

MINUTES OF THE ROPER GULF REGIONAL COUNCIL, ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS ROPER GULF REGIONAL COUNCIL SUPPORT CENTRE 2 CRAWFORD STREET, KATHERINE, NT ON WEDNESDAY. 14 DECEMBER 2022 AT 8:30AM

1 PRESENT MEMBERS/STAFF/GUESTS

1.1 Elected Members

- Mayor Tony JACK;
- Deputy Mayor Judy MACFARLANE;
- Councillor Samuel EVANS;
- Councillor Edwin NUNGGUMAJBARR;
- Councillor Helen LEE;
- Councillor Patricia FARREL;
- Councillor Gadrian HOOSAN:
- Councillor Kathy-Anne NUMAMURDIRDI;
- Councillor Owen TURNER;
- Councillor Jana DANIELS; and
- Councillor John DALYWATER.

1.2 Staff

- Marc GARDNER, Chief Executive Officer;
- Andreea CADDY, General Manager Infrastructure Services and Planning;
- David HURST, General Manager Community Services and Engagement;
- Dave HERON, Acting Finance Manager;
- Chloe IRLAM, Governance Engagement Coordinator; and
- Bhumika ADHIKARI, Governance Officer(minute secretary).

1.3 Guests

- Matthew KENNON, Director Merit Chartered Accountants (via teleconference)
- Alice RINGLAND, National Indigenous Australians Agency; and
- Josh CHEVALIER-BRINE, National Indigenous Australians Agency.

2 MEETING OPENED

The Ordinary Meeting of Council Meeting opened at 8:42am. The Mayor welcomed members, staff and guests and the Roper Gulf Regional Council Pledge was read.

3 WELCOME TO COUNTRY

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES AND LEAVE OF ABSENCE

239/2022 RESOLVED (Patricia FARRELL/Kathy-Anne NUMAMURDIRDI) CARRIED

That Council accepts the tendered apologies from Councillor Annabelle DAYLIGHT and Councillor Selina ASHLEY.

5 QUESTIONS FROM THE PUBLIC

NIL.

6 CONFIRMATION OF PREVIOUS MINUTES

6.1 CONFIRMATION OF PREVIOUS MINUTES

240/2022 RESOLVED (Samuel EVANS/John DALYWATER)

CARRIED

That Council confirms the minutes from its Ordinary Meeting held on 26 October 2022 and affirms them to be a true and accurate record of that meeting's decisions and proceedings.

7 BUSINESS ARISING FROM PREVIOUS MINUTES

7.1 ACTION LIST

241/2022 RESOLVED (Edwin NUNGGUMAJBARR/Owen TURNER)

CARRIED

That Council:

- (a) receives and notes the Action List;
- (b) approves the removal of completed items
- (c) requests the Chief Executive Officer to write a letter to the Department of Infrastructure Planning and Logistics and Chief Executive Officer of Northern Land Council regarding Northern Territory Government contractors behaviour in Numbulwar during construction of the government employee housing project.
- Cr. Samuel EVANS left the meeting, the time being 09:21 am
- Cr. Samuel EVANS returned to the meeting, the time being 09:24 am

8 CALL FOR ITEMS OF OTHER GENERAL BUSINESS

- Attendance at Briefing Day;
- Chief Executive Officer Review (moved to Confidential item);
- Audit and Risk Committee Rescinding letter (moved to Confidential item);
- Remote Area First Aid Training and CPR Training Course to Councillors;
- Water Planning and Allocation Georgina (Beetaloo) and Wiso Basin;
- Sport and Recreation program in Numbulwar School;
- Woman safe house in Numbulwar; and
- Numbulwar Store.

9 DISCLOSURES OF INTEREST

9.1 DISCLOSURE OF INTEREST

242/2022 RESOLVED (Owen TURNER/Judy MacFARLANE)

CARRIED

That Council acknowledge that Mayor Tony JACK declared an interest as being a Member for Northern Land Council.

10 PREVIOUS COMMITTEE MEETING MINUTES

10.1 PREVIOUS COMMITTEE MEETING MINUTES

243/2022 RESOLVED (Helen LEE/Kathy-Anne NUMAMURDIRDI)

CARRIED

That Council receives and notes the Previous Committee Meeting Minutes report.

11 INCOMING CORRESPONDENCE

11.1 INCOMING CORRESPONDENCE

244/2022 RESOLVED (Judy MacFARLANE/Samuel EVANS)

CARRIED

That Council accepts the incoming correspondence.

12 OUTGOING CORRESPONDENCE

12.1 OUTGOING CORRESPONDENCE

245/2022 RESOLVED (Judy MacFARLANE/Jana DANIELS)

CARRIED

That Council notes the outgoing correspondence.

13 WARD REPORTS

13.1 YUGUL MANGI WARD REPORT

246/2022 RESOLVED (Owen TURNER/Samuel EVANS)

CARRIED

That Council:

- (a) receives and notes the Yugul Mangi Ward Report;
- (b) approves the recommendations from the Ngukurr Local Authority Meeting held on Tuesday 06 December 2022; and
- (c) accepts the advice from Councillor Owen TURNER in relation to the Minutes of Ngukurr Local Authority regarding bus stops and shelters (item 14.3 NGU Q-80 / 2022) and that two(2) bus stops and shelters need to be installed around Bottom Camp, Middle Camp and Top Camp in addition to one bus stop at school.

13.2 SOUTH WEST GULF WARD REPORT

247/2022 RESOLVED (Samuel EVANS/Gadrian HOOSAN)

CARRIED

That Council:

- (a) receives and notes the South West Gulf Ward Report;
- (b) approves the recommendations from the Borroloola Local Authority meeting held on 01 December 2022:
- (c) defers the nomination received from Casey HUCKS for membership on the Borroloola Local Authority; and
- (d) requests the Chief Executive Officer re-open a '21-day Nominations Period' to fill the one (1) vacancy on the Borroloola Local Authority.

13.3 NUMBULWAR NUMBIRINDI WARD REPORT

248/2022 RESOLVED (Judy MacFARLANE/Patricia FARRELL)

CARRIED

That Council receives and notes the Numbulwar Numbirindi Ward Report.

13.4 NYIRANGGULUNG WARD REPORT

249/2022 RESOLVED (Helen LEE/Kathy-Anne NUMAMURDIRDI)

CARRIED

That Council:

- (a) receives and notes the Nyirranggulung Ward Report;
- (b) approves the recommendations from the Bulman Local Authority Meeting held on Thursday, 13 October 2022;
- (c) approves the recommendations from the Barunga Local Authority Meeting held on Thursday, 03 November 2022;
- (d) approves the recommendations from the Beswick Local Authority Meeting held on Thursday, 03 November 2022; and
- (e) requests the Chief Executive Officer open a '21-day Nominations Period' to fill the following vacancies:
 - Manyallaluk Local Authority two (2) vacancies
 - Barunga Local Authority one (1) vacancy

13.5 NEVER NEVER WARD REPORT

250/2022 RESOLVED (Patricia FARRELL/Judy MacFARLANE)

CARRIED

That Council:

- (a) receives and notes the Never Never Ward Report;
- (b) notes the recommendation from the Larrimah Community Consultative Meeting held on 09 November 2022;
- (c) notes the recommendation from the Daly Waters Community Consultative Meeting held on 09 November 2022;
- (d) approves the recommendations from the Hodgson Downs (Minyerri) Local Authority meeting held on 05 December 2022;
- (e) accepts the tendered resignation from the Jilkminggan Local Authority from Wayne ROY and Phylis CONWAY;
- (f) requests the Chief Executive Officer open a '21-day Nominations Period' to fill one (1) vacancy on the Hodgson Downs (Minyerri);
- (g) requests the Chief Executive Officer open a '21-day Nominations Period' to fill two (2) vacancies on the Jilkminggan Local Authority (vacancy created from point *e*).; and
- (h) confirms that the Mataranka and Jilkminggan Local Authority Meeting to be held on 7 February 2023 and Hodgson Downs (Minyerri) Local Authority to be held on 6 March 2023.

14 GENERAL BUSINESS

14.1 CERTIFICATION FOR AUDITED ACQUITTALS FOR PERIOD OF FY2021-2022 FOR WASTE AND RESOURCE MANAGEMENT (WARM)

251/2022 RESOLVED (Judy MacFARLANE/Helen LEE)

CARRIED

That Council approves the completed Certification of Waste and Resource Management.

14.2 APPROVAL FOR EXTENSION OF CHILDREN SCHOOLING PROGRAMME

252/2022 RESOLVED (John DALYWATER/Jana DANIELS)

CARRIED

The Council:

- (a) receives the Extension of Grant Agreement for Children and Schooling Program for Bulman and Manyallaluk 2023/2024; and
- (b) accepts the grant contract and the Common Seal in affixed over the signature of the Mayor and Chief Executive Officer.

15 EXECUTIVE REPORTS

15.1 ROPER GULF REGIONAL PLAN 2022-2023 QUARTERLY PERFORMANCE REVIEW - JULY - SEPTEMBER 2022

253/2022 RESOLVED (Judy MacFARLANE/Kathy-Anne NUMAMURDIRDI) CARRIED

That Council receives and notes the Regional Plan 2022-23 Quarterly Performance Report for the first quarter ending 30 September 2022.

15.2 AUSTRALIAN GOVERNMENT DROUGHT PLAN

254/2022 RESOLVED (Judy MacFARLANE/John DALYWATER)

CARRIED

That Council receives and notes the Australian Government Drought Plan report.

Cr. Edwin Nunggumajbarr joined the meeting at 9:18am.

15.3 LOCAL AUTHORITY REVIEW REPORT

255/2022 RESOLVED (Owen TURNER/Jana DANIELS)

CARRIED

That Council:

- (a) receives and notes the Local Authority Review report;
- (b) continues to engage with Local Authorities;
- (c) provides feed back to the Department of Chief Minister and Cabinet by 20 January 2023; and
- (d) nominates Mayor Tony JACK to the Local Authority Implementation Reference Group.

15.4 MAYOR'S REPORT

256/2022 RESOLVED (Helen LEE/Judy MacFARLANE)

CARRIED

That Council receives and notes the Mayoral Report.

15.5 UPCOMING COMPLIANCE REVIEW

257/2022 RESOLVED (Kathy-Anne NUMAMURDIRDI/John DALYWATER) CARRIED

That Council receives, notes and welcomes the forthcoming Local Government Compliance Review.

15.6 CONFIRMATION OF MINUTES SPECIAL MEETING OF COUNCIL - 14 NOVEMBER 2022

258/2022 RESOLVED (Judy MacFARLANE/Edwin NUNGGUMAJBARR) CARRIED

That Council confirms the minutes from the meeting held on 14 November 2022 and affirms them to be a true and accurate record of that meeting's decisions and proceedings.

15.7 LOCAL GOVERNMENT ASSOCIATION OF THE NORTHERN TERRITORY - GENERAL AND ANNUAL GENERAL MEETING

259/2022 RESOLVED (Judy MacFARLANE/Samuel EVANS)

CARRIED

That Council receives and notes the Local Government Association of the Northern Territory – General and Annual General Meeting report.

16 DEPUTATIONS AND PETITIONS

The Council noted the presentation by Ms Alice RINGLANG from the National Indigenous Australians Agency in relation to Australian Government programmes.

17 COMMUNITY SERVICES AND ENGAGEMENT DIVISIONAL REPORT

17.1 SPORT AND RECREATION - NIGHT PATROL BESWICK

260/2022 RESOLVED (Helen LEE/John DALYWATER)

CARRIED

That Council receives and notes the Sport and Recreation – Night Patrol Beswick report.

17.2 ENGAGEMENT WITH YOUNG PEOPLE AT LOCAL AUTHORITY MEETINGS

261/2022 RESOLVED (Judy MacFARLANE/John DALYWATER)

CARRIED

That Council receives and notes the Engagement with Young People report.

17.3 COUNCIL SERVICES AND COMMUNITY ENGAGEMENT REPORT

262/2022 RESOLVED (Jana DANIELS/Samuel EVANS)

CARRIED

That Council receives and notes the Council Services and Community Engagement Report.

Matthew KENNON joined the meeting at 11:00 am.

Cr Edwin NUNGGUMAJBARR left the meeting, the time being 11:15 am.

Cr Edwin NUNGGUMAJBARR returned to the meeting, the time being 11:17 am.

Matthew KENNON left the meeting at 11:26 am.

Cr Samuel EVANS left the meeting, the time being 11:27 am.

Cr Samuel EVANS returned to the meeting, the time being 11:30 am.

18 CORPORATE SERVICES AND SUSTAINABILITY DIVISIONAL REPORT

18.1 ANNUAL AUDITED FINANCIAL STATEMENTS AND ANNUAL REPORT

263/2022 RESOLVED (Jana DANIELS/Owen TURNER)

CARRIED

That Council:

- (a) approves the Annual Audited Financial Statements for the year ended 30 June 2022 for inclusion into the Annual Report;
- (b) instructs the Chief Executive Officer to deliver the Audited Financial Statements to the Minister for Local Government and the Northern Territory Grants Commission; and
- (c) accepts the 2021/22 Annual Report.

18.2 CONTRIBTION TO NGUKURR OVAL PRECINCT

264/2022 RESOLVED (Helen LEE/Kathy-Anne NUMAMURDIRDI)

CARRIED

That Council:

- (a) approves the Community Grant Application from Yugul Mangi Aboriginal Corporation for \$ 387,077.83; and
- (b) instructs the Chief Executive Officer to include in the grant agreement the following terms
 - a. The project must include a new basketball court & entertainment stage.
 - b. That Council receive half yearly project reports from Yugul Mangi.
 - c. That the project is completed within two (2) years
 - d. A Final report and acquittal is provided to Council.

18.3 LOCAL AUTHORITY PROJECTS UPDATE

265/2022 RESOLVED (Kathy-Anne NUMAMURDIRDI/Owen TURNER)

CARRIED

That Council receives and notes the Local Authority Projects Update report.

Mayor Tony JACK left the meeting, the time being 10:59 am.

Mayor Tony JACK returned to the meeting, the time being 11:00 am.

18.4 BUDGET 2022/23 REVISION 1

266/2022 RESOLVED (Samuel EVANS/John DALYWATER)

CARRIED

That Council approves the revised budget for 2022/23 (Revision 1)

18.5 COUNCIL'S FINANCIAL REPORT AS AT 30 NOVEMBER 2022

267/2022 RESOLVED (Helen LEE/Edwin NUNGGUMAJBARR)

CARRIED

That Council receives and notes the Council's Financial Report as at 30 November 2022.

19 INFRASTRUCTURE SERVICES AND PLANNING DIVISIONAL REPORT

Nil.

21 OTHER BUSINESS

Deputy Mayor Judy MacFARLANE left the meeting, the time being 11:50 am.

Deputy Mayor Judy MacFARLANE returned to the meeting, the time being 11:52 am.

21.1 ATTENDANCE AT BRIEFING DAY - Councillor Samuel EVANS

268/2022 RESOLVED (Samuel EVANS/Judy MacFARLANE)

CARRIED

That Council:

- requests the Chief Executive Officer to engage with Department of the Chief Minister and Cabinet in relation to Briefing Day Policies and Guidelines;
- (b) provides a report to the February Ordinary Meeting of Council in relation to meeting attendance; and
- (c) includes a Councillor attendance report for all Council and Committee Meetings.

Cr Edwin NUNGGUMAJBARR left the meeting, the time being 11:58 am. Cr Edwin NUNGGUMAJBARR returned to the meeting, the time being 12:00 pm.

21.2 REMOTE AREA FIRST AID TRAINING AND CPR TRAINING COURSE TO COUNCILLORS - Councillor Judy MacFARLANE

269/2022 RESOLVED (Judy MacFARLANE/Patricia FARRELL)

CARRIED

That Council requests the Chief Executive Officer to investigate opportunities for remote area First Aid Training and Resuscitation Training Course for Councillors.

21.3 WATER PLANNING AND ALLOCATION – GEORGINA (BEETALOO) AND WISO BASIN

270/2022 RESOLVED (John DALYWATER/Owen TURNER)

CARRIED

That Council receives and notes the Currell Report "Cambrian Limestone Aquifer Northern Territory, Review of the hydrogeology and management rules to ensure protection of groundwater dependent values" and the "Letter from 18 Water Experts" letters tabled. And that Council approves a resolution to create a submission for both the Georgine (Beetaloo)

Water Allocation Plan (closes 19/12/22) and the Surface Water Take Wet Season Flow and Interference with a Waterway policies (closes 9/1/2022). And that Council directs that the submissions highlight

- The reform of the Water Act is pending and that these water allocations should not be finalised prior to the new Water Act being in place,
- There has been inadequate consultation by the Water Resources Department with communities in the Roper Gulf Regional Council area, who are already recognising extreme water stress in many of their waterways,
- There is a lack of environmental and cultural safeguards attached to these plans,
- There is a lack of a core scientific basis for the decisions being made, and little consideration of the potential adverse outcomes of these plans and policies.

Council calls for

- the Georgina (Beetaloo) and Wiso Basin Water Allocation Plan to be deferred,
- a moratorium on all water licences be instituted until Water Advisory Committees are established and the baseline studies are completed.
- the Surface Water Take and Interference with a Waterway Policies be deferred, and all floodplain water licences needs to be included in the region's water allocation plan, in recognition of the interconnection between aquifers, waterways, waterbodies and rivers
- proposals for any dams to be publicly advertised.

The Meeting adjourned at 12:20pm and reconvened at 1:15pm.

National Indigenous Australians Agency presented to Council at 1:16pm.

Cr Edwin NUNGGUMAJBARR left the meeting, the time being 01:45 pm. Cr Edwin NUNGGUMAJBARR returned to the meeting, the time being 01:48 pm.

21.4 SPORT AND RECREATION PROGRAM IN NUMBULWAR AND NGUKURR SCHOOL - Councillor Edwin NUNGGUMAJBARR

The Council discussed the Sports and Recreation program in Numbulwar and Ngukurr for the forthcoming school holidays and Council's programme delivery in 2022/23.

21.5 WOMEN'S SAFE HOUSE IN NUMBULWAR - Councillor Kathy-Anne NUMAMURDIRDI

271/2022 RESOLVED (Judy MacFARLANE/Jana DANIELS)

CARRIED

That Council requests the Chief Executive Officer to write an advocacy letter to Australian Government in relation to the need for a Women's Safe House in Numbulwar.

Cr Kathy-Anne NUMAMURDIRDI left the meeting, the time being 01:54 pm. Deputy Mayor Judy MacFARLANE left the meeting, the time being 01:56 pm. Cr Kathy-Anne NUMAMURDIRDI returned to the meeting, the time being 01:57 pm. Deputy Mayor Judy MacFARLANE returned to the meeting, the time being 02:02 pm.

21.6 NUMBULWAR STORE - Councillor Edwin NUNGGUMAJBARR

272/2022 RESOLVED (Edwin NUNGGUMAJBARR/John DALYWATER) CARRIED

That Council requests the Chief Executive Officer to write a letter to the relevant government department in regards to increasing price of products in Numbulwar store.

The meeting moved to the Confidential Session at 2:07pm.

20 CONFIDENTIAL ITEMS

DECISION TO MOVE TO CLOSED SESSION

273/2022 RESOLVED (Samuel EVANS/Owen TURNER)

CARRIED

- That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the Agenda:-
- **20.1 Confirmation of Previous Minutes Confidential Session -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(e), information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.
- **20.2 Previous Committee Minutes Confidential Session -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(e), information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.
- **20.3 Action List Confidential Items -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(e), information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.
- **20.4** Budget Recommendation Human Resource Strategy The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.
- **20.5** Budget Allocation Grants Manager The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(a), 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.
- **20.6 Termination of ESO Contract -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.
- 20.7 Cyber Security Breach The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(ii) (c)(iii) (c)(iv) (d), information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law; AND information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff; AND information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person; AND information subject to an obligation of confidentiality at law, or in equity.
- **20.8 MYOB A Rollout (New Financial Management Software/System). -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.
- **20.9 Capex Revision 63 Chardon, procurement of new hoist. -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.
- **20.10Tender Exemption Ngukurr Roadworks -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.
- **20.11Major Projects Update -** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i) (c)(ii), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person; AND information that would, if publicly

disclosed, be likely to prejudice the maintenance or administration of the law.

- **20.12Tender Approval 5 fleet replacement vehicles** The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(iv) (d), information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person; AND information subject to an obligation of confidentiality at law, or in equity.
- 20.13Community Development Program (CDP) The report will conducted in accordance with the Local Government Act 2019 and Local Government (General) Regulations 2021 s51(1)(c)(i) (c)(iii) (c)(iv) (e) (f), information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person; AND information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff; AND information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person; AND information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest; AND information in relation to a complaint of a contravention of the code of conduct.

RETURN TO OPEN

274/2022 RESOLVED (Kathy-Anne NUMAMURDIRDI/Owen TURNER)

CARRIED

That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021 the meeting be re-opened to the public.

The meeting re-opened to the public at 3:35 pm.

22 CLOSE OF MEETING

The meeting closed at 3:35 pm.

This page and the preceding pages are the minutes of the Ordinary Meeting of Council held on Wednesday, 14 December 2022 and will be confirmed at the next meeting.

Mayor Tony JACK Confirmed on Thursday, 23 February 2023.