



AGENDA
SPECIAL MEETING
THURSDAY, 5 MAY 2011

Notice is given that the next Special Meeting of Council of Tiwi Shire Council will be held on:

- Thursday, 5 May 2011 at
- Darwin
- Commencing at 10.00am

Your attendance at the meeting will be appreciated.

AGENDA

1 WELCOME & APOLOGIES

- 1.1 WELCOME
- 1.2 PRESENT
- 1.3 APOLOGIES
- 1.4 LEAVE OF ABSENCE
- 1.5 CONFIRMATION OF PREVIOUS MINUTES

Special Meeting - 22 March 2011

2 CORRESPONDENCE

Nil

3 GENERAL BUSINESS

- 3.1 AUTHORISED OFFICERS 3

4 REPORTS FOR INFORMATION

Nil

5 REPORTS FOR DECISION

- 5.1 APPOINTMENT OF RETURNING OFFICER FOR 2012 LOCAL GOVERNMENT
GENERAL ELECTIONS 3
- 5.2 RATES AND CHARGES - INCREASES FOR 2011/2012 3

6 COMMON SEAL APPROVAL

Nil

7 CONFIDENTIAL ITEMS

- 7.1 CEO PERFORMANCE REVIEW 6 APRIL 2011
The report will be dealt with under Section 65(2) (a) of the Local Government Act 2008 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.

8 OTHER BUSINESS

9 NEXT MEETING

GENERAL BUSINESS

ITEM NUMBER	3.1
TITLE	Authorised Officers
REFERENCE	79575
AUTHOR	Alan Hudson, Chief Executive Officer



This report is to provide information to Council regarding the Appointment Authorised Officers

BACKGROUND

Section 112(1) A council may appoint a person (other than a member of the council) as an authorised person. Council is the elected council. However, Council may delegate this to the CEO, as per Section 32 of the Act. The Council will need to delegate this to the CEO, and then the CEO can appoint a person to be an authorised officer.

Section 112 (2) An appointment may be subject to limitations and conditions specified in the instrument of appointment.

An Instrument of Appointment provides the limits and conditions of the powers conferred on the Authorised person.

Example of this is – Council may choose to have an authorised person who only deals with dogs, the instrument of appointment would then limit the powers conferred on them as per the Act – refer section 115 onwards.

Section 116 (4) (c) (Power to enter premises) could be the only other power in the instrument for this example.

Training of Authorised Officers is the responsibility of the relevant Council, dependent on the role of the Authorised officer.

ISSUES/OPTIONS/CONSEQUENCES

LGANT may have further information in relation to training assistance, or discuss with one of the Municipal Councils, who will be able to assist.”

CONSULTATION & TIMING

We can contact the Darwin City Council for further information and seek copies of Appointment of Instruments to ensure that the shire covers the sufficient powers in whatever is required to enforce any By-Laws implemented by this shire.

RECOMMENDATION:

That Council note this report for information

ATTACHMENTS:

1 Exact of the Local Government ACT 2008.doc

Exact of the Local Government ACT 2008

Part 9.6 **Authorised persons**

Division 1 **Appointment of authorised persons**

112 Appointment of authorised persons

- (1) A council may appoint a person (other than a member of the council) as an authorised person.
- (2) An appointment may be subject to limitations and conditions specified in the instrument of appointment.
- (3) The council may, by notice to the authorised person;
 - (a) add to, or vary, the limitations and conditions of appointment;
or
 - (b) revoke the appointment.

113 Powers of authorised persons

An authorised person is, subject to limitations and conditions of appointment, authorised to exercise the powers conferred on an authorised person by or under this Act.

114 Identity cards for authorised persons

- (1) The council must issue each authorised person with an identity card:
 - (a) containing the person's name and a photograph of the person;
and
 - (b) stating that the person is an authorised person.
- (2) The authorised person must, at the reasonable request of a person, produce the identity card for inspection.
- (3) A person must, on ceasing to be an authorised person, return the identity card to the council.

Fault element: This is an offence of strict liability.

Maximum penalty: 20 penalty units.

Division 2 General powers of authorised person

115 Power to require statement of name and address

- (1) If an authorised person reasonably suspects a person of having committed an offence against this Act or the council's by-laws, the authorised person may require the person:
 - (a) to state the person's name and address; and
 - (b) if the authorised person considers further evidence of identity necessary – to provide further evidence of a specified kind of identity.
- (2) A person is guilty of an offence if the person fails, without reasonable excuse, to comply with a requirement under this section.

Fault element: This is an offence of strict liability.

Maximum penalty: 20 penalty units.

116 Power to enter land or premises

- (1) An authorised person may, with the necessary authority, enter land or premises for an authorised purpose and remain on the land or premises for as long as may be necessary for that purpose.
- (2) The necessary authority is:
 - (a) the consent of the occupier; or
 - (b) a warrant issued by a Justice; or
 - (c) in an emergency – the CEO's authorisation.
- (3) A Justice may, if satisfied by information verified by oath or affirmation, that there are reasonable grounds on which an authorised person should be authorised to enter land or premises to carry out an authorised purpose, issue a warrant accordingly.
- (4) An **authorised purpose** is any one or more of the following:
 - (a) investigating a suspected offence against this Act or a by-law;
 - (b) taking necessary action in an emergency:
 - (i) to protect the health of, or prevent injury to, a person or animal; or
 - (ii) to relieve the suffering of an animal; or
 - (iii) to seize or destroy a savage, diseased or injured animal;

- (c) destroying a dog that has, within the preceding 24 hours, attacked and injured a person in a public place;
- (d) exercising any other power conferred on an authorised person by this Act or a by-law.

117 Assistance of police

An authorised person may call on a member of the Police Force for assistance in the exercise of powers under this Act (or a by-law).

Division 3 Obstruction of authorised person

118 Obstruction

A person is guilty of an offence if the person hinders or obstructs an authorised person in the exercise of powers under this Act (or a by-law).

Fault elements:

- (a) an intention to hinder or obstruct; and
- (b) knowledge that the person who is hindered or obstructed is acting in an official capacity.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

REPORTS FOR DECISION

ITEM NUMBER	5.1
TITLE	Appointment of Returning Officer for 2012 Local Government General Elections
REFERENCE	79568
AUTHOR	Alan Hudson, Chief Executive Officer



Correspondence relating to significant liaisons with other agencies is provided to Council. The Northern Territory Electoral Commission is seeking advice from Council relating to the Appointment of a Returning Officer

BACKGROUND

A letter was received into the shire on the 24 February 2011.

Section 64 of the Local Government (Electoral) Regulations states:

A council may appoint a returning officer at any time and must ensure that the council has appointed a returning officer by 1st July of the calendar year preceding the calendar year in which the next general election is to be held.

ISSUES/OPTIONS/CONSEQUENCES

A council is required to have appointed a returning officer to conduct the 2012 elections by the 1 July 2011.

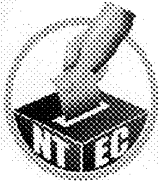
There are some costs associated with conducting the poll. The council will be charged on a reimbursement basis for only the additional costs incurred by the Commission in running the election.

CONSULTATION & TIMING**RECOMMENDATION:**

That Council appoint the Electoral Commissioner of the NTEC as our Returning Officer for the 2012 Elections

ATTACHMENTS:

- 1 Letter - NTEC - Appointment of Returning Officer for 2012 Local Government General Elections File No MUN0004 - 24 Feb 2011.pdf



NORTHERN
TERRITORY
ELECTORAL
COMMISSION

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File No. MUN0004

Mr Alan Hudson
Chief Executive Officer
Tiwi Islands Shire Council
PO Box 4246
DARWIN NT 0801

Dear Mr Hudson

RE: Appointment of Returning Officer for 2012 Local Government General Elections

The next local government general elections are due to be held on a date to be fixed in March 2012.

Councils are required to have appointed a returning officer to conduct those elections by 1 July 2011.

Section 3 of the *Local Government Act* defines a returning officer as follows:

Returning officer, for a council, means:

- (a) a person appointed by the council to the office of returning officer or currently acting in that office; or
- (b) if no person currently holds or acts in the office of returning officer but the Minister has appointed a person as returning officer for the council – the person appointed by the Minister; or
- (c) in any other case – the CEO

Section 64 of the Local Government (Electoral) Regulations further states:

A council may appoint a returning officer at any time and must ensure that the council has appointed a returning officer by 1 July of the calendar year preceding the calendar year in which the next general election is to be held.

Note: The Minister may appoint a returning officer for an election (or by-election) under section 96 (2) of the Act. This power may well be exercised if the council fails to make an appointment. If there is no appointed returning officer, the council's CEO is the returning officer. (See the definition of returning officer in section 3 of the Act).

The Electoral Commissioner of the Northern Territory Electoral Commission (NTEC) has already been formally appointed by a small number of councils for the 2012 general elections whilst a number of others have indicated an intention to do so. However, the Commission needs to have a complete understanding of the intentions of all councils as early as possible and, until this occurs, it is not in a position to provide accurate estimates of charges to councils or begin the detailed planning that is required for such a large scale event.

www.ntec.nt.gov.au

EVERY vote counts!

Councils are reminded that the NTEC does not charge its commercial rates to councils for local government elections but rather only the marginal costs that it actually incurs in conducting the poll. This means that councils are charged on a reimbursement basis for only the additional costs incurred by the Commission in running the election. As a consequence, councils receive the benefits of economies of scale for generic services and are not charged for items such as the following:

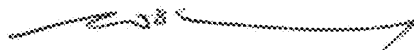
- Work undertaken by NTEC permanent staff in normal hours, including overhead charges for superannuation, leave accruals;
- Work undertaken by NTEC executive staff anytime;
- Cardboard election equipment and other election specialist stores;
- Indirect overhead expenses, including infrastructural expenses for the agency's premises, vehicles, phones, costs of payroll processing undertaken by DBE for NTEC etc;
- Standard election management fees;
- Use of computerised counting software and other specialised counting equipment;
- In house printing and local government forms, material and stationery from existing stock;
- Staff time devoted to election planning and council liaison undertaken between elections;
- Any legal advice acquired through its in-house legal arrangements.

Councils should also note that the 2012 general elections will be the largest and most complicated election ever run in the Northern Territory's history. It will involve all municipalities and shires and will include up to around 60 separate polls across the Northern Territory, attracting more than 300 candidate nominations. Mobile polling will also operate extensively and absent voting for all NT electorates will need to be made available at all polling places (including mobile polling places) appointed for the general elections. Computerised counting will also be required in most of the electorates that go to poll.

I would therefore be most grateful if you would, at your earliest convenience, either confirm that your council has appointed the Electoral Commissioner of the NTEC as your Returning Officer or advise the NTEC of your council's intentions and plans regarding such appointment. Your confirmation or advice can be conveyed by means of a brief email to the Deputy Electoral Commissioner, Jane Peace (Jane.Peace@nt.gov.au).

Thank you in anticipation of your prompt reply.

Yours sincerely



BILL SHEPHEARD
Electoral Commissioner

REPORTS FOR DECISION

ITEM NUMBER	5.2
TITLE	Rates and Charges - Increases for 2011/2012
REFERENCE	79571
AUTHOR	Alan Hudson, Chief Executive Officer



Council is required to agree in "Principle" the adjusted increase for 2011/2012 financial year applicable to all rateable land within its boundaries

BACKGROUND

To allow the council sufficient time to adjust our information and make the necessary planning arrangements the council is presented with the proposed to increase existing charges to 3% for the next financial year

ISSUES/OPTIONS/CONSEQUENCES

In accordance with section 155 of the Local Government Act 2008, Council must declare its rates and charges by the 31st July each year.

CONSULTATION & TIMING**RECOMMENDATION:**

That Council agree in Principle the proposed increase of 3% to be applicable to Rates and Charges for 2011/2012

ATTACHMENTS:

There are no attachments for this report.