has expired, therefore Councillors elect a new Deputy President.

Two additional candidates nominated for the position of Deputy President during the meeting; Cr Webb and Cr McCormack.

**OC103/2018 RESOLVED (Cr James Glenn/Cr Robert George)**

**The Council:**

- 1) Undertake a secret ballot for election of the Deputy President under Section 61 (8) of the *Local Government Act*, and**
- 2) Submit their individual ballot for their preferred candidate for Council's Deputy President valid from September 27 2018 to September 27 2019.**

Each candidate spoke briefly on why they felt they were the best candidate for the position.

During the initial vote no single candidate achieved a majority, although Cr Patrick and Cr W Williams were the two highest scoring candidates. A second vote was held resulting in Cr Norbert Patrick being declared the Deputy President for the coming 12 months.

2:47 Meeting suspended  
3:09 Meeting recommenced without Cr Dixon  
Deputy President, Cr Patrick acted as Chair

## **12.7 LOCAL DECISION MAKING**

**SUMMARY:** Local Decision Making (LDM) is a Northern Territory Government policy and ten year plan that seeks to empower Aboriginal people on community to determine service delivery approaches that work best for them. NTG has developed a LDM framework to look at NTG services and, working together with local people, seeks to transition services and important local decisions to community control.

*OC104/2018* **RESOLVED** (Cr James Glenn/Cr Norbert Patrick)  
**The Council note the information on the NT Government Local Decision Making initiative and endorse moving forward with a workshop with NT Government to identify potential places and projects in the Central Desert region.**

## **13.1 DEPUTATION - OFFICE OF ABORIGINAL AFFAIRS, DEPARTMENT OF THE CHEIF MINISTER**

**SUMMARY:** Mischa Cartwright, Executive Director of the Office of Aboriginal Affairs discussed the NT Government Aboriginal Affairs Strategy and provided information on various elements of the strategy including the development of a treaty.

## **9 CHIEF EXECUTIVE REPORTS**

### **9.1 CEO REPORT**

*OC105/2018* **RESOLVED** (Cr Robert George/Cr David McCormack)  
**The Council note the report from the Chief Executive Officer.**

### **9.2 RATIFYING THE USE OF THE COMMON SEAL**

*OC106/2018* **RESOLVED** (Cr James Glenn/Cr Renita Webb)  
**The Council ratify the use of the Common Seal for the grants listed in the agenda associated with this meeting.**

## **10 CORPORATE SERVICES REPORTS**

## 10.1 FINANCE COMMITTEE REPORTS

*OC107/2018* **RESOLVED** (Cr April Martin/Cr Renita Webb)  
The Council note the minutes of the Finance Committee meeting held on 30 August 2018.

3:17 Cr Dixon returned to the meeting

## 10.2 AUDIT AND RISK COMMITTEE REPORT

*OC108/2018* **RESOLVED** (Cr David McCormack/Cr Adrian Dixon)  
That Council note the minutes of the Audit and Risk Committee meeting held on 30 Aug 2018.

## 10.3 FINANCE REPORT

*OC109/2018* **RESOLVED** (Cr Norbert Patrick/Cr James Glenn)  
That Council note the financial reports for the period ending 31 August 2018.

## 10.4 REVISED VERSION OF THE FINANCE REPORT

**SUMMARY:** Regulation 18 stipulates that the finance report format must be approved by Council.

Further to the changes approved in the format of the budget presentation within the Council's Regional Plan, Officers suggest that the format for the monthly financial report be similarly revised.

*OC110/2018* **RESOLVED** (Cr April Martin/Cr Audrey Inkamala)  
That Council approve the revision to the format of the monthly Finance Report.

## 10.5 ADOPTION OF ANNUAL REPORT

### **SUMMARY:**

In accordance with section 199 of the Local Government Act, Council is required annually to report to the Minister on its work during each financial year, on or before the 15<sup>th</sup> November.

*OC111/2018* **RESOLVED** (Cr Robert George/Cr April Martin)



**That Council:**

- (a) adopt the draft 2017/2018 Annual Report, excluding the Audited Financial Statements;**
- (b) delegate to the Finance Committee authority to approve the inclusion of the Audited Financial Statements in the Annual Report;**
- (c) approve the final Annual Report to then be sent to the Minister.**

## **10.6 COUNCIL, LOCAL AUTHORITY AND COMMITTEE MEMBER TRAVEL POLICY**

**SUMMARY:**

P68 Council, Local Authority and Committee Member Travel Policy was reviewed at the last Council meeting. However, since the Finance Committee discussed the operation of a new clause regarding phoning in for meetings and thus further amendments are now recommended.

*OC112/2018* **RESOLVED (Cr Norbert Patrick/Cr April Martin)**  
**That Council adopt changes to P68 Council, Local Authority and Committee Member Travel Policy as detailed in the agenda associated with this meeting.**

## **10.7 REVIEW OF WORK HEALTH & SAFETY (WHS) POLICY**

*OC113/2018* **RESOLVED (Cr David McCormack/Cr Warren Williams)**  
**That Council adopt the revised policy on Work Health and Safety.**

## **10.8 COUNCILLOR MEETING ATTENDANCE**

**SUMMARY:** Council had a failed Ordinary Council Meeting in Lajamanu on July 26<sup>th</sup> due to Councillor non-attendance. The President and CEO have raised as a concern the attendance at Council meeting and Local Authority meetings. Some communities have also noted issues around Councillor visibility and presence at meetings.

*OC114/2018* **RESOLVED (Cr Warren Williams/Cr Adrian Dixon)**  
**That Council**  
**(a) endorse apologies and absences for the last six meetings as being reasonable and accepted;**

- (b) agree the listed acceptable reasons for apology are as follows;**
- **Medical grounds (a medical certificate may be required) for the councillor or a family member for whom they are caring – either known in advance or due to circumstances on the day;**
  - **Sorry business, or**
  - **Urgent personal or work related issues that are clearly unavoidable**
- (c) agree to provide future apologies in writing in keeping with P41;**
- (d) request the CEO to review on the basis of this resolution and bring an updated P41 back to Council for further discussion;**
- (e) agree that apologies will be formally resolved to be accepted for this and future meetings; and**
- (f) note the CEO must advise of any casual vacancies that occur due to non-attendance at two Council meetings with no accepted apology.**

## **11 DIRECTORATE REPORTS**

### **11.1 DIRECTOR COMMUNITY SERVICES REPORT**

**OC115/2018 RESOLVED (Cr James Glenn/Cr Robert George)**  
**That Council note the report from the Director of Community Services.**

### **11.2 DIRECTOR CORPORATE SERVICES' REPORT**

**OC116/2018 RESOLVED (Cr Norbert Patrick/Cr David McCormack)**  
**That Council note the report from the Director Corporate Services.**

### **11.3 REMOTE COUNCIL SERVICES**

**OC117/2018 RESOLVED (Cr Robert George/Cr James Glenn)**  
**That Council note the report from the Director of Remote Council Services.**

## **11.4 DIRECTOR INFRASTRUCTURE AND ASSETS REPORT**

**OC118/2018 RESOLVED (Cr Norbert Patrick/Cr Robert George)**  
**That Council note the report from the Director Infrastructure and Assets.**

## **12 GENERAL BUSINESS**

### **12.1 BIRTH OF CR INKAMALA'S BABY**

**OC119/2018 RESOLVED (Cr Warren Williams/Cr Adrian Dixon)**  
**That the Council note the birth of Cr Inkamala's first child and endorse a letter of congratulations be sent to Cr Inkamala and family.**

### **12.2 NATIONAL ELECTION ADVOCACY**

**OC120/2018 RESOLVED (Cr Warren Williams/Cr April Martin)**  
**That Council endorse the Australian Local Government Association (ALGA) federal advocacy campaign of '1% plus partnership programs' and confirm Central Desert Regional Council's support by completing the form at <http://bit.ly/SupportALGAAdvocacy>.**

### **12.3 AUGUST UPDATE - NTG ALCOHOL POLICY AND LEGISLATION REVIEW**

**SUMMARY:** NTG is undergoing a process where they are reviewing policy and legislation around alcohol in the NT. From a community viewpoint, they have committed that no changes will be made without full community consultation.

**OC121/2018 RESOLVED (Cr Norbert Patrick/Cr Robert George)**  
**That Council note the August update from the NT Government on its Alcohol Policy and Legislation Review.**

Alcohol Policy and Legislation Review discussion included issues with signage.

### **SIGN AT 10 MILE BOUNDARY REGARDING ALCOHOL**

**OC122/2018 RESOLVED (Cr Warren Williams/Cr Adrian Dixon)**

**That Council request the CEO write to the NT Government regarding the reinstatement of the “Restricted Community” sign at the 10 mile boundary outside Yuendumu which has been lost due to the road works.**

## **12.4 CORRESPONDANCE FROM ALCOHOL REVIEW IMPLEMENTATION TEAM**

**SUMMARY:** On 22 August 2018, the Northern Territory Government passed legislation introducing a minimum floor price for alcohol. The intent is to cause a significant increase in the price of low-cost alcohol and therefore minimise alcohol related harm.

*OC123/2018* **RESOLVED (Cr April Martin/Cr Renita Webb)**

**That Council note the correspondence from the NTG Alcohol Review Implementation team and agree to provide the following observations relating to alcohol:**

- **People are going interstate to get alcohol more cheaply (Mt Isa and South Australia),**
- **The NT Government needs to do more to shut down private sales of alcohol in Alice Springs,**
- **Community consultations needed to happen more quickly and cover possible permit systems, drinking areas and use of local mediation teams,**
- **There is potential discrimination with people being asked their address and refused service (without checking names and licenses against the Banned Drinkers Register) based on their coming from community.**

## **12.5 UPDATE ON ANIMAL BY-LAWS**

**SUMMARY:** For several years (from resolution 065/2014) Council has been discussion the creation of a Dog Control and Management by-law. The desire has been to control dogs on community, improving community life and safety, particularly where there are high number of dogs roaming the streets and who do not appear to be cared for or managed by an owner.

*OC124/2018* **RESOLVED (Cr April Martin/Cr Renita Webb)**

**That Council:**

- (a) determine to cease pursuing the creation of a Dog Control By-Law, due to the need to have financial penalties; and**

**(b) proceed by developing and adopting a Council policy covering Dog Management and Control on communities.**

## **12.6 VEHICLE AND SCRAP METAL RECYCLING PROJECT**

**SUMMARY:** The Central Australian Waste Management Working Group (CAWMWG) was approached by the NT Government in July 2017 to consider constructing a business plan to address abandoned vehicles in remote communities. This project is looked on favourably by the Minister for Housing and Community Development, the Honourable Gerry McCarthy, who has secured funding which is currently being held in trust by LGANT.

*OC125/2018* **RESOLVED (Cr April Martin/Cr Renita Webb)**

**That Council:**

- (a) endorse in principle the creation of a subsidiary, through a shared service with MacDonnell and Barkly Regional Councils, for the purpose of providing sustainable waste management in relation to vehicle bodies and scrap metal on the communities; and**
  
- (b) endorse the development of the Charter, Plans and Policies required for that shared service.**

## **13 QUESTIONS FROM MEMBERS**

## **14 QUESTIONS FROM THE PUBLIC**

### **DECISION TO MOVE TO CLOSED SESSION**

*OC126/2018* **RESOLVED (Cr James Glenn/Cr April Martin)**

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, 2008 as the items listed come within the following provisions:-

## **15 CLOSED SESSION**

**16.1 Confirmation of Previous Confidential Minutes** - *The report will be dealt with under Section 65(2) of the Local Government Act and Regulation 8 (ciii) of the Local Government (Administration) Regulations. It contains information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person (Matters have been previously dealt with under Section 65(A)).*

**16.2 CDP Progress Report** - *The report will be dealt with under Section 65(2) of the Local Government Act and Regulation 8 (ci) of the Local Government (Administration) Regulations. It contains 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 Information being shared with Council ).*

**16.3 STKIC Transition of Business Funding Arrangements** - *The report was dealt with under Section 65(2) of the Local Government Act and Regulation 8 (ci) of the Local Government (Administration) Regulations. It contained information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

During the closed meeting it was resolved to move item 16.3 into open.

### **16.3 STKIC TRANSITION OF BUSINESS FUNDING ARRANGEMENTS SUMMARY:**

Since 2012, it has been the aspiration of Yuendumu respected elders and Warlpiri Traditional Owners from the Yuendumu-Willowra region to independently run their own mediation and justice service. CDRC has been assisting with this process since that time.

At its Ordinary Council meeting of 30 November, 2017 Council reviewed progress on the transitioning of business to STKIC and it was resolved:

**OC001/2017 RESOLVED (April Martin/Norbert Patrick)**  
***That Council note the progress of the transition of business of the Yuendumu Mediation and Justice Program to a fully independent Aboriginal Organisation operated by Southern Tanami Kurdiji Indigenous Corporation (STKIC) and;***

**Note the impact that this will have on future CDRC budgets and;**

**Note the potential for other communities in the Warlpiri region seeking to pursue a similar approach to community safety.**

**OC127/2018 RESOLVED (Cr Adrian Dixon/Cr April Martin)**

**That Council**

- (a) approve the relinquishing of funding for the Yuendumu and Willowra Night Patrol Services effective as of the close of business 31 December 2018;**
- (b) Note that Southern Tanami Kurdiji Indigenous Corporation (STKIC) will assume responsibility for the delivery for both mediation and justice services and Community Safety Patrol services in both Yuendumu and Willowra from 1 January 2019;**
- (c) Approve the CEO to review and negotiate any changes in leasing arrangements for staff accommodation at the two locations; and**
- (d) Move this resolution into open.**

**16.4 Special Purpose Grant - Financial Acquittal** - *The report was dealt with under Section 65(2) of the Local Government Act and Regulation 8 (ci) of the Local Government (Administration) Regulations. It contained information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

During the closed meeting it was resolved to move item 16.4 into open.

#### **16.4 SPECIAL PURPOSE GRANT - FINANCIAL ACQUITTAL**

**SUMMARY:** It is requirement of Northern Territory Government that Financial Acquittals for Special Purpose Grants be provided to Council.

As only two of the attachments for this resolution are to be moved to open agenda, the resolution remains on both sets of minutes. The other two attachments remain attached to the confidential minutes under Section 65(2) of the Local Government Act and Regulation 8 (ci) of the

Local Government (Administration) Regulations.

**OC128/2018 RESOLVED (Cr Robert George/Cr Warren Williams)**

**That:**

- a) Council note the Department of Housing and Community Development Financial Acquittals for Special Purpose Grants, and**
- b) this resolution and attachment 1 & 3 be moved into open business.**

**16.5 Homelands Contracts** - *The report will be dealt with under Section 65(2) of the Local Government Act and Regulation 8 (d) of the Local Government (Administration) Regulations. It contains information subject to an obligation of confidentiality at law, or in equity.*

## **MOVE TO OPEN AGENDA**

**OC129/2018 RESOLVED (Cr Adrian Dixon/Cr Audrey Inkamala)**

**That Council return to the open agenda.**

## **16 CLOSE OF MEETING**

The meeting terminated at 4:13pm.

**THIS PAGE AND THE PRECEEDING 15 PAGES ARE THE MINUTES OF THE ORDINARY COUNCIL HELD ON THURSDAY, 27 SEPTEMBER 2018 AND UNCONFIRMED.**