AGENDA

SPECIAL MEETING

TUESDAY, 22 SEPTEMBER 2015

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

- Tuesday, 22 September 2015 at
- Wurrumiyanga
- Commencing at 10:00 am

Your attendance at the meeting will be appreciated.

Garry Lambert
A / Chief Executive Officer

AGENDA

1 WELCOME & APOLOGIES

1.1 WELCOME
1.2 PRESENT
1.3 APOLOGIES
1.4 LEAVE OF ABSENCE
1.5 DECLARATION OF INTEREST OF MEMBERS OR STAFF
1.6 CONFIRMATION OF PREVIOUS MINUTES

Special Meeting - 11 September 2015

2 BUSINESS ARISING

Nil

3 CORRESPONDENCE

Nil

4 GENERAL BUSINESS

Nil

5 REPORTS FOR DECISION

Nil

6 REPORTS FOR INFORMATION

6.1 BRIEFING BY THE DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITY SERVICES ON POST OFFICIAL MANAGEMENT 3
6.2 15/16 TIWI ISLANDS REGIONAL COUNCIL PLAN 5
6.3 TIWI ISLANDS REGIONAL COUNCIL RATES DECLARATION FOR 2015/16 FINANCIAL YEAR 6
6.4 CONSIDERATION OF THE LEADERSHIP OF THE COUNCIL 7
6.5 OVERVIEW OF POLICY AND RELATED DECISIONS DURING THE PERIOD OF OFFICIAL MANAGEMENT. 9

7 CONFIDENTIAL ITEMS

7.1 BREACH OF CONTRACT - COURT ACTION

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 NEXT MEETING

REPORTS FOR INFORMATION

ITEM NUMBER	6.1
TITLE	Briefing by the Department of Local Government and Community Services on post Official Management
REFERENCE	165473
AUTHOR	Garry Lambert, A / CEO

This report provides an introduction to the recently re-appointed Council Members from senior officers from the Department of Local Government and Community Services who will be providing a briefing session on matters relating to the post Official Management.

BACKGROUND

Following on from the meeting held at Wurrumiyanga on Monday 14th September 2015 with the Minister for Local Government and Community Services Bess Price, it was agreed that a briefing session would be provided to the Tiwi Islands Regional Council Members at a future Special Council Meeting.

Council Members were subsequently re-instated by the Minister (via Government Gazette Notice No. S91 dated 14 September 2015) (copy attached).

This briefing session will be covering various topics related to the post Official Management.

Today from the Dept. Local Government & Community Services please welcome :

- Mr David Willing Executive Director Local Government
- Mr Shaun Hardy Director Strategic Projects & Regions
- Mr Colvin Crowe Support Officer

In addition to the above visitors, Tony Tapsell, David Jan and Angela Pattison from LGANT will also be in attendance to provide support to Council Members.

ISSUES/OPTIONS/CONSEQUENCES

CONSULTATION & TIMING

RECOMMENDATION:

That Council welcomes the visitors from DLGCS and LGANT and notes the briefing session for information following the period of Official Management.

ATTACHMENTS:

1 NTG Gazette Notice S91 dated 14 Sept 2015.pdf

Northern Territory of Australia

Government Gazette

ISSN-0157-833X

No. S91 14 September 2015

Northern Territory of Australia

Local Government Act

Reinstatement of Members
Tiwi Islands Regional Council

I, Bess Nungarrayi Price, Minister for Local Government and Community Services, under section 224(5)(a) of the *Local Government Act*, reinstate the suspended members of the Tiwi Islands Regional Council.

Dated 14 September 2015

B. N. Price
Minister for Local Government and Community Services

REPORTS FOR INFORMATION

ITEM NUMBER	6.2
TITLE	15/16 Tiwi Islands Regional Council Plan
REFERENCE	165549
AUTHOR	Garry Lambert, A / CEO

Tiwi Islands Regional Council Plan 2015/16.

BACKGROUND

The Council Plan identifies the strategic direction and key performance indicators of the Tiwi Islands Regional Council over the next 12 month period. In addition to operational matters, it also identifies the Budget, Schedule of Fees and Charges and Rates Declaration.

The Plan is Council's primary mechanism to communicate our objectives for the coming financial year.

Following the re-instatement of Council Members by the Minister on 14th September 2015 the following briefing is now provided to Council (via electronic means).

This report will cover a briefing on the 15/16 Council Plan plus a briefing on the 15/16 Budget.

ISSUES/OPTIONS/CONSEQUENCES

The Council must adopt a Regional Council Plan in time for a public consultation period of 21 days, prior to its final ratification on or before 31 July 2015.

Council adopted the 15/16 Tiwi Islands Regional Council Plan on Wednesday 29th July 2015, and a final version of the Plan is available on our website.

CONSULTATION & TIMING

This Plan was written this year with extensive input and involvement from Local Authorities, Suspended Members of Council (in their capacity as the Council Advisory Committee), the A/ CEO, Directors and Managers of the Tiwi Islands Regional Council.

RECOMMENDATION:

That Council notes the briefing provided on the 15/16 Council Plan and Budget adopted previously at the Ordinary Council Meeting held on 29 July 2015.

ATTACHMENTS:

REPORTS FOR INFORMATION

ITEM NUMBER	6.3
TITLE	Tiwi Islands Regional Council Rates Declaration for 2015/16 Financial Year
REFERENCE	165550
AUTHOR	Garry Lambert, A / CEO

Tiwi Islands Regional Council Rates Declaration for 2015/16 Financial Year.

BACKGROUND

Council approved the Regional Council Rates Declaration for the 2015/16 Financial Year at the Ordinary Council Meeting held on 29 July 2015.

Following the Special Council Meeting held on 30th June 2015 Council advertised the Tiwi Islands Regional Council Draft Council Plan & Budget 15/16 including amounts to be raised by way of Rates in the NT News Public Notices on Saturday 4th July 2015.

Council also advertised the Draft 2015/16 Council Plan & Budget on Council's Website.

Public submissions closed on Monday 27th July 2015 in relation to the 15/16 Rates Declaration.

ISSUES/OPTIONS/CONSEQUENCES

This year the Official Manager sought legal advice in relation to undertaking a complete review of the wording of the 15/16 Rates Declaration.

Council Rates staff also commenced a review of all the property assessment records concurrently with the Rates Declaration legal wording review.

Based on legal advice a complete new Rates Declaration was prepared and adopted by Council as part of the overall 15/16 Council Budget.

The confirmed Minutes of the Ordinary Council Meeting 29-07-15 contains the full 15/16 Rates Declaration (available electronically from Council's website).

CONSULTATION & TIMING

RECOMMENDATION:

That Council notes the briefing on the Rates Declaration for the 2015/16 Financial Year.

ATTACHMENTS:

REPORTS FOR INFORMATION

ITEM NUMBER	6.4
TITLE	Consideration of the leadership of the Council
REFERENCE	165551
AUTHOR	Garry Lambert, A / CEO

Following the re-instatement of the Tiwi Islands Regional Council by Minister Bess Price on the 14th September 2015 the matter of consideration of the leadership of Council was raised and was requested to be put on the Agenda of the first available meeting of Council.

BACKGROUND

The Council was placed under official management on the 17th February 2015.

Mr Allan McGill was appointed by the Minister as the Official Manager and was required to report to the Minister on the following matters: (see attached copy of Gazette Notice 17/02/2015)

(b) under section 224(2)(b)(i) of the Act, appoint Allan Raymond McGill to manage the affairs of the Council; and

(c) under section 224(2)(b)(ii) of the Act, appoint Allan Raymond McGill to investigate and report back to me by 30 June 2015 on the conduct of the suspended members and the affairs and financial position of the council.

Mr McGill submitted his Official Management Report to the Minister on the 18th June 2015.

Suspended Members were subsequently provided with a copy of the Official Managers Report and were given three weeks to review and provide a formal reply to the Minister by 12th August 2015.

Two written responses were provided by the suspended Councillors to the Minister which have been reviewed over recent weeks.

ISSUES/OPTIONS/CONSEQUENCES

The Official Manager provided some options in his report for the Minister to consider in relation to the re-instatement of Council.

Today Council Members will have an opportunity to further discuss the leadership of Council going forward.

CONSULTATION & TIMING

RECOMMENDATION:

That Council notes the above report for information and considers leadership of the Council at today's meeting.

ATTACHMENTS:
1 NTG - Gazettal Notice - S14_2015.pdf

Northern Territory of Australia

Government Gazette

ISSN-0157-833X

No. S14 17 February 2015

Northern Territory of Australia

Local Government Act

Official Management – Tiwi Islands Regional Council

I, Bess Nungarrayi Price, Minister for Local Government and Community Services:

(a) under section 224(1) of the *Local Government Act*, place the Tiwi Islands Regional Council under official management; and

(b) under section 224(2)(b)(i) of the Act, appoint Allan Raymond McGill to manage the affairs of the council; and

(c) under section 224(2)(b)(ii) of the Act, appoint Allan Raymond McGill to investigate and report back to me by 30 June 2015 on the conduct of the suspended members and the affairs and financial position of the council.

Dated 11 February 2015

B. N. Price
Minister for Local Government and Community Services

REPORTS FOR INFORMATION

ITEM NUMBER	6.5
TITLE	Overview of policy and related decisions during the period of Official Management.
REFERENCE	165553
AUTHOR	Bruce Moller, Governance & Compliance Manager

At the request of the Official Manager on Monday 14th September this report item was included for information at today's Special Meeting.

BACKGROUND

There have been a large number of policy and related decisions over the period from 17 February 2015 through to 14 September 2015.

Due to the limited time available to prepare this report (compiled on Saturday 19th September), a short summary has been put together for Councillors information showing the most recent new policies, existing policies where amendments have been approved, policy development, and financial recovery.

Please note that staff are currently finalising the editing and formatting of some of these new policies.

Item A - NEW POLICIES

Policy Number	Policy Description	Council Approval Date
20	Elected Members & Local Authority Chairs – ICT Support	24-08-2015 (attached)
New	Elected Members – Payment of Allowances	Resolution # 5 SCM 24-08-15 (attached)
19	Staff Housing Allocation	24-08-2015
18	Vehicle Acquisition & Disposal	27-05-2015
New	Rates Concessions	24-06-2015
New	Risk Management	27-05-2015

Item B - AMENDED POLICIES

Policy Number	Policy Description	Council Approval Date
14	Corporate Credit Card (Revised – Ver 2)	16-03-2015

Item C - POLICY DEVELOPMENT

An extract from the Special Council Meeting held on 11 June 2015 identified a number of Council Policies that are to be developed, or revised.

5.4 POLICY DEVELOPMENT

4 **RESOLUTION**

Official Managers Determination

A. That it be noted that the following are Council policies to be developed or revised and that this listing covers but is not limited to:

- **Review Travel & Accommodation Policy (Issue 13 – Compliance Report)**
- **Review Reimbursement of Private Travel Costs (Issue 17 – Compliance Report)**
- **Privacy Policy (Issue 23 – Compliance Report)**
- **Borrowing Policy (Issue 24 – Compliance Report)**
- **Review Accounting Policy Manual**
- **Review HR Policy Manual**
- **New Policy on Private Works**
- **New Policy on Staff Training and Development**
- **New Policy on Staff Housing Allocations**
- **New Policy on Rates Concessions**

B. That progress on the development and revision of policies be a standard agenda item for Executive Management Meetings.

CARRIED

Item D - FINANCIAL RECOVERY

An extract from the Special Council Meeting held on 11 June 2015 identified a number of important financial matters (Reports for Decision 5.1, 5.2, 5.3 & 5.5 refer).

5.1 ASSET AUDIT REPORT

This Report tables the TIRC Asset Audit Report – May 2015 commissioned by the Official Manager.

1 **RESOLUTION**

Official Managers Determination

A. That the Asset Audit Report, MAY 2015 be received and noted.

B. That all of the sixty recommendations contained in the Report be adopted and referred to Management for implementation.

C. That, current policy of recording assets or equipment purchased for $ 5,000 or more be reviewed to ensure that amount is appropriate.

D. That the portable and attractive items, that is those items with a purchase price of between $ 300 and $ 5,000 be maintained at all times.

CARRIED

5.2 FINANCIAL HEALTH REPORT – AGREED UPON PROCEDURES REPORT

The report on the Council's financial health and on major expenditure items prepared by Merit Partners was tabled.

2 **RESOLUTION**

Official Managers Determination

A. That the "Agreed Upon Procedures Report" dated 3 June 2015 prepared by Merit Chartered Accountants (and also referred to as the Financial Health Report) be received and noted.

B. That the findings and observations in relation to the Council's financial performance, its financial position, and questions as to its sustainability be noted with concern.

C. That the key findings detailed in Schedule 4 of the Report be noted, and that urgent remedial action be taken in relation to those matters with a "HIGH" risk rating.

CARRIED

5.3 FINANCIAL RECOVERY PLAN

In response to the Compliance Review Report, the 2013/14 Audit Report and the Financial Health Report (Agreed Upon Procedures Report), a Financial Recovery Plan was tabled at the meeting.

3 **RESOLUTION**

Official Managers Determination

A. That Council receives and notes this report.

B. That further development and implementation of a financial recovery plan proceed as a priority having regard to the following elements:

- **organisational structure**
- **review of assets**
- **business opportunities**
- **partnerships**
- **outsourcing**
- **administration**

C. That the Financial Recovery Plan be a standing agenda item for Ordinary Meetings of the Council.

CARRIED

5.5 ORGANISATIONAL STRUCTURE

This report forms part of the Financial Recovery Plan. It seeks a decision to introduce a new organisational structure for the Tiwi Islands Regional Council in response to the significant fiscal position the Council is currently in.

5 **RESOLUTION**

Official Managers Determination

i) That Council adopts the organisational review as proposed and contained in Attachment 1 (whole of organisation chart – strategic level) and further detailed in the following appendices;

- **a. Appendices A – Details of Infrastructure Services**
- **b. Appendices A1 – Financial impact (savings) on Infrastructure Services**
- **c. Appendices B – Details of Organisational Services**
- **d. Appendices B1 – Details of Business Services**
- **e. Appendices B2 – Details of Families and Children's Services**

ii) That Council acknowledges the requirement to conform with the applicable Award and other HR requirements at law when *implementing* this significant organisational reform and further acknowledges that any personal names mentioned in the documentation attached merely and simply reflects nominal allocation of existing staff, approximating a similar function or level and that such naming does not imply allocation to a new role or function.

iii) That Council urgently seeks a further report on the industrial relations implications and effects associated with implementing this organisational restructure with a view to implementing the restructure as soon as practicable and in accordance with the applicable Award and relevant law.

iv) That following the process of consultation the final organisational structure be implemented and form the Council's Staffing Plan as required by Section 103 of the Local Government Act.

CARRIED

Item E – OTHER COUNCIL DECISIONS

As stated earlier due to the limited time available to prepare this report, and the large number of Council decisions over the intervening period (February to September) it is recommended that as Council Members have available time they could review at their own time / pace all of the Council Meeting Agendas, Council Minutes as they are available on our website.

I have listed below a few more important Council decisions over the last few meetings:

Council Meeting	Description of Decision
29-07-2015	Item 6.5 – MOU between (Tiwi Plantations, NTG and TIRC) on road upgrading project (Pickataramoor Road, Melville Island).
29-07-2015	Item 6.6 – Remedial Action Implementation Plan – 120 Actions (This is the combination of the Asset Audit Report May 2015, Merit Partners Agreed upon Procedures Report dated 3 June 2015, and the TIRC Compliance Review Report 2014).
24-06-2015	Item 6.3 – Staff Special Leave over Christmas closure period. Staff Special Leave now terminated. (Resolution 11 refers).

RECOMMENDATION:

That Council notes this report for information.

ATTACHMENTS:

1 TIRC - Policy 20 - Elected Members and LA Chairs ICT Support - Approved 24-08-15.pdf

2 Extract from Special Council Meeting Minutes 24-08-2015.pdf

Tiwi Islands Regional Council

Title:	**Elected Members and Local Authority Chairs ICT Support Policy**
Policy No:	020
Adopted By:	Council
Next Review Date:	August 2016
Responsibility:	Chief Executive Officer
InfoXpert Document Number:	164959

Version	Decision Number	Adoption Date	History
1	Resolution 4 of 24-08-15	24 August 2015	Original document

1 Policy Summary

This policy outlines the Information Technology package for Council's Elected Members and Chairs of Local Authorities. The policy details the Information Technology package of hardware equipment, software and technical support provided by Council. It also outlines the members and Chairs responsibilities to Council and to the financial maintenance of their ICT equipment.

2 Policy Objectives

The Council's policy on ICT support is based on the following principles and objectives:

- The Council seeks to provide IT support to Elected Members to assist them in the performance of their functions and duties pursuant to Section 35 of *Local Government Act*.
- The Council wishes to determine, at the start of each financial year and at the start of each elected term, the ICT package supplied to members and chairs, and the responsibilities of members and chairs in the maintenance and ongoing financial support of this ICT package.

3 Background

Council has provided an ICT support package to Councillors and has encountered problems with the billing of additional costs, the billing of replacement phones or chargers and the repair of damaged equipment. This policy reduces costs to the organization in continually replacing equipment on an on-call basis. It also removes the issue of booking up any ICT costs against Councillor allowances and the organisation carrying debts.

Tiwi Islands Regional Council

4 Policy Statement

4.1 Council will provide an ICT package, including a mobile phone, a mobile phone account, an iPad, a data account with the iPad, an email address and ICT support, to the value of, on commencement of Council term, $3,000, and thereafter, at the beginning of each subsequent term year, a maintenance amount of $2,000.

4.2 The iPad will be expected to last for the four years of the Council or Local Authority term. A new basic smart mobile phone may be supplied each year (if required or if requested). If Councillors and Local Authority Chairpersons want a more expensive mobile phone, they will be expected to supply this at their own cost. There will be no reimbursement of the cost of a more expensive mobile as the existing Council mobile phone (equivalent value $ 250.00) will be held in reserve.

4.3 ICT support will be provided to Councillors and Local Authority Chairpersons by Council during working hours (8 am to 4:30 pm, Monday to Friday). This includes but is not limited to assistance with configuration, settings, software updates, email and connectivity for iPads and mobile phones.

4.4 Any additional costs, such as replacement iPads or mobile phones beyond the ICT package, replacement of lost accessories or repair of broken or damaged ICT equipment will be sourced and paid for entirely by the members or chairs. The member or chair will manage the replacement or repair of the equipment.

4.5 If a member or chair does not complete their term, all ICT equipment must be returned to Council. Any equipment not returned, returned incomplete or damaged will be paid for by the member or local authority chair.

4.6 If a member or chair does not complete their term and wishes to purchase any of their ICT equipment, it can be sold by Council to the member or chair at current market values for the replacement of that equipment for the next member or chair.

Tiwi Islands Regional Council

4.7 At the end of the term the Councillor retains all ICT equipment issued under the ICT package.

4.8 Each member or chair will be required to sign anew usage agreement which is binding on both Council and the user. This usage agreement clarifies the responsibilities of both parties and should streamline the administration of the ICT Support Policy.

5 Evaluation and Review

As this is a new policy it will have an interim review after 12 months from Council approval based on actual costs and Councillor / LA Chair take-up.

✳ EXTRACT FROM SCM 24-08-2015 (MINUTES) Pages 4&5

5.3 COUNCIL MEMBERS - PAYMENT OF ALLOWANCES

Following the Compliance Review Report (2014) and the subsequent suspension of Council on 17th February 2015 it is recommended to Council that revised arrangements be put in place immediately for the payment of Council Member Allowances. These revised payment arrangements are necessary for a number of reasons and will streamline and simplify the future payment processes for Council Members.

Whilst Council is currently suspended it has been discussed with the Official Manager that these revised payment arrangements must be put in place prior to their possible re-instatement by the Minister.

5 RESOLUTION

Official Managers Determination

That Council:

1. Agrees to the revised payment of Member Allowances per the above report;

2. That these new arrangements be put in place immediately;

3. NEW ARRANGEMENTS (From 24 August 2015)

From a future date (following possible Ministerial re-appointment of the TIRC Council Members) the following arrangements in regard to the payment of Member Allowances will be put in place.

3.1. PAYMENT OF ALLOWANCES

The **Base Allowance** and **Electoral Allowance** components will be incorporated into a single fortnightly payment (via payroll) and be paid to all members in arrears. The current payroll cycle closes each fortnight on a Sunday, with the following 3 business days allowed for payroll / finance staff processing. Payment is then lodged with Council's bank for transfer to Council Members with the payment being made usually by **6pm on the Wednesday.**

3.2 DEDUCTIONS FROM ALLOWANCES

A. Only the mandatory statutory deductions be allowed to be applied to Council Member payroll entries (some examples being ATO, Child Support & HECS).

B. Council members may choose to have some, or all, of their allowance paid into a superannuation fund according to Council policy.

C. Council confirms that for any Tiwi Islands Councillor that is a Tiwi private home owner that a second BANK disbursement be allowed for payment of rates to Council.

D. Council confirms that NO Personal deductions for finance company loans, or hire purchase agreements be permitted under any circumstances (this can be arranged by the Member via their own bank account direct with the lender, and is not Council responsibility).

3.3 EXISTING OUTSTANDING DEBTS FROM FEBRUARY 2015

At the time of the Councillors suspension there were a number of debtor arrangements in place where Councillors were paying off existing debts (this arrangement ceased when all payments were stopped). TIRC Finance Section has provided a reconciliation of the Accounts Payable & Debtors Ledger and only three (3) outstanding amounts are pending.

For reasons of confidentiality names will not be included in this report, but there are three (3) suspended Councillors that have an outstanding debtor balance.

A. Council agrees to finalizing these three debtors by setting up new repayment agreements (via payroll deduction) to ensure that all outstanding balances are cleared no later than Tuesday 31st May 2016. This will allow approximately 8 months to clear these outstanding balances. Once cleared in full, NO further payroll deductions will be allowed (except those listed in 2A above).

3.4 COUNCILLOR ICT SUPPORT

A new Council Policy is being introduced at this Special Meeting to assist members with ICT support, and should be read and will apply in conjunction with the above revised payment arrangements.

3.5 CODE OF CONDUCT

To enforce the above revised allowance payment arrangements it should be made clear that any request from a Council Member to a staff member for Council to book-up travel, accommodation, meals, car hire, airfares, charter flights, ferry charges, or any other personal expense will be considered a breach of the code of conduct.

4. That a briefing session be provided to suspended members, or new members upon their re-appointment / appointment.

CARRIED

5.4 NEW POLICY ON STAFF HOUSING ALLOCATION

This report provides the new draft policy for final Council consideration and approval.

6 RESOLUTION

Official Managers Determination

That Council accepts and endorses the report # 164215 for the new policy on Staff Housing Allocation.

CARRIED

6 REPORTS FOR INFORMATION

Nil