



**SUPPLEMENTARY  
AGENDA**

**ORDINARY COUNCIL MEETING**

**WEDNESDAY, 29 OCTOBER 2014**

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

- Wednesday, 29 October 2014 at
- Wurrumiyanga
- Commencing at 10:00AM

Your attendance at the meeting will be appreciated.

**Alan Hudson**  
**Chief Executive Officer**

**AGENDA**

**S CORRESPONDENCE**

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- S.2 LETTER FROM NTEC RE COMPLAINT BRIAN TIPUNGWUTI..... 6

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- 7.11 TIWI ISLANDS REGIONAL COUNCIL AND RECOVERY OF GARBAGE AND ENVIRONMENTAL CHARGES FROM TIWI LAND COUNCIL ..... 10

**CORRESPONDENCE**

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<b>ITEM NUMBER</b>	S.1
<b>TITLE</b>	Letter from NTG Dept. Chief Minister re Local Government Elections
<b>REFERENCE</b>	150638
<b>AUTHOR</b>	Alan Hudson, Chief Executive Officer



Council are provided with a copy for information of a recent letter (received 23/10/14) from the NTG Dept. Chief Minister addressed to the Mayor in relation to the 2012 NT Council Elections Report done by the NT Electoral Commission. The NTG is now proposing to implement a number of recommendations contained in the report with changes being proposed to the Local Government Act and the Local Government (Electoral) Regulations.

**BACKGROUND**

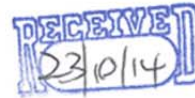
The attached letter from the Chief Minister outlines a number of proposed recommended changes / amendments which they are looking at implementing.

**ISSUES/OPTIONS/CONSEQUENCES****CONSULTATION & TIMING****RECOMMENDATION:**

**That Council notes the letter from the NTG Dept. Chief Minister in relation to proposed Electoral changes following the 2012 NT Council Elections.**

**ATTACHMENTS:**

- 1 Letter from NTG Dept. Chief Minister dated 17-10-14 re proposed Electoral Reforms.pdf



CHIEF MINISTER  
MINISTER FOR LOCAL GOVERNMENT AND REGIONS

Parliament House  
State Square  
Darwin NT 0800  
chief.minister@nt.gov.au

GPO Box 3146  
Darwin NT 0801  
Telephone: 08 8928 6500  
Facsimile: 08 8928 6577

Ms Lynette De Santis  
Mayor  
Tiwi Islands Regional Council  
PO Box 104  
PARAP NT 0804

Dear Ms De Santis

On 4 December 2013, the Speaker of the Legislative Assembly tabled the report, '2012 NT Council Elections', authored by the Northern Territory Electoral Commission (the Report).

The Report contains recommendations aimed at improving the administration of local government elections in the Northern Territory.

A number of the recommendations, together with other reforms aimed at reducing the cost of elections for councils, are being progressed as part of a package of amendments to the *Local Government Act* and *Local Government (Electoral) Regulations*.

In particular, the proposed amendments seek to:

- change the timing of the next periodic general election to 2017 (and every four years after that) and fix polling day to be the 4<sup>th</sup> Saturday in August;
- extend the period in which casual vacancies can be filled by appointment, rather than a by-election, to 18 months before a general election;
- give councils the flexibility to choose to conduct by-elections by themselves, engage an external electoral service provider or use the services of the Northern Territory Electoral Commission for by-elections;
- allow municipal councils to choose to conduct by-elections by postal voting only;
- allow municipal councils to choose whether to fill the office of the principal member by appointment or election;
- expand postal voting and early voting services to all voters;



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- retarget absent voting services on polling day to designated polling places in regional centres;
- change the time by which postal votes must be received from 6 pm on the 6<sup>th</sup> day after polling day to 12 noon on the 6<sup>th</sup> day after polling day;
- provide the Electoral Commissioner with the power to set polling hours on polling day for by-elections;
- allow the amalgamation of ballots in single member vacancy vote counts; and
- transfer the jurisdiction of the Local Government Tribunal to the Northern Territory Civil and Administrative Tribunal.

I have asked my Department to discuss the proposed reforms with your council. Please contact Ms Eppy Moffatt via email [elspeth.moffatt@nt.gov.au](mailto:elspeth.moffatt@nt.gov.au) to advise if it would be convenient for officers to meet with council on Tuesday 28 October 2014 or to suggest another date.

Yours sincerely



ADAM GILES

17 OCT 2014

cc:  
Mr Alan Hudson  
Chief Executive Officer

**CORRESPONDENCE**

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<b>ITEM NUMBER</b>	S.2
<b>TITLE</b>	Letter from NTEC re complaint Brian Tipungwuti
<b>REFERENCE</b>	150682
<b>AUTHOR</b>	Alan Hudson, Chief Executive Officer



Council are provided with a copy for information of a recent complaint letter (received via email on the 28/10/14) and reply of same date by the NT Electoral Commission. This is in relation to the recent Wurankuwu By-Election.

**BACKGROUND**

Attached for Council's information is a copy of a complaint letter lodged with the NT Electoral Commission on 28 October by Brian Tipungwuti.

The Acting Deputy Electoral Commissioner has responded to the complaint and his response is attached.

**ISSUES/OPTIONS/CONSEQUENCES****CONSULTATION & TIMING****RECOMMENDATION:**

**That Council notes this report for information.**

**ATTACHMENTS:**

- 1 Email dated 28 Oct 2014 to the CEO from NTEC re complaint letter.pdf
- 2 complaint Brian Tipungwuti.pdf
- 3 response Brian Tipungwuti.pdf

**Bruce Moller**

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**From:** Alan Hudson  
**Sent:** Tuesday, 28 October 2014 4:33 PM  
**To:** Bruce Moller  
**Subject:** FW: Complaint Brian Tipungwuti  
**Attachments:** complaint Brian Tipungwuti.pdf; response Brian Tipungwuti.pdf

Please provide both the complaint and the response to Council for information (only)

*Alan Hudson*

CEO  
Tiwi Islands Regional Council  
mobile 0428 646976  
office 08 89709501  
email [Alan.Hudson@tiwiislands.nt.gov.au](mailto:Alan.Hudson@tiwiislands.nt.gov.au)

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**From:** Peter Burgess [<mailto:Peter.Burgess@nt.gov.au>]  
**Sent:** Tuesday, 28 October 2014 1:17 PM  
**To:** Bruce Moller  
**Cc:** Alan Hudson  
**Subject:** Complaint Brian Tipungwuti

Hi Bruce

Four your information, attached is a complaint received from Brian Tipungwuti and my response.

Regards

peter

Peter Burgess  
**a/Deputy Electoral Commissioner**  
**Northern Territory Electoral Commission**  
GPO Box 2419, Darwin, NT 0801  
Level 3, TCG Centre, 80 Mitchell Street, Darwin, NT 0800  
Telephone: <+61> 8 8999 7622  
Mobile: 0488 924 159  
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E-mail: [peter.burgess@nt.gov.au](mailto:peter.burgess@nt.gov.au)  
Web: [www.ntec.nt.gov.au](http://www.ntec.nt.gov.au)

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Attention: Northern Territory Electoral Commission

Fax 8999 7630

28<sup>th</sup> October 2014

To Whom It May Concern,

As a life-long resident of Wurankuwu (Ranku) community, I wish to strongly object to any persons who are not also residents of the Ranku community being nominated for election in the upcoming Wurankuwu By-election - scheduled to be held on Thursday, October 30<sup>th</sup>, 2014.

It was recently brought to my attention that a person who does not live at Ranku is a candidate at this upcoming election.

I strongly oppose this, and hope that the Electoral Commission may be able to exert its powers in preventing this from occurring.

Yours Sincerely,

Brian Tipungwuti

Brian Tipungwuti





**NORTHERN  
TERRITORY  
ELECTORAL  
COMMISSION**

3rd Floor, TCG Centre | 80 Mitchell Street, Darwin | GPO Box 2419, Darwin NT 0801  
T 08 8999 5000 | F 08 8999 7630 | E [ntec@nt.gov.au](mailto:ntec@nt.gov.au) | ABN 8408 5734 992

Brian Tipungwuti

Dear Mr Tipungwuti

Thank you for your fax of 28 October in relation to the Wurankuwu election.

The result of the Wurankuwu supplementary election was declared on 17 October as only one nomination was received for the single vacancy.

The person elected was Venard Pilakui.

Section 36 of the Local Government Act specifies that to be eligible for election as a member of a council, a person must be enrolled as an elector in respect of a place of residence within the council's area. Mr Pilakui is enrolled in the Tiwi Islands Regional Council, which made him eligible to nominate for the by-election. The three persons who nominated Mr Pilakui are all enrolled in the Wurankuwu Ward as required to make the nomination valid.

As the nomination form was received before the deadline, was correctly completed and the nominee and nominators fulfilled the requirements of the Local Government Act, the Electoral Commission has no powers to exert in relation to this matter.

Yours sincerely

Peter Burgess  
a/Deputy Electoral Commissioner

28 October 2014

**REPORTS FOR INFORMATION**

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<b>ITEM NUMBER</b>	7.11
<b>TITLE</b>	Tiwi Islands Regional Council and recovery of garbage and environmental charges from Tiwi Land Council
<b>REFERENCE</b>	150708
<b>AUTHOR</b>	Alan Hudson, Chief Executive Officer



The purpose of this report to enable discussion by Council on the outstanding Debt from Tiwi Land Council for Rubbish and environmental charges and ancillary issues that have arisen.

**BACKGROUND**

Tiwi Land Council is a rates exempt organization but are nonetheless liable for payment of both waste disposal and environment charges as declared by Council. To date No payment has been received since 2008.

Concerted approaches to senior staff and by mail (over this entire period) failed to even be acknowledged. Likewise warnings of pending legal action were ignored. The commencement of legal action has consequently seen Council seek court ordered conciliation. In responding the Land Council has placed reliance on a yet to be finalized Supreme Court action by Amoonguna Council Inc. against MacDonnell Shire Council.

Councilors have been provided with the Land Council's proposed terms of reference for such a conciliation, which they are proposing be a legally binding mediation.

**ISSUES/OPTIONS/CONSEQUENCES**

Whilst the differences between conciliation and mediation are not greatly significant the matters proposed for such a mediation are very significant and considerable widen the scope of matters they wish to consider.

Attached is a list of the matters they wish to include.

Councilors should note that in essence they are;

- Challenging the constitutional legitimacy of the Local Government Act
- Challenging the existence of Tiwi islands Regional council
- Challenging the right of Tiwi Islands Regional council to administer any matters on Aboriginal land
- Challenging our legal capacity to levy rates

Councilors should note that the Amoonguna case is NOT about debts but about the legal capacity of the Northern territory Government to legislate to pass the assets of a federally incorporated corporate entity to the newly formed shire Council back in 2008. It is based on reliance that the Aboriginal Land Rights act over rides the later created Local government act. There are no legal precedents for this to be relied upon, especially in it's entirety.

We are advised that there are essential differences between the Amoonguna case and our legal measures to recover outstanding debts.

Councilors should also note that the matters listed for mediation are largely matters defined in Legislation and therefore NOT matters that we have any legal capacity to either alter, concede or transfer to other bodies

**CONSULTATION & TIMING**

Because of the nature of these matters myself and the Mayor met with the Executive Director of Local Government (David Willing) with a view to seeing whether the department would join with the Council to defend the integrity of the Local Government Act. **He declined to assist claiming that the Land Council would only want to defer consideration until finalization of the Amoonguna case.**

Earlier this week when we received the TLC mediation I again sought advice from the Department and specifically requested that a senior officer of the department attend today's meeting. You have been provided with Mr Willings' response. Yesterday we were also advised that the Departmental Officer (who was earlier specifically invited by the Mayor to attend today's meeting) was instructed NOT to attend today's meeting.

Not only are the Department unwilling to even advise but it seems unwilling to even be available for Council to relate their concerns.

Councilors may also note that this whole process and their stance is contrary to the entire spirit of our efforts in supporting the Tiwi Leaders Forum. I note from the last forum at Milikapiti the significance of the comment made by Robert Tipungwuti to the effect of ".... What if there is no regional Council?..."

Councilors are also aware of the history of the proposed Tiwi Congress to govern the Tiwi Islands being declined by the Northern Territory government on the Grounds that it was not doing to be a democratic or wholly representative body.

An email was sent yesterday seeking an urgent meeting of that forum in coming days (noting that both the Mayor and I have much of next week committed to LGANT meetings

**RECOMMENDATION:**

**That Council elevate this matter to a Ministerial level as a matter of urgency.**

**That Council ratify the request for an urgent meeting of the Tiwi Leaders forum**

**ATTACHMENTS:**

There are no attachments for this report.