

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE PIRLANGIMPI  
COUNCIL BOARDROOM ON WEDNESDAY, 22 MAY 2019 AT 9:00 AM**

**1 Welcome & Apologies**

**1.1 Welcome**

The meeting opened at 9:41 am.

The Mayor Leslie Tungatulum welcomed councillors, staff and guests.

**1.2 Apologies**

**Accepted:** Pius Tipungwuti and Wesley Kerinauia.

**Not Accepted:** Nil

**1.2 APOLOGIES - ORDINARY MEETING 22 MAY 2019**

**1 RESOLUTION**

*Moved: Kevin Doolan*

*Seconded: Osmond Pangiraminni*

**That the apologies of Councillors Pius Tipungwuti and Wesley Kerinauia be accepted by Council.**

**CARRIED**

**1.3 Present**

**Mayor:** Leslie Tungatulum

**Councillors:** Deputy Lynette De Santis, Francisco Babui, Connell Tipiloura, Kevin Doolan, Mary Dunn, Osmond Pangiraminni, Therese (Wokay) Bourke and Jennifer Clancy.

**Officers:** Valerie Rowland (A/Chief Executive Officer), Shane Whitten (Chief Financial Officer), Chris Smith (GM Infrastructure), Bill Toy (A/GM Community Engagement), Bala Donepudi (Finance Manager), David Astalosh (Grants and Policy Manager), Claire Scrymgour (A/Executive Officer), Sally Ullungura (Governance Support Officer), Kesara Scrymgour (Governance Support Officer) and Maina Brown (Governance & Compliance Manager).

**Visitors:** Jocelyn Nathanael- Walters (DLGHCD) and Allan McGill (Tiwi Partners).

**Minuter:** Maina Brown (Governance & Compliance Manager).

**1.4 Leave of Absence**

Cr Gawin Tipiloura.

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### **1.5 Declaration of Interest of Members or Staff**

There were six declaration of interests.

Cr Connell Tipiloura – Item 6.8

Cr Mary Dunn – Item 6.8

Deputy Mayor Lynette De Santis – Item 6.8 and 6.9

Mayor Leslie Tungatulum Item 6.8 and 8.3

Cr Kevin Doolan – Item 6.16

A/Chief Executive Officer Valerie Rowland – Item 8.2 and 8.3

### **1.6 Confirmation of Previous Minutes**

#### **Ordinary Meeting - 26 April 2019**

#### **2 RESOLUTION**

Moved: *Lynette DeSantis*

Seconded: *Kevin Doolan*

**That the minutes of the Ordinary Meeting held on 26 April 2019 as circulated, be confirmed as a true and correct record of that meeting.**

**CARRIED**

### **2 VISITORS AND PRESENTATIONS**

Nil

### **3 BUSINESS ARISING FROM PREVIOUS MINUTES**

Item 6.1 Finance End of Month Report March 2019.

Action:

A/GM Community Engagement to provide community safety roster to Councillors and publish around the community. Copies will be provided and placed around community and also website.

### **4 CORRESPONDENCE**

Nil

### **5 GENERAL BUSINESS**

Nil

### **6 REPORTS FOR DECISION**

#### **6.1 FINANCE END OF MONTH REPORT APRIL 2019**

This report provided finance information to the Council for year to date April 2019 for decision.

#### **3 RESOLUTION**

Moved: *Mary Dunn*

Seconded: *Kevin Doolan*

**That Council notes this report and accepts the Finance Report for the reporting period 30 April 2019.**

**CARRIED**

## **6.2 AMENDED SCHEDULE OF FEES AND CHARGES 2019/2020**

At the Ordinary Council Meeting held on Friday 26 April, Council approved the schedule of fees and charges to come into effect from 1 July 2019.

### **4 RESOLUTION**

Moved: *Lynette DeSantis*  
Seconded: *Kevin Doolan*

1. That Council approve the inclusion of "Passenger Boat – Sole Use \$500 per day" in the fees and charges schedule effective 1 July 2019.

**CARRIED**

## **6.3 REQUEST TO USE COUNCIL COMMON SEAL ON HOMELANDS MUNICIPAL AND ESSENTIAL SERVICES SPECIAL PURPOSE GRANTS.**

The Council Common Seal is required to execute funding agreement NR00051S-MESSPG\_2 between TIRC and the NTG Department of Local Government and Community Develop regarding Municipal and Essential Services Special Purpose Grant (MESSPG) funding.

This funding agreement has been granted following council's request to vary the original funding agreement – Resolution 8 of 26 April 2019 OCM.

### **5 RESOLUTION**

Moved: *Kevin Doolan*  
Seconded: *Francisco Babui*

That Council authorise the use of the Council Common Seal to execute the MESSPG funding agreement NR00051S-MESSPG\_2.

**CARRIED**

## **6.4 MANAGERS REPORTING TO CEO END OF MONTH REPORTS FOR APRIL 2019 TO EARLY MAY 2019**

This report includes all Managers report who currently report direct to the CEO. It also reports on the CEO activities for the month.

### **6 RESOLUTION**

Moved: *Therese (Wokay) Bourke*  
Seconded: *Mary Dunn*

That Council notes and agrees to report number 225906 for information.

**CARRIED**

## **6.5 TIWI ISLANDS REGIONAL COUNCIL AWARENESS ARTICLE IN TERRITORY Q**

This report seeks decision from Council regarding a positive news story about Tiwi Islands Regional Council and the Tiwi Islands in the next edition of Territory Q magazine.

Extensive work and interviews have been conducted by Nigel Adlam, Editor of Territory Q.

Territory Q requires the booking form to be completed by an officer of TIRC to authorise the booking and initiate payment. The cost of the article is \$7500 + GST = \$8250.

## 7 RESOLUTION

Moved: *Therese (Wokay) Bourke*

Seconded: *Lynette DeSantis*

**That Council:**

1. Recommends the Acting Chief Executive Officer to approve expenditure of up to \$8,250 (inclusive GST) for this article to be included in the next edition of Territory Q magazine.
2. Authorises Acting Chief Executive Officer to speak to senior leaders at TITEB and TLC seeking assistance to share the total cost of the article.

**CARRIED**

**Action:**

- A copy of the draft to send to elected members.
- Grants and Policy Manager to include photos.

## 6.6 WARD UPDATE

This report is to provide an opportunity to each Councillors from each ward to bring up matter for discussion and decision on issues in their ward/community.

## 8 RESOLUTION

Moved: *Mary Dunn*

Seconded: *Jennifer Clancy*

**That Council receives and notes report number 226040 and provide any feedback for discussion and decision making.**

**CARRIED**

At this point of the meeting a lunch break was called at 12:30 pm.

The meeting recommenced at 1:00 pm.

## 6.7 WURRUMIYANGA COMMUNITY PROJECTS PROPOSALS

This report seeks Council approval to proceed with the two new proposed Wurrumiyanga Local Authority Community Projects as follow.

- WLA – 18/19-4 Removal of dangerous trees \$30,000 upper limit
- WLA – 18/19-5 NAIDOC 2019 Celebration \$1,000 upper limit

## 9 RESOLUTION

Moved: *Lynette DeSantis*

Seconded: *Mary Dunn*

**That Council approve the proposed new Wurrumiyanga Local Authority community projects to proceed as the below table.**

Project Description	Project ID	Upper limit	Action Officer
Removal of dangerous trees	WLA18/19-4	\$30,000	Manager Shire Services Bathurst Is
NAIDOC 2019 Celebration	WLA18/19-5	\$1,000	TBA

**CARRIED**

## 6.8 WURRUMIYANGA LOCAL AUTHORITY - ORDINARY MEMBER APPOINTMENT

A recent application has been received to appoint a new ordinary member to fill one vacancy on the Wurrumiyanga Local Authority. Subject to endorsement by the Wurrumiyanga Local Authority at their meeting to be held on Monday 29<sup>th</sup> April, Council is being asked to accept / not accept new nomination from Bradley Tipiloura to the Wurrumiyanga Local Authority as an ordinary member to fill the Lorrula skin group.

### 10 RESOLUTION

Moved: Kevin Doolan  
Seconded: Osmond Pangiraminni

**That Council accept the nomination of Bradley Tipiloura representing the (Lorrula Skin Group) and appoints him as an ordinary member of the Wurrumiyanga Local Authority.**

**CARRIED**

## 6.9 REQUESTS FOR CONFIRMATION OF ABORIGINAL DESCENT - HELENA WARRIA

A requests for Confirmation of Aboriginal Descent have recently been received. This application can be placed before Council for confirmation.

### 11 RESOLUTION

Moved: Connell Tipiloura  
Seconded: Jennifer Clancy

**That Council approves and endorses the confirmation of Aboriginal Descent for Helena Warria and approves for the Council Common Seal to be applied on the application. (Reference number 226060)**

**CARRIED**

## 6.10 RESIGNATION OF ORDINARY MEMBER

Recent resignation from Cr Gawin Tipiloura dated 20 May 2019.

### 12 RESOLUTION

Moved: Therese (Wokay) Bourke  
Seconded: Mary Dunn

- 1. That Council received and note Cr Gawin Tipiloura's resignation.**
- 2. That Council authorise the Acting Chief Executive Officer to notify the Northern Territory Electoral Commissioner of the resignation.**

**CARRIED**

## 6.11 TIWI PARTNERS PROPOSALS

This report seeks decisions from Council regarding a number of proposed changes to the arrangements of Tiwi Partners.

Presentations will be made from Mr Allan McGill to explain the changes and answer any questions from members.

### **13 RESOLUTION**

*Moved: Mary Dunn*

*Seconded: Therese (Wokay) Bourke*

**That council notes and support the following resolutions:**

**The Council acknowledged that having been a supporter of the creation of the Tiwi Partners Joint Venture in 2016 and having been kept informed of proposals to develop the Tiwi Island Community Benefit Fund and to incorporate the Joint Venture hereby formally resolves:**

- 1. That the Council is fully aware of the proposal to create and incorporate a new company to be known as Tiwi Partners Pty Ltd and has received sufficient briefings and legal advice to agree to the incorporation.**
- 2. That the Council acknowledge and agree that Tiwi Partners Pty Ltd will be incorporated and operated on the same understanding and will have the same objectives as stated in the Heads of Agreement and Joint Venture Agreement both dated 13 October 2016.**
- 3. That the Council supports the creation of the Tiwi Islands Community Benefit Fund and accepts that the following Traditional Owners have been authorized by resolution to sign the appropriate documents on behalf of all Traditional Owners and the Tiwi Community:**
  - a. Andrew Tipungwuti**
  - b. Leslie Tungatulum**
  - c. Lynette De Santis**
  - d. Marion Scrymgour**
- 4. That the Council endorses the appointment of the existing nominated members of the informal Joint Venture Management Committee to be the Directors of the new Company and notes that they are:**
  - a. Stanley Tipiloura**
  - b. Leslie Tungatalum**
  - c. Lynette De Santis**
  - d. Mary Dunn – replaced for Gawin Tipiloura**
  - e. Stephen James Margetic; and**
  - f. Michael Anthony Sitzler.**
- 5. That the Council notes that the operation of Tiwi Partners Pty Ltd will take over the operation of the unincorporated Joint Venture once all existing contracts have been completed.**
- 6. That on behalf of the Tiwi Community, the Council confirms that we have read, understood and agreed to all the documents that have been drafted to incorporate the Tiwi Partners Joint Venture Company and to create the Tiwi Islands Community Benefit Fund in accordance with the aims and objectives of the Tiwi partners Joint Venture and hereby resolves -**

LT

- a. To nominate and appoint the current Directors named in the unincorporated Joint Venture dated 13 October 2016, as the joint representatives from the Tiwi Islands Regional Council and the Tiwi Land Council, to be the foundational Directors and Shareholder Representatives of the new Joint Venture Company that will be incorporated; and
- b. To nominate David Howie, to act in his personal capacity, as the Appointor for the Tiwi Islands Community Benefit Fund.
- c. The four persons named below, are hereby authorized to sign this Resolution and any documents relating to the creation of the Tiwi Island Community Benefit Fund and the new Joint Venture Company to be known as 'Tiwi Partners Pty Ltd', on our behalf as the chosen representatives of the Tiwi Islands people.

**Names of representatives:**

1. Stanley Tipiloura
2. Leslie Tungatulum
3. Lynette De Santis
4. Marion Scrymgour

**CARRIED**

**6.12 COUNCIL & LOCAL AUTHORITY MEMBER ALLOWANCES FOR 2019/20**

Review of Councillor & Local Authority Member Allowances for 2019/20 Financial Year for draft budget purposes.

**14 RESOLUTION**

Moved: *Lynette DeSantis*  
 Seconded: *Osmond Pangiraminni*

**That Council adopts the 2019/20 recommended Council and Local Authority Member Allowances as per the Category 3 Council and Ministerial Guideline 8 listing to apply for the 2019/20 year from 1 July 2019.**

**CARRIED**

**6.13 PLA COMMUNITY PROJECTS FOR COUNCIL APPROVAL**

This report is seeking approval from Council to proceed with new proposed community projects.

**15 RESOLUTION**

Moved: *Mary Dunn*  
 Seconded: *Connell Tipiloura*

**That Council approves for the new community projects to proceed as per below table.**

Project Description	Project ID	Recommended Budget	Action Officer
Public toilets	PLA-18/19-4	\$35,000 upper limit	GM Infrastructure and Shire Services Manager Melville Is
Bush Holiday 2019	PLA-18/19-5	\$12,000 upper limit	GM Community Engagement and Manager Community Engagement



#### 6.14 TIRC RISK REGISTER

This report provide members with recommendations from the Audit and Risk Management Committee (ARMC) for consideration.

#### 16 RESOLUTION

Moved: *Therese (Wokay) Bourke*

Seconded: *Jennifer Clancy*

1. That Council receive and support the recommendation from the Audit and Risk Management Committee.
2. That Council recommend the inclusion of a consultant's fee in the 2019/2020 Budget to put in place a risk register.

CARRIED

#### 6.15 NOMINATIONS FOR LGANT EXECUTIVE BOARD

Council received an email notice dated 20 May 2019 from LGANT advising of the call for nominations for election on the full LGANT Executive Board. These elections are to be held at the next LGANT Executive meeting 24 June 2019.

#### 17 RESOLUTION

Moved: *Lynette DeSantis*

Seconded: *Kevin Doolan*

**That Council notes the correspondence from LGANT and decides if it wishes to nominate Mayor Leslie Tungatulum to the LGANT Executive Board, and that any nominations must be accompanied by a short biography.**

CARRIED

#### 6.16 OUTDOOR EXERCISE STATIONS

This report is tabled for members to discuss and seek clarifications in regards to the initial request from Cr Doolan in relation to the outdoor exercise stations that the Australian Red Cross received funding for.

#### 18 RESOLUTION

Moved: *Lynette DeSantis*

Seconded: *Jennifer Clancy*

1. That Council rescind resolution 7 number 3 and 4 from the minutes held on 25 July 2018.
2. That Council does not accept any responsibility for the ongoing maintenance or repair of the installed equipment (for clarification council is prepared to maintain the grounds i.e lawn mowing and whipper snipping).
3. That Council recommend Australia Red Cross to include the installed equipment within their own insurance policies.
4. That Council authorise the A/CEO to formally advise the Red Cross Australia of this resolution.

CARRIED

LT



## **7 REPORTS FOR INFORMATION**

### **7.1 DRAFT REVISED GENERAL INSTRUCTIONS NO 4 - PROCUREMENT**

This report updates council on the draft revised general instruction no 4 – procurement.

Representative from the Department will present the draft and discuss the changes with council.

Council has until 31 May to provide feedback to the Northern Territory Government.

TIRC will undertake a policy review to ensure our procurement policy aligns with the revised general instruction.

#### **RECOMMENDATION:**

**That Council receive and note this report for information.**

### **7.2 CHIEF FINANCIAL OFFICER END OF MONTH REPORT - APRIL 2019**

This report is to provide Council members with an update on the activities of the broader finance team. It will cover several main areas being:

- Financial Position & Forecast
- Grant Acquittals (PMC)
- Budget Year ended June 2020
  - o Rates Increase
  - o Fees and Charges
- Year End Planning June 2019
- Insurance
- HR and Payroll
- Staffing
- Grants and Policy Manager Report

#### **RECOMMENDATION:**

**That Council notes this report number 226034 for information.**

### **7.3 INFRASTRUCTURE EOM REPORT - APRIL 2019**

Infrastructure report to Council for the month of April 2019, covering town services in Wurrumiyanga, Pirlangimpi and Milikapiti, civil works, workshops, fleet, interisland ferry and outstations.

#### **RECOMMENDATION:**

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

### **7.4 COMMUNITY ENGAGEMENT END OF MONTH REPORT - APRIL 2019**

This report illustrates the business within units including; Children's Services, Youth and Community, Sports – Recreation and Libraries, Community Safety, Centrelink, Broadcasting, and Administration.

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**RECOMMENDATION:**

**That Council receive and note this report number 226038 for information.**

**7.1 - 7.4      REPORTS FOR INFORMATION**

**19 RESOLUTION**

*Moved:            Mary Dunn*  
*Seconded:       Francisco Babui*

**That the Council received and notes report 7.1 to 7.4 for information.**

**CARRIED**

**8      Confidential Items**

3:05 pm.

**20 RESOLUTION**

*Moved:            Jennifer Clancy*  
*Seconded:       Mary Dunn*

That pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider a Confidential matter.

**CARRIED**

At the conclusion of the discussion on the confidential item(s), the meeting was reopened and the decision on the item(s) noted.

**21 RESOLUTION**

*Moved:            Jennifer Clancy*  
*Seconded:       Mary Dunn*

That the meeting be reopened and the decisions on the confidential item be noted.

**CARRIED**

**CONFIDENTIAL ITEM DECISIONS**

**8.1      CONFIRMATION OF CONFIDENTIAL ORDINARY COUNCIL MEETING MINUTES HELD ON 27 MARCH 2019**

Confirmation of Confidential Ordinary Meeting Minutes held on 26 April 2019.

*The report will be dealt with under Section 65(2) (e) of the Local Government Act 2008 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information provided to the council on condition that it be keep confidential.*

**8.2      REIMBURSEMENT**

*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.*



### **8.3 APPOINTMENT OF NEW CHIEF EXECUTIVE OFFICER**

This report is to provide and table for the Council their deliberations and decision on the interview panels recommendation for CEO.

*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.*

### **9 Next Meeting**

Wednesday, 19 June 2019

### **10 Closure**

The meeting closed at 3:50pm.

**These Minutes were confirmed at the Ordinary Meeting of the Council held on 19 June 2019.**

Signed: .....



**Mayor**