



Mission

East Arnhem Shire Council is dedicated to promoting the power of people, protection of community and respect for cultural diversity in the East Arnhem Shire Council. It does this by forming partnerships, building community capacity, advocating for regional and local issues, maximising service effectiveness and linking people with information.

Core Values

Respect
Professionalism
Human Dignity
Organisational Growth
Equity
Community

MINUTES FOR THE ORDINARY MEETING OF COUNCIL

22 May 2013

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY SHIRE
OFFICE ON WEDNESDAY, 22 MAY 2013 AT 9.30AM & THURSDAY, 23RD MAY
2013 AT 9.AM

MEETING OPENING – 9.40AM

ATTENDANCE AND APOLOGIES

The Shire President, Councillor B Wunungmurra in the Chair and Councillors K Thurlow, W B Wunungmurra, R Wurruguwurrugu, J Lalara, C Mamarika (left the meeting at 11.48am), Y Mununggurr, M Danganbarr, P Djumbu, L Roy and B Mununggurr.

John Japp – CEO, Kerry Whiting – CFOO, Dale Keehne – Dir Community Services, Shane Marshall – Dir Technical Services and Ben Waugh – Shire Service Manager.

Observers – John Horgan, Peter van Heusden, Clayton McCudden, Michael Soler, Gordon Walsh, Owen Roberts, Richard Fitowski, Freddie Lewis, Alfred Mamarika and Djuwalpi Marika.

Apologies – Councillors J Ryan, G Wanambi, A Gondarra and C Mamarika (from 11.48am).

Absent – Nil

Minutes – Jodi Hart – Governance and Executive Support Coordinator.

LEAVE OF ABSENCE - Nil

DECLARATIONS OF INTERESTS

Kerry Whiting	Item 19.2 - Latitude 12
Banambi Wunungmurra	Item 19.2 - Latitude 12
Kaye Thurlow	Item 19.2 - Latitude 12
Mavis Danganbarr	Item 19.2 - Latitude 12

PUBLIC QUESTION TIME - Nil

CONFIRMATION OF MINUTES OF COUNCIL MEETINGS

Minutes of the Ordinary Council Meeting held on 20 March 2013

042/2013 RESOLVED (Constantine Mamarika/Wesley Bandi Wunungmurra)

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

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

Minutes of the Audit Committee Meeting held on 15th February 2012, 7th August 2012, 31 October 2012 and 19th March 2013.

043/2013 RESOLVED (Kaye Thurlow/Yananymul Mununggurr)

That Council defers noting the Audit Committee minutes until the July 2013 Ordinary Council Meeting.

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY SHIRE
OFFICE ON WEDNESDAY, 22 MAY 2013 AT 9.30AM & THURSDAY, 23RD MAY
2013 AT 9.AM

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrquwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

PRESIDENT AND COUNCILLOR REPORTS

The Shire President Mr Banambi Wunungmurra welcomed East Arnhem Shire Councils new Chief Executive Officer, Mr John R Japp. Banambi is excited about working together and continuing the journey into the future. John thanked councillors and staff for the warm welcome.

Councillor Kaye Thurlow registered thanks to the executive team and staff for working as a team and managing in the absence of a CEO since mid October 2013.

PETITIONS - Nil

CHIEF EXECUTIVE OFFICER AND GOVERNANCE REPORTS

Cr M Danganbarr left the room at 10.10am and returned at 10.14am

11.1 WORKPLACE HEALTH AND SAFETY RESPONSIBILITIES POLICY

SUMMARY:

This report provides Council the final draft of the Workplace Health and Safety (WHS) responsibilities policy for approval.

044/2013 RESOLVED (Jabani Lalara/Peter Djumbu)

That Council approves the Workplace Health and Safety Responsibilities Policy.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrquwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

11.2 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - ELECTED MEMBER ATTENDANCE NOMINATION

SUMMARY:

This report is to seek Councils nomination of an Elected Member to attend the 2013 National General Assembly of Local Government as a professional development opportunity.

045/2013 RESOLVED (Kaye Thurlow/Banambi Wunungmurra)

That Council nominates Councillor Yananyumul Mununggurr to attend the 2013 National General Assembly of Local Government.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrquwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

11.3 ANNUAL POLICY REVIEW - EXTRA MEETINGS ALLOWANCE

SUMMARY:

The Local Government Act (Ministerial Guidelines) in relation to Elected Member Allowances outlines the requirement for Council to have a policy covering "Extra Meetings Allowance". This report provides Council with the 2013 annual review of our policy for approval prior to the setting of the 2013-14 Elected Member Allowances at the July 2013 Ordinary Council Meeting.

046/2013 RESOLVED (Rose Wurrguwurrugu/Yananymul Mununggurr)

That Council :

(a) Approves the Extra Meetings Allowance Policy and that this policy be reviewed annually in May each year, and

(b) Agrees to the setting of a new rate of meeting allowance each year

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

11.4 NHULUNBUY REGIONAL DEVELOPMENT COMMITTEE - NOMINATION OF REPRESENTATIVE

SUMMARY:

This report is to provide Council with the opportunity to nominate a representative to become a member of the newly developed Nhulunbuy Regional Development Committee (RDC).

047/2013 RESOLVED (Yananymul Mununggurr/Barayuwa Mununggurr)

That Council nominates the Shire President Mr Banambi Wunungmurra as the Council Representative Member on the Regional Development Committee.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

MEETING BE ADJOURNED FOR A MORNING TEA BREAK AT 10.57AM

RESOLVED (Kaye Thurlow/Barayuwa Mununggurr)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

MEETING RESUMED AT 11.22AM

RESOLVED (Constantine Mamarika/Rose Wurrugurr)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrugurr, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, C Mamarika, P Djumbu and L Roy.

Against: Nil.

Cr C Mamarika left the meeting at 11.48am

At 12.07pm Council requested all staff and members of the public leave the room while Council discussed item 11.5.

Cr P Djumbu left the room at 11.50am and returned at 11.57am

Cr Jabani Lalara left the room at 11.53am and returned at 11.57am

At 12.49pm the CEO, John Japp and Governance and Executive Support Coordinator, Jodi Hart returned to the room.

MEETING BE ADJOURNED FOR A LUNCH BREAK AT 1.20PM

RESOLVED (Kaye Thurlow/Barayuwa Mununggurr)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrugurr, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

MEETING RESUMED AT 2.06PM

RESOLVED (Kaye Thurlow/Peter Djumbu)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrugurr, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

11.5 OPTIONS FOR REGIONAL GOVERNANCE

SUMMARY:

The NT Government has released the Options for Regional Governance in the Northern Territory consultation paper. This report discusses the options outlined in the paper and presents ideas for the Council to consider as feedback to the consultation process.

048/2013 RESOLVED (Kaye Thurlow/Peter Djumbu)

That Council:

- a) **Register its dissatisfaction with the Community Consultation process as detailed in our letter sent to the Minister.**
- b) **Does not support either options and wishes to continue with the present system but incorporates ways of strengthening the voice of Community**

Advisory Boards.

- c) **Registers its disappointment with the consultation process to meet with Elected Members of EASC.**
- d) **Request decision making processes be delayed until improved consultations with Elected and community members has occurred.**
- e) **Requests the name not be changed when it is nearly the same as how East Arnhem Shire Council is operating now and how our Community Advisory Boards are currently working. We have already built the foundation; we need more help to grow the body not start a new body. Get rid of the term “advisory” and replace with Local Authorities giving a real voice to communities.**
- f) **Supports as per the Local Implementation Plans, “that all levels of government agree and cooperate” more effectively as per any new arrangement.**

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrngu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

COMMUNITY SERVICES REPORTS

12.1 NEW SHIRE ENTERPRISE AGREEMENT

SUMMARY:

The Enterprise Agreement for the Shires' employees has been due for renewal from mid 2012. Council is asked to consider and endorse a pay rise for employees from August 2012, to provide a fair increase to staff.

049/2013 RESOLVED (Rose Wurrguwurrngu/Wesley Bandi Wunungmurra)

That Council endorses that all Shire employees, excluding the CEO, be provided a back payment to reflect a 3 percent salary increase from 1 August 2012, from the first practical pay period, before 30 June 2013.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrngu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

FINANCIAL OPERATIONS REPORTS

13.1 SERVICE REVIEW RESULTS

SUMMARY:

This report provides Council with the results of two service reviews undertaken with the

assistance of Latitude 12 during November 2012.

050/2013 RESOLVED (Wesley Bandi Wunungmurra/Kaye Thurlow)

That Council endorses the service delivery review results for inclusion in future Strategic and Operational Planning.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

TECHNICAL SERVICES REPORTS

14.1 SPECIAL PURPOSE GRANT - CEMETERY UPGRADES

SUMMARY:

This report is to seek Council's input in relation to selecting which community cemetery upgrades will be actioned as stage 1 of the cemetery upgrade program.

051/2013 RESOLVED (Peter Djumbu/Wesley Bandi Wunungmurra)

That Council approves the listed 2 Community sites as part of the stage 1 upgrades but with further investigation into a main central site for Yirrkala to be confirmed.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

Cr L Roy left the room at 2.38pm and returned at 2.42pm

Cr B Mununggurr left the room at 2.41pm and returned at 2.43pm

14.2 AMENDMENT OF 'FLEET ASSET PROCUREMENT & DISPOSAL'

SUMMARY:

This report seeks Council to endorse the changes in *Section 28 – Proceeds from Sales* in the 'Fleet Asset Procurement & Disposal' Policy.

052/2013 RESOLVED (Kaye Thurlow/Peter Djumbu)

That Council approves the amendment to *Section 28 – Proceeds from Sales* in the 'Fleet Procurement & Disposal Policy'

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

14.3 AMENDMENT TO THE MOTOR VEHICLE POLICY

SUMMARY:

This report seeks Council to endorse the changes in *Section 9 – Authorised Drivers* in the 'Motor Vehicle' Policy.

053/2013 RESOLVED (Barayuwa Mununggurr/Wesley Bandi Wunungmurra)

That Council approves the amendment of Section 9 – 'Authorised Drivers' of the Fleet Motor Vehicle Policy

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrugwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

14.4 ROAD DATA SET FOR FUNDING ALLOCATIONS

SUMMARY:

In response to a request from the NT Grants Commission the Shire has undertaken a reconciliation of the road data used as the basis of this funding allocation. Resultant of this analysis this Shire is now to be funded for 1070km of roads rather than the previous 1170km.

054/2013 RESOLVED (Barayuwa Mununggurr/Jabani Lalara)

That Council endorses the finding of this data reconciliation process as the basis for road funding allocations.

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrugwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

REPORTS OF COMMITTEES / LOCAL BOARDS / CONTROLLED ENTITIES

Cr R Wurrugwurrugu left the room at 3.02pm and returned at 3.08pm

Cr B Wunungmurra left the room at 3.16pm and Deputy Shire President Mavis Danganbarr took over the position of the chair. Cr B Wunungmurra returned at 3.16pm and returned to the position of the chair.

Cr B Mununggurr left the room at 3.18pm and returned at 3.20pm

Cr J Lalara left the room at 3.22pm and returned at 3.24pm

17.1 COMMUNITY ADVISORY BOARD MEETINGS

055/2013 RESOLVED (Barayuwa Mununggurr/Peter Djumbu)

That Council:

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY SHIRE
OFFICE ON WEDNESDAY, 22 MAY 2013 AT 9.30AM & THURSDAY, 23RD MAY
2013 AT 9.AM

- a) **Notes the report.**
- b) **Writes to the Member of the Legislative Assembly and the Minister requesting that the Australian postal services are to guarantee a minimum delivery agreement in postal delivery contracts, to establish greater reliability of postal services irrespective of location within Australia.**

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

MEETING BE ADJOURNED FOR A AFTERNOON TEA BREAK AT 3.53PM

RESOLVED (Barayuwa Mununggurr/Jabani Lalara)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

MEETING RESUMED AT 4.08PM

056/2013 RESOLVED (Peter Djumbu/Mavis Danganbarr)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurruguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

DECISION TO MOVE TO CLOSED SESSION

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

CONFIDENTIAL REPORTS

- 19.1 Ty Johnson - Secondment to Region C** - *The report will be dealt with under Section 65(2) (a) of the Local Government Act 2012 and Regulation 8 of the Local Government (Administration) Regulations 2008. 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.*
- 19.2 Latitude 12 Shareholding** - *The report will be dealt with under Section 65(2) (ci) of the Local Government Act 2012 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 19.3 Compliance Audit by Department of Local Government** - *The report will be dealt with under Section 65(2) (a) (ciii) of the Local Government Act 2012 and Regulation 8*

of the Local Government (Administration) Regulations 2008. 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 that would, if publicly disclosed, be likely to prejudice the interests of council or some other person.

19.4 Approval of Sale of Milingimbi Fuel Container - *The report will be dealt with under Section 65(2) (ci) of the Local Government Act 2012 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

REPORTS TO BE NOTED

20.1 FINANCE REPORT

20.2 WORKFORCE / WORKPLACE STATISTICS

20.3 COMMUNITY SERVICES UPDATE

20.4 SALES RESULT

SUMMARY:

20.1 FINANCE REPORT - This item provides the financial report for April 2013.

20.2 WORKFORCE / WORKPLACE STATISTICS - This report provides Council with a range of employee and location based statistics on the broad function of Human Resource Management.

20.3 COMMUNITY SERVICES UPDATE - This is an update of what has been happening with the major community services the Shire delivers. A photo presentation will also be provided at the Council meeting.

20.4 SALES RESULT - This report seeks to inform Council of the result of the sale of fleet assets through Manheim Fowles and Public Tender.

057/2013 RESOLVED (Wesley Bandi Wunungmurra/Peter Djumbu)

That Council notes:

- a) Item 20.1 – Finance Report.**
- b) Item 20.2 – Workforce / Workplace Statistics.**
- c) Item 20.3 – Community Services Update.**
- d) Item 20.4 – Sales Results**

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

MEETING BE ADJOURNED AT 5.27PM AND RESUMES AT 9AM ON THURSDAY 23RD MAY 2013

RESOLVED (Wesley Bandi Wunungmurra/Jabani Lalara)

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY SHIRE
OFFICE ON WEDNESDAY, 22 MAY 2013 AT 9.30AM & THURSDAY, 23RD MAY
2013 AT 9.AM

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, J Lalara, M Danganbarr, B Mununggurr, Y Mununggurr, P Djumbu and L Roy.

Against: Nil.

MEETING RESUMED AT 9AM ON THURSDAY

RESOLVED (Barayuwa Mununggurr/Peter Djumbu)

For: Councillors B Wunungmurra, W B Wunungmurra, K Thurlow, R Wurrguwurrugu, M Danganbarr, B Mununggurr, P Djumbu and L Roy.

Against: Nil.

Attendance: The Shire President, Councillor B Wunungmurra in the Chair and Councillors K Thurlow, W B Wunungmurra, R Wurrguwurrugu, Y Mununggurr (entered at 9.08am), M Danganbarr, P Djumbu, L Roy and B Mununggurr.

John Japp – CEO, Kerry Whiting – CFOO, Dale Keehne – Dir Community Services, Shane Marshall – Dir Technical Services and Ben Waugh – Shire Service Manager.

C Y Mununggurr entered the meeting at 9.08am

DECISION TO MOVE TO CLOSED SESSION

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

CONFIDENTIAL REPORT

Cr R Wurrguwurrugu left the room at 9.15am and returned at 9.17am

Cr L Roy left the room at 9.31am and returned at 9.33am

Cr P Djumbu left the room at 9.50am and returned at 9.53am

19.5 Approval of Sale of Surplus Assets - *The report will be dealt with under Section 65(2) (ci) of the Local Government Act 2012 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

DATE OF NEXT MEETING

Wednesday 24th July 2013 – Ramingining Community

MEETING CLOSE

The meeting terminated at 10.33am, Thursday 23rd May 2013.

THIS PAGE AND THE PRECEEDING 10 PAGES ARE THE MINUTES OF THE Ordinary Meeting of Council HELD ON Wednesday, 22 May 2013 AND WILL BE CONFIRMED Wednesday, 24 July 2013.