



two ways :: one outcome

UNCONFIRMED MINUTES OF THE ORDINARY MEETING HELD IN
THE CENTRAL DESERT SHIRE COUNCIL CHAMBER ON
WEDNESDAY, 6 OCTOBER 2010 AT 9AM

ATTENDANCE AND APOLOGIES

The President Norbert Patrick opened the meeting at 9:00.

Members present were Deputy President Adrian Dixon, Councillors William Johnson, Ned Hargraves, Louis Schaber, Bruce Finter, James Glenn, Martin Hagan, Peppi Drover, Julie Kitson, Sascha McKell and Dianne Martin.

Staff members present were CEO Roydon Robertson, Director Corporate Services Cathryn Hutton, Director Community Services Nareen Carter, Director Infrastructure Tim Day and Governance Manager Elke Wiesmann.

ACCEPTANCE OF AGENDA

2. ACCEPTANCE OF AGENDA

SUMMARY: The agenda of this Council Meeting is being tabled. Councillors decide whether they wish to accept the agenda as it stands or whether they wish to make changes.

RESOLUTION: That the draft agenda of the Council meeting be accepted, with item 7.5 withdrawn and an additional item 16.1 Engawala Housing added.

Moved: Cr Finter, Seconded: Cr Dixon
Carried

DECLARATIONS OF CONFLICT OF INTEREST

3. DECLARATIONS OF CONFLICT OF INTEREST

SUMMARY: Council members who have a conflict of interest with any item of the agenda must declare it.

Cr Finter declared a conflict of interest with agenda item 4.1 and read out a written response to the complaint before leaving the chambers at 9:11.

CODE OF CONDUCT MATTERS

4. CODE OF CONDUCT MATTER CR FINTER

SUMMARY: A staff member has made a complaint against a member of Council.

RESOLUTION: That all Councillors be reminded of and adhere to Council's media policy and code of conduct.

Moved: Cr McKell, Seconded: Cr Drover
Carried

CONFIRMATION OF PREVIOUS MINUTES

5. CONFIRMATION OF MINUTES OF 4 AUGUST 2010 ORDINARY MEETING

SUMMARY: Council is considering the unconfirmed minutes of the Ordinary Shire Council Meeting on 4 August 2010.

RESOLUTION: That Council confirm the unconfirmed minutes of the Ordinary Shire Council Meeting held on the 4 August 2010.

Moved: Cr Drover, Seconded: Cr Dixon
Carried

ACTIONS FROM PREVIOUS MINUTES

6. ACTIONS FROM PREVIOUS MINUTES

SUMMARY: Council is considering a progress report on the actions from the Ordinary Shire Council Meeting on 4 August 2010.

RESOLUTION: That progress reports on the actions from the minutes of the previous Ordinary Shire Council Meeting be received and noted.

Moved: Cr Drover, Seconded: Cr Kitson
Carried

7. LOCAL BOARD REPORTS

7.1 YUELAMU SPEED LIMIT

SUMMARY: Yuelamu board wants to ensure school children and residents are safe from speeding cars.

RESOLUTION: That Council approve a 40km speed limit for Yuelamu community and a 20km speed limit for the Yuelamu school area.

Moved: Cr Martin, Seconded: Cr Finter
Carried

7.2 ATITJERE VERANDA ENCLOSURES

SUMMARY: Atitjere board is asking Council to complete a project of the previous community council.

RESOLUTION: That Council seek funding to enclose the verandas of three houses that, under the old community council, were scheduled to have their verandas enclosed.

Moved: Cr Dixon, Seconded: Cr Finter
Carried

7.3 ATITJERE COMMUNITY ROAD REPAIR

SUMMARY: Atitjere local board is asking for road repairs in the community.

RESOLUTION: That Council re-seal the road between the grid and the Shire Office in Atitjere.

Moved: Cr Finter, Seconded: Cr McKell
Carried

7.4 PLAYGROUND EQUIPMENT AND TOILET/SHOWER BLOCK AT ATITJERE

SUMMARY: Atitjere board is asking for a play area to be set up in the community

RESOLUTION: That Council seek funding, including from the GBM, to install playground equipment and to build a toilet/shower block near the church.

Moved: Cr Finter, Seconded: Cr Hagan
Carried

7.5 ATITJERE CRECHE FENCE AND GATE

SUMMARY: Atitjere board wants to keep dogs out of the crèche yard.

Cr Finter withdrew the item as the work has already been carried out.

7.6 CHANGE OF LARAMBA BOARD MEMBERSHIP

SUMMARY: Laramba Board wishes to change its membership.

RESOLUTION: That Council appoint Ronnie McNamara, Elizabeth Stockman and Debbie Williams to the Laramba Board.

Moved: Cr Dixon, Seconded: Cr Drover
Carried

7.7 LARAMBA OFFICE ACCOMMODATION

SUMMARY: Laramba board wants more office space.

RESOLUTION: That Council consider and plan an extension and subdivision of office space at Laramba shire office as a matter of urgency.

Moved: Cr Kitson, Seconded: Cr Schaber
Carried

7.8 OVERSPEND ON STREET LIGHTING IN LAJAMANU

SUMMARY: Of the 61 street lights in Lajamanu, 53 were non-operational and have been repaired with new light assemblies and wire mesh guards. They cost \$2,062.91 more than was allocated in the SSM's budget but were repaired as a matter of public safety.

RESOLUTION: That Council approve a variation for the overspent amount of \$2,062.91 for street lights in the Lajamanu shire service delivery budget.

Moved: Cr McKell, Seconded: Cr Dixon
Carried

7.9 KATHERINE WEST HEALTH BOARD CLINIC IN LAJAMANU

SUMMARY: The local board supports Katherine West Health Board's request to build a new clinic and staff accommodation in Lajamanu.

RESOLUTION: That Council support the request from Katherine West Health Board (KWBH) for approval to build a new health centre and staff accommodation on Lot 281 in Lajamanu.

Moved: Cr Martin, Seconded: Cr Finter

Carried

7.10 COMPLAINTS ABOUT SIHIP UPGRADES IN TI TREE

SUMMARY: Ti Tree community people have complained to the chair of the local board that the recent housing upgrades have not met standards

RESOLUTION: That Council

- a) **advocate to the NT Government about concerns expressed by the Ti Tree community regarding recent SIHIP upgrades to the houses**
- b) **ask the NT Government whether SIHIP has applied different standards in Alice Springs Town Camps to remote communities in the shire**

Moved: Cr Hagan, Seconded: Cr Finter

Carried

7.11 YUELAMU COMMUNITY LAUNDRY

SUMMARY: Yuelamu board wants residents to have access to a community laundry.

The agenda item was referred back to the local board for further discussion about seeking funding for a new laundry.

7.12 APPOINTMENT OF MEMBERS TO TI TREE BOARD

SUMMARY: Ti Tree Board wishes to change its membership.

RESOLUTION: That Council appoint Nash Williams and Mark Pepperill to the local board.

Moved: Cr Glenn, Seconded: Cr Finter

Carried

7.13 CHANGE OF MEMBERSHIP - LAJAMANU LOCAL BOARD

SUMMARY: Lajamanu board wishes to change its membership.

RESOLUTION: That Council dismiss Sabrina Lewis from the Lajamanu Board because she has missed three meetings in a row without giving an apology.

Moved: Cr Patrick, Seconded: Cr Finter

Carried

PRESIDENT'S REPORT

8.1 PRESIDENT'S REPORT

SUMMARY: Council is considering the work the President has been doing since the last Ordinary Meeting.

RESOLUTION: That Council receive and note the President's Report.

Moved: Cr Finter, Seconded: Cr Dixon
Carried

CHIEF EXECUTIVE REPORTS

9.1 CHIEF EXECUTIVE OFFICER'S REPORT

SUMMARY: The Chief Executive Officer reports to council matters of significance occurring in the council's operations.

RESOLUTION: That the Chief Executive Officer's Report be received and noted.

Moved: Cr Drover, Seconded: Cr Hagan
Carried

9.2 RATIFICATION OF COMMON SEAL

SUMMARY: The Common Seal Register lists all funding agreements signed since the last Council Meeting for Council's approval.

RESOLUTION: That Council ratify the use of the Common Seal.

Moved: Cr Dixon, Seconded: Cr Drover
Carried

9.3 AUSTRALIA DAY CELEBRATIONS

SUMMARY: The NT Australia Day Council has approached Council to consider being involved in celebrating Australia Day in Central Desert Shire for 2011.

RESOLUTION: That Council ask local boards if they would like to have Australia Day Celebrations held in the Shire in 2011.

Moved: Cr McKell Seconded: Cr Finter
Carried

9.4 REGIONAL SHIRES FORUM

SUMMARY: The Shire President and the CEO represented Council at the Regional Shires Forum conducted by the Department of Housing, Local Government and Regional Services on 31 August 2010.

RESOLUTION: That Council receive and note the report.

Moved: Cr Dixon, Seconded: Cr Finter
Carried

CORPORATE SERVICES REPORTS

10.1 DIRECTOR OF CORPORATE SERVICES REPORT

SUMMARY: The Director Corporate Services reports to the council about the work that she has been doing since the last council meeting.

RESOLUTION: That Council receive and note the Corporate Services report.

Moved: Cr Dixon, Seconded: Cr Drover
Carried

10.2 DRAFT RECRUITMENT AND SELECTION POLICY

SUMMARY: The Recruitment and Selection Policy provides a framework for the Shire's employment practices.

RESOLUTION: That Council adopt the Recruitment and Selection Policy.

Moved: Cr Finter, Seconded: Cr Martin
Carried

10.3 ELECTORAL REPRESENTATION REVIEW - DRAFT REPORT

SUMMARY: Every four years Councils must review how voters are represented on Council.

RESOLUTION: That Council

- a) endorse the electoral representation review consultation with local boards and residents based on **NO CHANGE** to the names used within the Council
- b) endorse the electoral representation review consultation with local boards and residents based on **NO CHANGE TO THE WAY THE SHIRE PRESIDENT IS ELECTED**
- c) endorse the electoral representation review consultation with local boards and residents based on **NO CHANGE IN THE NUMBER OF ELECTED MEMBERS**

Cr Drover left the chambers at 10:26 and returned at 10:29.

Moved: Cr Martin, Seconded: Cr Finter

Carried

Council adjourned for a break at 10:36 and resumed at 11:04.

MOTION: That Council endorse the electoral representation review consultation with local boards and residents based on INCREASING THE NUMBER OF WARDS TO 9 BASED AROUND THE MAIN COMMUNITIES, WITH BOUNDARIES TO BE DETERMINED IN CONSULTATION WITH COUNCILLORS, LOCAL BOARDS AND RESIDENTS.

Moved: Cr Hargraves, Seconded: Cr Glenn

Lost

MOTION: That Council endorse the electoral representation review consultation with local boards and residents based on NO CHANGE TO THE NUMBER OF WARDS.

Moved: Cr Martin, Seconded: Cr McKell

Lost

RESOLUTION: That Council endorse the electoral representation review consultation with local boards and residents based on the following options:

- a) **NO CHANGE TO THE NUMBER OF WARDS or**
- b) **INCREASING THE NUMBER OF WARDS TO 9 BASED AROUND THE MAIN COMMUNITIES, WITH BOUNDARIES TO BE DETERMINED IN CONSULTATION WITH COUNCILLORS, LOCAL BOARDS AND RESIDENTS.**

Moved: Cr Hargraves, Seconded: Cr Glenn

Carried

10.4 WOMEN IN LOCAL GOVERNMENT PRESENTATIONS

SUMMARY: The Local Government Association of the Northern Territory has requested an opportunity to present to the Council on the 8th December 2010. The presentation will be part of the participation and contribution towards the celebration of the 2010 Year of Women in Local Government.

RESOLUTION: That Council invite the President of the Local Government Association of the Northern Territory to present to the 8th December Council Meeting.

Moved: Cr Johnson, Seconded: Cr Hargraves
Carried

10.5 DRAFT FRAUD PROTECTION PLAN

SUMMARY: The Fraud Protection Plan provides a framework for the management and avoidance of fraudulent activities within the Shire operations.

RESOLUTION: That Council endorse the Fraud Protection Plan.

Moved: Cr Hargraves, Seconded: Cr McKell
Carried

10.6 DELEGATION OF APPROVAL OF ANNUAL REPORT

SUMMARY: This report requests that the Council delegate the approval of the Annual Report including the Audited Financial Statements, to the Finance Committee so that the Shire can meet the requirements of the Local Government Act section 199.

RESOLUTION: That Council delegate the approval of the 2009/10 Annual Report to the Finance Committee.

Moved: Cr Finter, Seconded: Cr Drover
Carried

10.7 GRANTS RECEIVED

SUMMARY: A list of the grants information for August 2010 – September 2010 is presented to the Council for information.

RESOLUTION: That Council note the grants received for the period August – September 2010

Moved: Cr Hargraves, Seconded: Cr Hagan
Carried

10.8 RESPONSE TO PROPOSED MODIFICATIONS TO THE PROCUREMENT PROVISIONS

SUMMARY: The Department of Housing, Local Government and Regional Services is seeking the council's comments regarding proposed changes to the procurement provisions within the Local Government (Accounting) Regulations. The recommendations have been proposed by the Local Government Administration and Legislation Committee to allow councils to access a wider range of contracts with suppliers without the need to seek individual quotations or tenders.

RESOLUTION: That Council support the recommendations from the Local Government Administration and Legislation Committee in regards to modifications to the procurement provisions within the Local Government (Accounting) Regulations.

Moved: Cr Martin, Seconded: Cr McKell
Carried

10.9 RESPONSE TO PROPOSED CHANGES TO THE ELECTORAL REGULATIONS (\$100 DEPOSIT TO ACCOMPANY NOMINATION)

SUMMARY: The Department of Housing, Local Government and Regional Services is seeking feedback from councils in regards to removing the requirement for nominations for election be accompanied by a \$100 nomination deposit.

RESOLUTION: That Council reject the amendment to the Electoral Regulation that removes the requirement for a \$100 nomination deposit.

Moved: Cr Martin, Seconded: Cr Dixon
Carried

10.10 COUNCIL EMPLOYMENT AND COUNCIL MEMBERSHIP

SUMMARY: The NT Government is consulting with councils and residents about whether council staff should be allowed to be elected members of council.

RESOLUTION: That Council advise the Local Government Department that it considers that due to the special circumstances within the Shire employees should be allowed to be elected as Councillors.

Moved: Cr McKell, Seconded: Cr Glenn
Carried

COMMUNITY SERVICES REPORTS

11.1 DIRECTOR COMMUNITY SERVICES REPORT

SUMMARY: The Director Community Services reports to Council about matters of significance since the last report.

RESOLUTION: That Council receive and note the report from the Director Community Services.

Moved: Cr Martin, Seconded: Cr McKell
Carried

INFRASTRUCTURE REPORTS

13.1 DIRECTOR INFRASTRUCTURE REPORT

SUMMARY: The Director Infrastructure reports to Council about the work that has been happening since the last Council meeting.

RESOLUTION: That Council receive and note the Director Infrastructure's report.

Moved: Cr Drover, Seconded: Cr Hargraves
Carried

Cr Johnson left the chambers at 12:00 and returned at 12:07

13.2 ENGAGEMENT OF PANEL CONTRACTORS POLICY

SUMMARY: The *Engagement of Panel Contractors Policy* establishes the basis upon which trade contractors may be engaged to undertake work without prior quotation or tender.

RESOLUTION: That Council adopt the Engagement of Panel Contractors Policy.

Moved: Cr Martin, Seconded: Cr Dixon
Carried

13.3 PUBLIC TENDER TO PART SUPPLY AND CONSTRUCT BASKETBALL ROOF IN ENGAWALA

SUMMARY: A public tender was called for the construction of the basketball roof at Engawala. Four responses were received by the Shire in respect of this tender. The recommended supplier has been evaluated as providing the best value for money to the Shire. Due to the anticipated value of the kit for the construction of the basketball court roof the supply was advertised as a request for quotation. The final value of the quotation is \$103,703 (incl GST) and is included within this report for completeness.

RESOLUTION: That Council endorse the entry into two contracts in respect to the supply and construction of the roof to the basketball court in Engawala. The two contracts being:
- Supply of kit for construction of roof: Total value of contract \$103,730 (inc GST) and the supplier being Ahrens Group.

- Construction of roof. Total value of contract \$114,920 (incl GST) and the supplier being MPH Carpentry and Construction.

Moved: Cr Finter, Seconded: Cr Drover
Carried

FINANCE COMMITTEE REPORTS

14.1 FINANCE COMMITTEE REPORT

SUMMARY: The Finance Committee met on the 3rd September 2010 and this report includes the minutes of this meeting for noting by the Council.

RESOLUTION: That Council receive the Finance Committee Report for the 3rd September 2010 and endorse the recommendations.

Moved: Cr Dixon, Seconded: Cr Finter
Carried

Council adjourned for lunch at 12:38PM and reconvened at 13:23PM.

16. GENERAL BUSINESS

16.1 ENGAWALA HOUSING

The CEO read out a letter from Dr Chris Burns, Minister for Public and Affordable Housing, responding to Council's request for more housing at Engawala. The letter explained that Engawala has not been identified as a Remote Service Delivery site and is not targeted for new housing at this stage.

17. QUESTIONS FROM MEMBERS

17.1 ATITJERE STAFF ACCOMMODATION AND WORKSHOP EXTENSION

SUMMARY: Cr Finter is seeking answers to the following questions:

1. What is the shire doing to find appropriate staff accommodation on communities?

Management Response: The Department of Housing, Local Government and Regional Services recently offered the opportunity to submit grant applications for Special Purpose Grants. Central Desert Shire used this opportunity to apply for staff housing into Engawala (where CDS has only 1 staff house) and Willowra (where CDS has 2 staff houses and a Donga). The need for additional staff housing exists at a number of communities with Yuelamu and

Laramba having particular need. The Council will continue to seek funding to increase its accommodation for staff.

2. What is happening with the building of the extension to the workshop at Atitjere? Has the work been approved? When will work begin?

Management Response: Detailed design drawings for the workshop extension at Atitjere have been drafted and are with the engineer for certification. Once the structural engineering report has been completed materials will be purchased for local fabrication and construction.

RESOLUTION: That Council receive and note the management responses to Cr Finter's questions.

Moved: Cr McKell Seconded: Cr Dixon
Carried

17.2 COMMUNITY VIOLENCE AND PAYBACK

SUMMARY: Cr Hargraves asked Council to consider how the Shire can work with other regional organisations, such as the Central Land Council and Tangentyere, to help solve the problems around community violence and payback that affect Central Australian communities and Alice Springs town camps.

18. QUESTIONS FROM THE PUBLIC

Nil

19. PETITIONS AND DEPUTATIONS

19. WILLOWRA WETT LEARNING COMMUNITY AND EARLY CHILDHOOD CENTRE

SUMMARY: Following the May 2010 CDS meeting, CLC met with Roydon Robertson and Nareen Carter to discuss the CDS position on operational, maintenance and management funds needed to run the facility. CLC has made it clear in a variety of discussions with the Shire that following completion of the facility the CLC will need to make an agreement with the Shire to hand over the long term responsibility for building management and maintenance and facilitation of program operations to the Shire but that the CLC is willing to seek a contribution of WETT (Warlpiri Education and Training Trust) funds towards the first three year's costs of managing and running the Centre. Beyond this time the responsibility would rest solely with the Shire. No decisions were made at this meeting and CLC agreed to circulate a progress report (see

attached)

RESOLUTION: That Council agree to

1. a commitment to take on the long term management, maintenance and program responsibility for the centre on the basis of the following summary statement:

Central Desert Shire Council (Shire) is committed to supporting the Willowra Early Childhood and Community Learning Centre project.

The Shire acknowledges that the Central Land Council (CLC) will enter into a 12 year lease with the Wirliyajarrai Aboriginal Land Trust over the land on which the centre and associated staff housing is to be built (the Lease). The CLC will be responsible for the construction of the centre and associated staff housing.

On completion of the construction work the Shire will be assigned the Lease, and be responsible for maintaining and managing the centre and staff accommodation for the remainder of the Lease. Kurra Aboriginal Corporation (Kurra) will provide an appropriate funding contribution to cover the reasonable maintenance and management costs (as described in the 2009 Willowra Early Childhood and Community Learning Centre Feasibility Study) for the first 3 years the Shire takes on responsibility for the Lease.

2. That Council:

- (a) enter into a Heads of Agreement with the CLC which outlines in detail it's commitment to this project and the responsibilities of both agencies;**
- (b) enter into an agreement with the CLC under which the Shire is legally bound to accept an assignment of the Lease once construction of the centre and staff housing is complete;**
- (c) enter into an appropriate funding agreement with Kurra in respect to the provision of maintenance and management costs;**

PROVIDED THAT Kurra resolves to provide the maintenance and management costs to the Shire, as referred to above.

Moved: Cr Kitson, Seconded: Cr Dixon
Carried

20. DECISION TO MOVE TO CLOSED SESSION

RESOLUTION:

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: *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.*

Moved: Cr Martin, Seconded: Cr Dixon

Carried

CLOSED SESSION

20.1 CEO PERFORMANCE REVIEW

SUMMARY: The CEO Performance Review Committee reports about the CEO's Performance Agreement.

RESOLUTION: That Council move to Open Session.

Moved: Cr Finter, Seconded: Dixon

Carried

RESUMPTION OF MEETING

RESOLUTION: That the decisions of Closed Session be noted as follows:

That Council

- a) note the report of the Chief Executive Officer Performance Review Committee**
- b) note the Performance Agreement developed by the Committee for the period July 2010 to June 2011**
- c) note the Committee will report to Council at its February 2011 meeting after the 6 month performance review to be conducted by the Committee on 11 February**

Moved: Cr Finter, Seconded: Cr Glenn

Carried

The President closed the meeting at 14:38 pm.

THIS PAGE AND THE PRECEEDING 15 PAGES ARE THE MINUTES
OF THE Ordinary Council Meeting HELD ON Wednesday, 6 October
2010 AND CONFIRMED Wednesday, 8 December 2010.

President