



two ways :: one outcome

**Central Desert Shire Council**

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**Confirmed Minutes of Central Desert Shire Council Meeting held in the Alice Springs Town Council Chambers 13 November 2008, starting at 1.15pm.**

**1 Present:**

Central Desert Shire Council members: Maisie Wayne, Jean Brown, Adrian Dixon, Norbert Patrick, William Johnson, James Glenn, Ned Hargraves, Robbie Walit, Noel Heenan, Bruce Finter, Louis Schaber, Jasper Haines

Central Desert Shire Council staff: Rowan Foley (Chief Executive Officer), Roydon Robertson (Director Corporate & Community Services), Tim Day (Director Infrastructure) and Elke Wiesmann (Governance Manager)

Department of Local Government staff: Andrea Martin (Executive Director) and Bruce Fyfe (Regional Manager)

Apologies: Nil

**2 Elections of President and Deputy President**

Nominations for President: Councillor Ned Hargraves, Councillor James Glenn, Councillor Adrian Dixon, Councillor William Johnson, Councillor Robbie Walit, Councillor Norbert Patrick, Councillor Jean Brown

All nominees accepted the nomination.

The elections were held by secret ballot.

**Motion: That Councillor James Glenn be appointed President.**

Moved: Councillor Robbie Walit

Seconded: Councillor Bruce Finter

**Carried**

**Motion: That the Deputy President be elected annually.**

Moved: Councillor Jasper Haines

Seconded: Councillor Noel Heenan

**Carried**

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Councillor Ned Hargraves declares a conflict of interest in the following agenda item and left the chambers, thus not taking any further part in the debate.

**Motion: That Councillor Ned Hargraves be appointed Deputy President for 12 months.**

Moved: Councillor Jasper Haines

Seconded: Councillor Noel Heenan

**Carried**

The Deputy President returned to the chambers.

Discussion about whether the Deputy President ought to sit next to the President at the head of the table was deferred to the next council meeting.

### **3 Declarations of Interest**

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President James Glenn declared a conflict of interest regarding item no. 12.3 (Draft President's Work Requirements Policy)

### **4 Casting Vote**

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**Motion: That Councillors give the President the power of a casting vote**

Moved: Councillor Bruce Finter

Seconded: Councillor Ned Hargraves

**Carried**

### **5 Endorsement of existing Council policies and plans**

#### **5.1 Strategic and Business Plan**

**Motion: That the Strategic and Business Plan of the Central Desert Shire Council (August 2008) be adopted.**

Moved: Councillor Noel Heenan

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Seconded: Ned Hargraves

**Carried**

## **5.2 Code of Conduct**

**Motion: That the Code of Conduct be adopted (see Appendix 1).**

Moved: Councillor Robbie Walit

Seconded: Councillor Adrian Dixon

**Carried**

## **5.3 Media Policy**

**Motion: That the media policy be adopted as amended (see Appendix 2).**

Moved: Councillor Bruce Finter

Seconded: Councillor Ned Hargraves

**Carried**

## **5.4 Financial Delegations**

**Motion: That the financial delegations policy be adopted (see Appendix 3).**

Moved: Councillor Bruce Finter

Seconded: Councillor Noel Heenan

**Carried**

## **6 Schedule of meetings**

**Motion: That the draft schedule of shire council meeting dates and locations be adopted as amended (see Appendix 4)**

Moved: Councillor Jasper Haines

Seconded: Councillor Noel Heenan

**Carried**

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**7 Appointment of Councillors as members of the Finance Committee and the Economic Development Committee**

**7.1 Finance Committee**

**Motion: That Council appoint President James Glenn, Councillor Bruce Finter and Councillor Robbie Walit to the finance committee.**

Moved: Councillor Jasper Haines

Seconded: Councillor Ned Hargraves

**Carried**

**7.2 Economic Development Committee**

**Recommendation: That council set up an Economic Development Committee and appoint Council Members to this committee.**

Deferred to the next meeting. CEO to provide more information.

**8 Appointment of delegates to Local Government Association of NT meetings, nominations of LGANT Executive Board representatives**

**Motion: That the President and the Deputy President be appointed as delegates to General Meetings of the Local Government Association of the Northern Territory (LGANT)**

Moved: Councillor Jasper Haines

Seconded: Councillor Bruce Finter

**Carried**

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**Motion: That the president be nominated as a representative on the LGANT Executive Board**

Moved: Councillor Noel Heenan

Seconded: Councillor Robbie Walit

**Carried**

**10 Minutes**  
**10.1 Council Committee Meeting 8 October 2008**  
**10.2 Council Meeting 8 October 2008**

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For noting.

## **11 President's Report**

Nil

## **12 Chief Executive Officer's Report**

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**Motion: That the Chief Executive Officer's report be received and noted.**

Moved: Councillor Noel Heenan

Seconded: Councillor Ned Hargraves

All in favour, carried.

### **12.2 Ratification of Use of Common Seal**

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**Motion: That the use of the Common Seal be ratified (see Appendix 5).**

Moved: Councillor Ned Hargraves

Seconded: Councillor Bruce Finter

**Carried**

### **12.3 Draft President's Work Requirements Policy**

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The President had earlier declared a conflict of interest and left the chambers during deliberation of this business item. The Deputy President assumed the Chair.

**Motion: That the draft President's Work Requirements Policy be adopted as amended (see Appendix 6).**

Moved: Councillor Bruce Finter

Seconded: Councillor Robbie Walit

**Carried**

The President returned to the meeting and resumed the Chair.

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### **12.4 Draft Shire Council Meetings Policy**



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**Motion: That the draft Shire Council Meetings Policy be adopted (see Appendix 7).**

Moved: Councillor Jasper Haines

Seconded: Councillor Ned Hargraves

**Carried**

### **13 Director of Corporate and Community Services' Report**

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**Motion: That the Director Corporate and Community Services' report be received and noted.**

Moved: Councillor Bruce Finter

Seconded: Councillor Noel Heenan

**Carried**

### **14 Director of Infrastructure's Report**

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**Motion: That the Director Infrastructure's report be received and noted.**

Moved: Councillor Jean Brown

Seconded: Councillor Norbert Patrick

**Carried**

### **15 Finance Committee Meeting Report**

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**Motion: That the report of the meeting held on 10 November 2008 be received and that the actions contained therein be adopted.**

Moved: Councillor Robbie Walit

Seconded: Councillor Bruce Finter

**Carried**

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**16 Local Boards Reports**

Nil

**17 Deputations and Petitions**

Nil

**18 Questions from the Public**

Will Sanders, a researcher with ANU/CAEPR, asked whether it is of any concern to Councillors that some candidates from smaller communities were unsuccessful in the recent shire election, leaving those communities without a voice on Council.

President James Glenn confirmed that this is of concern to Councillors.

CEO Rowan Foley added that this was discussed at length during the induction of councillors. Councillors were keen to represent all communities in their wards and wanted to attend local board meetings in communities where local candidates were unsuccessful and to make sure these communities' voices are heard by council.

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**19 Any confidential matters**

Nil

**Motion: Thanks go to Governance Administration Officer Katja Pott and all staff involved in organising the induction, the affirmation ceremony and the first council meeting.**

Moved: Councillor Jasper Haines

Seconded: Councillor Adrian Dixon

**Carried**

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The meeting closed at 17.00

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Cr James Glenn

Shire President



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## **Appendix 1: Code of Conduct**

REFERENCE NUMBER: P-1

ORGANISATIONAL UNIT: All

RESPONSIBLE POSITION: Chief Executive Officer

RELEVANT DELEGATIONS:

DATE ADOPTED: 3 September 2008

REVIEW DATE:

### **Objectives:**

- To promote the high standard of behaviour residents and the wider public expect of both Central Desert Shire Council and staff members
- To avoid disciplinary action, penalties and fines

### **Legislation and References:**

Sections 77-83 of the Local Government Act 2008

Central Desert Shire Council Business Plan

Customary Law

### **Code of Conduct for Councillors:**

1. Provide sensible leadership, speak up for residents and let them know what the Shire Council is doing.
2. Act with integrity – be honest, accountable for your actions, make fair decisions for all residents and respect country.
3. Act in the best interest of the whole Shire, not just your family, skin group etc., community or ward.
4. Tell the Council when you have or may have a conflict of interest (using your position on the Shire Council to benefit yourself or your relations).
5. Do not ask for or accept gifts from anyone who may benefit from a Shire Council decision.





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6. All Shire Council property (buildings, equipment, computers and vehicles) can only be for agreed Shire Council business.
7. Keep confidential Shire Council business confidential and don't use the information for your own benefit or to harm others.
8. Be a good representative of the Shire Council and do not damage its good reputation.
9. Listen with respect at meetings, help each other and behave, act and talk in a courteous manner while on Shire Council and community business.
10. Do not be under the influence of alcohol or drugs when on Shire Council business.
11. Do not make personal demands on staff, interfere with their work or reprimand them.
12. Follow all Australian and Northern Territory laws and Shire Council by-laws and policies
13. Do not discriminate against anyone because of their cultural background, gender, age or disability

**Code of Conduct for Staff:**

1. Act with integrity – be honest, accountable for your actions and treat all residents fairly.
2. Act in a careful and diligent manner and in the best interest of the whole Shire Council and the environment.
3. Follow all lawful and reasonable directions given by your supervisor.
4. Declare to the CEO when you have or may have a conflict of interest (using your position at the Shire Council to benefit yourself or your relations).
5. Do not ask for or accept gifts from anyone who may benefit from a Shire Council decision.
6. All Shire Council property (buildings, equipment, computers and vehicles) can only be used for agreed Shire Council business.
7. Keep confidential Shire Council matters confidential and don't use the information for your own benefit or to harm others.
8. Do not act in a way that damages the good reputation of the Shire Council.
9. Listen with respect at meetings, help each other and behave, act and talk in a courteous manner whilst employed by the Shire Council.
10. Do not be under the influence of alcohol or drugs when working at the Shire Council.



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11. Do not make personal demands on Councillors or interfere in Shire Council decision making processes.
12. Follow all Australian and Northern Territory laws and Shire Council by-laws and policies.
13. Do not discriminate against anyone because of their cultural background, gender, age or disability.

**There are serious punishments for some breaches of this code. For example, a fine of up to \$44,000 and 2 years in jail for breaching confidentiality and a fine of up to \$11,000 for not declaring a conflict of interest.**

**The Minister and/or Shire Council President may also take disciplinary action against Councillors who break this code of conduct. For example non-payment of sitting fees, suspension or termination from Council, disqualification from re-election.**

**The CEO will take disciplinary action against staff members who breach this code of conduct. Serious breaches may lead to dismissal.**

## **Appendix 2: Media Policy**

REFERENCE NUMBER: P-2

ORGANISATIONAL UNIT: All

RESPONSIBLE POSITION: Chief Executive Officer

RELEVANT DELEGATIONS:

DATE ADOPTED: 3 September 2008

REVIEW DATE:

### **Objectives:**

- To make sure the Central Desert Shire Council speaks with one strong voice
- To disseminate clear and accurate information about the Central Desert Shire Council
- To promote and protect the good reputation of the Central Desert Shire Council
- To keep secret Shire Council business secret
- To make clear who can be the voice of the Central Desert Shire Council



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### **Legislation and References:**

Sections 43, 200 and 201 of the Local Government Act 2008

Central Desert Shire Council Business Plan

### **Policy:**

The Shire President is the Shire's official spokesperson.

He or she can delegate this responsibility, for example to the Deputy Shire President, the CEO or other senior staff and councillors.

Councillors who don't have this delegation can speak to the media as individuals but not on behalf of the council.

Staff members are not allowed to speak to the media under any circumstances and must promptly refer all media enquiries to the Governance Manager.

If the Governance Manager cannot be contacted staff must alert the CEO directly.

### **Appendix 3: Financial Delegations Policy**

REFERENCE NUMBER: P-5

ORGANISATIONAL UNIT: All

RESPONSIBLE POSITION: Chief Executive Officer

RELEVANT DELEGATIONS:

DATE ADOPTED: 3 September 2008

REVIEW DATE:

### **Objectives:**

- To manage the income of Central Desert Shire Council in the way described in the business plan.
- To make sure that the Chief Executive Officer gives the right staff members the power to spend money on budgeted programs ("grant financial delegation").
- To make sure Central Desert Shire Council has financial processes so it can help in cases of emergency or significant hardship.

### **Legislation and References:**

Local Government Act 2008 and Accounting Regulations.

Central Desert Shire Council Business Plan



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Australian Taxation Office rulings and determinations.

**Policy:**

The financial delegation (the power to spend money) of the Chief Executive Officer is limited by the Local Government Act and Regulations, the adopted Central Desert Shire Council Business Plan or by a resolution of Central Desert Shire Council.

The Chief Executive Officer may grant financial delegation to staff members according to the needs of their position. All staff delegations are limited to spending approved within the adopted Business Plan.

The Chief Executive Officer, the Director Corporate and Community Services and the Director of Infrastructure each have a financial delegation of \$100,000. All other managers have a financial delegation of \$10,000. The Chief Executive Officer must record them as a list of financial delegations.

The Chief Executive Officer or delegated staff members must tell Council about any spending proposals which have raised or are likely to raise significant public interest, concern or controversy.

The Chief Executive Officer may approve, or delegate approval, spending to help in cases of real emergency or hardship not budgeted within the adopted Business Plan. Council must make a resolution or ratify the spending as soon as possible after the money has been spent.

Staff members must always try to get the best value for money as possible and always keep good records of their spending.

**Appendix 4: Central Desert Shire Council Meeting Schedule for 2008/9**

First Council Meeting: 12/13 November at Alice Springs

Second Council Meeting: 9/10 December at Ti Tree

Third Council Meeting: 3/4 February at Alice Springs



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Fourth Council Meeting: 31 March/1 April at Lajamanu

Fifth Council Meeting 2/3 June at Alice Springs

Sixth Council Meeting: 4/5 August at Yuendumu

Seventh Council Meeting: 6/7 October in Alice Springs

Eighth Council Meeting: 1/2 December in Atitjere

### Appendix 5: Common Seal Register

DATE SEAL ATTACHED	PROJECT	DOCUMENT DESCRIPTION	SIGNED BY
2/7/08	Laramba Child Care Centre	Funding Agreement with DEEWR	Shire Manager CEO Director Corporate & Community Services
2/7/08	Yuendumu Child Care Centre	Funding Agreement with DEEWR	Shire Manager CEO Director Corporate & Community Services
2/7/08	Atitjere Jet Creche	Funding Agreement with DEEWR	Shire Manager CEO Director Corporate & Community Services
2/7/08	Yuelamu Jet Creche	Funding Agreement with DEEWR	Shire Manager CEO Director Corporate & Community Services
17/7/08	School Nutrition Program - Nyrripi, Willowra and Yuelamu	Funding Agreement with DEEWR	Shire Manager CEO
July 2008	Power & Water Authority	Contract	Shire Manager CEO
13/8/08	Public Libraries – Ti-Tree & Lajamanu	Funding Agreement with NT Govt	Shire Manager CEO
22/8/08	Night Patrol Services – 2008/09	Variation to Program Funding Agreement	Shire Manager CEO
25/8/08	Finance Manager	Contract of Employment	Shire Manager CEO



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11/9/08	Special Purpose Grant 2008/09 - \$45K to assist with costs of operating Shire Community Representative Groups (aka Local Advisory Boards)	Funding Agreement with NT Govt	Shire Manager CEO
22/9/08	ICSP Client – Luke Choolum (Wilora) – 1/7/08 to 30/6/09 – provision of accommodation support to enable client to remain in own accommodation – funding is for fuel for aged care staff from Ti-Tree to travel to Wilora to assist client – 2 x trips per week for 48 weeks per year	Funding Agreement with NT Govt Dept Health & Families	Shire Manager CEO
26/9/08	Community Sport & Recreation – 2008/09 – funding to engage Shire wide coordinator to prepare strategic plan, etc. \$195,000 + gst = \$214,500 -	Variation to Program Funding Agreement No. 7073	Shire Manager CEO
9/10/08	Yuendumu – Domestic Violence Media Campaign – to produce and broadcast radio & tv ads about domestic violence. Ads will feature local community members speaking in language and with cultural authority - \$24,000 + gst = \$26,400 – Oct 08 to 31/8/09	Funding Agreement – Australian Government Attorney General's Department	Shire Manager CEO
20/10/08	Community Safety (Remote Area Night Patrol) – 2008/09 - \$3,023,350.00	Variation to Program Funding Agreement – Australian Government – ICC, Alice Springs	Shire Manager CEO
20/11/08	Licence to Access Data in the Northern Territory Integrated Land Information Services (ILIS) Database – Registrar – General (to enable officer access to rating database)	Licence	Shire Manager CEO



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21/10/08	Anmatjere - National Aboriginal & Torres Strait Island Flexible Aged Care Program – 2008/09 – provision of flexible aged care services for AATSI communities, close to home & community - \$437,781.00	Funding Agreement between Commonwealth of Australia (Dept Health & Ageing) & CDSC	Shire Manager Acting CEO – Roydon Robertson
7/10/08	Yuelamu Safe House	Variation to Program Funding Agreement – Australian Government – ICC, Alice Springs	CEO Council
10/10/08	GBM Community Capacity Fund <ul style="list-style-type: none"> <li>• Yuendumu - purchase 100 wheelie bins for community</li> <li>• Harts Range – supply each household with range of cleaning products on completion of life skills training</li> <li>• Nyirripi - – supply each household with range of cleaning products on completion of life skills training</li> </ul>	Variation to Program Funding Agreement- Australian Government FAHCSIA – ICC, Alice Springs	CEO Council

## Appendix 6: President's Work Requirement Policy

**REFERENCE NUMBER: P-8**

**ORGANISATIONAL UNIT: All**

**RESPONSIBLE POSITION: CEO**

**RELEVANT DELEGATIONS:**

**DATE ADOPTED**

**Objectives:**



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- To provide the President with what is needed to do his or her work
- To explain how the President can use these things

### **Legislation and Reference:**

#### **Policy:**

The Shire President will have office space both at the Shire Council head office and in the shire office in their home community.

This office space will have a computer with access to the internet and email and an office phone.

The President will have a mobile phone with limited private use.

"Limited private use" means these things must be used mostly for work.

The President will have access to a satellite phone for emergencies.

The President will have full private use of a council vehicle, in line with the council vehicle policy and rules.

"Full private use" means year-round access to the vehicle. It means the President can use the vehicle in the Northern Territory, whether on official council business or not.

The President's spouse can also drive the car and must also follow council vehicle policy and rules.

Council pays all vehicle operating expenses (fuel, oil, comprehensive insurance, registration, repairs and servicing).

The President will maintain, service and clean the car in an appropriate manner.

At the end of his or her term the president will return the car in good order to the Council.

If any policy or rules are broken then the Minister may take disciplinary action against the President and they may lose their job.

### **Appendix 7: Shire Council Meetings Policy**

**REFERENCE NUMBER: P- 9**

**ORGANISATIONAL UNIT: All**

**RESPONSIBLE POSITION: CEO**

**RELEVANT DELEGATIONS:**

**DATE ADOPTED:**

**REVIEW DATE:**





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### **Objectives:**

- to ensure Shire Council and associated meetings are well attended and economical
- to inform members of their responsibilities and entitlements regarding Shire Council and associated meetings
- to ensure the workload involved in organising these meetings remains manageable for staff
- to provide information about councillors allowance, travel allowance, accommodation and transport

### **Legislation/Reference:**

Local Government Act  
Local Government Guidelines

### **Policy:**

#### Apologies

Shire Councillors must attend all shire council meetings. The Local Government Act says that shire councillors who fail to attend two meetings without a valid apology lose their elected position on the shire council.

A valid apology is an apology that is accepted by the shire council meeting.

Apologies need to be in writing (email or fax) and need to be received by the Chief Executive Officer no later than 24 hours before the meeting.

Shire Councillors are also expected to attend shire council training workshops and professional development opportunities, as well as local board meetings in their ward, and to send apologies at least 24 hours before hands if they cannot attend any of these meetings.

#### Councillor Allowances

Councillor allowances will be paid in accordance with the relevant LGA guidelines. Amounts will be the maximum amounts in the attached schedule.

Base and Electoral allowances will be paid into councillors' bank accounts every fortnight.

Extra Meeting and Professional Development allowances will be paid upon approval, up to a capped amount per year. Payments will be made during the next normal pay run following approval.

As payments will be made only into bank accounts, through direct transfers, shire councillors must advise the Governance Administration Officer or the Finance Manager of their bank details.

#### Travel allowance



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Travel allowance covers shire councillors' out-of-pocket costs (food and incidentals) while they are away from their home community on authorised shire council business.

Shire councillors receive the same amount of travel allowance as staff members. This amount can be reviewed on an annual basis.

Payments will be made only per direct bank transfer.

Travel allowance is paid at the next normal pay run after the meeting. No cash or cheque payments will be made.

#### Leave

Shire council members who are also employed by the CDSC will be granted leave without pay to attend shire council and council committee (incl. local board) meetings.

Paid leave will be granted for training workshops and other authorised shire council business.

#### Accommodation

Accommodation for shire councillors who need to travel to Alice Springs or a community for shire council meetings, training workshops, civic events or other authorised shire council business will be arranged by the Governance Administration Officer.

The Governance Administration Officer handles all accommodation bookings for shire councillors and will personally confirm their attendance before making any bookings. Shire councillors are expected to personally confirm with the Governance Administration Officer whether they will use the booking.

Wherever possible the Governance Administration Officer will negotiate discounts and that shire councillors do not have to pay security deposits by making group bookings at the same hotel/motel.

Shire Councillors' accommodation will be paid from the night before the start of the meeting until the night after the end of the meeting if the meeting ends after 1pm. If the meeting ends before 1pm Shire Councillors who live less than half a day's drive from the meeting location are expected to start their return journey on the same day.

Shire Councillors who wish to arrive earlier or depart later are responsible for their own accommodation bookings and costs for the additional day/s.

Shire Councillors who have confirmed an accommodation booking need to notify the Governance Administration Officer in writing at least 24 hours before the day of the booking if they are not attending.

If they fail to notify the Governance Administration Officer and do not use the booked accommodation they must refund the shire council for the cost of the booking. The shire council can recover refunds from their wages (if they are shire council employees) or from future councillor allowances.



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two ways :: one outcome

### Transport

Shire councillors' transport, when on authorised council business, will be arranged normally on request to the shire service managers

Shire councillors are expected to share the vehicle with fellow councillors, the shire service manager or another staff member undertaking the same journey to an authorised meeting.

They must sign and follow the shire council's vehicle policy when travelling in a shire council vehicle.

Shire councillors must request fuel purchase orders to get them to and from the meeting either from shire service managers in their home community, or from the Governance Administration Officer, at least 24 hours before the start of travel.

Shire councillors must get the CEO's permission before using their private car to come to a meeting.

They may claim a mileage allowance of 70 cents per km (can be reviewed annually) which will be paid into their bank accounts.

Councillors travelling in their own vehicles are covered by the council's personal injury insurance but they are not covered by the council's vehicle insurance.