



Mission

East Arnhem Regional Council is dedicated to promoting the power of people, protection of community and respect for cultural diversity in the East Arnhem Regional Council. It does this by forming partnerships, building community capacity, advocating for regional and local issues, maximising service effectiveness and linking people with information.

Core Values

Respect
Professionalism
Human Dignity
Organisational Growth
Equity
Community

MINUTES FOR THE ORDINARY MEETING OF COUNCIL

16 December 2021

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY ON
THURSDAY 16 DECEMBER 2021 AT 9:00AM

MEETING OPENING: 9:14AM

In Attendance:

President Banambi Wunungmurra, Deputy President Gordon Walsh, Councillors Bobby M Wunungmurra, David Djalangi, Lapulung Dhamarrandji, Constantine Mamarika, Robert Yawarngu, D Marika, Kaye Thurlow and Jason Mirritjawuy (joined at 11:55AM).

East Arnhem Regional Council Officers:

Dale Keehne – CEO, Shane Marshall – Director Technical and Infrastructure Services, Andrew Walsh – Director Community Development and Michael Freeman – Corporate Services Manager.

Minute Taker – Nawshaba Razzak, Corporate Planning and Policy Officer.

Attendance

2.1 ELECTED MEMBERS ATTENDANCE

SUMMARY:

This report is to table, for the Council's record, any absences, apologies and requests for leave of absence received from the Council Members and what absences that the Council gives permission for.

The report author does not have a conflict of interest in this matter (Section 179 of the Act).

060/2021 RESOLVED (Constantine Mamarika/Lapulung Dhamarrandji)

That Council:

- (a) Notes the absence of Crs Yirrmal Marika and Evelyn Dhamarrandji.**
- (b) Notes the verbal apology received from Cr Yirrmal Marika.**
- (c) Determines Crs Yirrmal Marika and Evelyn Dhamarrandji are absent without permission of the Council under Section 47(1)(o) of the Act.**

Declaration of Registered Interest Register

3.1 DECLARATION OF REGISTERED INTEREST

SUMMARY:

Elected Members are required to disclose an interest in a matter under consideration by Council at a meeting of the Council.

061/2021 RESOLVED (Constantine Mamarika/David Djalangi)

That Council:

- a) Notes the following new addition to the register:**
 - Bobby Wunungmurra is in the Aboriginals Benefit Account Advisory Committee as a Committee member.**

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- B) Notes the Conflict of Interest and Related Parties Register with the above amendment.**

BREAKING FOR MORNING TEA AT 9:35AM

062/2021 RESOLVED (Constantine Mamarika/David Djalangi)

RESUMES MEETING AT 10:15AM

063/2021 RESOLVED (Constantine Mamarika/David Djalangi)

COUNCIL PRESIDENCY

064/2021 RESOLVED (Banambi Wunungmurra/Bobby M Wunungmurra)

The Council:

- a) Respectfully accepts the resignation of Banambi Wunungmurra from the office of Principal Member (President) of the Council effective today and acknowledge his amazing contribution to Council as President.**
- b) Notes that Banambi Wunungmurra will continue as an Ordinary Member of the Council.**
- c) Appoints Councillor Lapulung Dhamarrandji as the new President of East Arnhem Regional Council.**

Cr D Marika left the meeting, the time being 11:17am on 16 December 2021

Previous Council Minutes

4.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 OCTOBER 2021

065/2021 RESOLVED (Kaye Thurlow/Bobby M Wunungmurra)

That the minutes be taken as read and accepted as a true record of the Meeting.

CHIEF EXECUTIVE OFFICER REPORTS

6.1 COMMITTEE MEMBERSHIP

SUMMARY:

This report is to further consider Committee Memberships.

066/2021 RESOLVED (Robert Yawarngu/Bobby M Wunungmurra)

That Council makes the following alterations to Committee Memberships:

- a) Finance Committee:**
 - Bobby Wunungmurra from Gumurr Miyarrka Ward to replace the resigned Councillor.**
 - Lapulung Dhamarrandji from Gumurr Gattjirrk Ward replace the resigned**

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- Councillor.**
- b) Audit Committee:**
- Kaye Thurlow and Bobby Wunungmurra to replace the resigned Councillors.
- c) CEO Review Committee:**
- Lapulung Dhamarrandji as President
 - Gordon Walsh as Deputy President
 - Robert Yawarngu
- d) Local Authority:**
- All Ward Councillors will be members of their Local Authority with exception of Gunyangara where only Banambi Wunungmurra will be the member of that Local Authority.
- e) Groote Archipelago Local Decision Making Agreement Committee:**
- President Lapulung Dhamarrandji
 - Gordon Walsh and Constantine Mamarika as the two Anindkilyakwa Councillors
 - Kaye Thurlow from Gumurr Marthakal Ward
- f) Yolngu Region Local Decision Making Process:**
- Gumurr Miwatj Ward: Cr Banambi Wunungmurra
 - Gumurr Miyarrka Ward: Cr Bobby Wunungmurra
 - Birr Rawarrang Ward: Cr Robert Yawarngu
 - Gumurr Gattjirrk Ward: Cr Lapulung Dhamarrandji
 - Gumurr Marthakal Ward: Cr David Djalangi

6.2 CEO REPORT

SUMMARY:

This is a report of the key broad issues since the last report to the Local Authority, in addition to those covered in other parts of the agenda.

067/2021 **RESOLVED (Kaye Thurlow/Jason Mirritjawuy)**

That Council notes the CEO Report.

6.5 ACCESS TO ARCHIVES

SUMMARY:

This report is to consider a request to access archive material.

068/2021 **RESOLVED (David Djalangi/Constantine Mamarika)**

That Council grant the requested permission to access the archives.

BREAK FOR LUNCH AT 12:30PM

069/2021 RESOLVED (Gordon Walsh/Kaye Thurlow)

Cr Bobby M Wunungmurra left the meeting, the time being 01:15 PM

RESUME MEETING AT 1:21PM

070/2021 RESOLVED (Gordon Walsh/Kaye Thurlow)

6.3 REGULATED SALE OF KAVA IN COMMUNITIES

SUMMARY:

The use of kava has impacted remote Indigenous communities in the Northern Territory. This paper discusses the Australian Government's kava pilot program to allow the commercial importation of kava.

071/2021 RESOLVED (Jason Mirritjawuy/Constantine Mamarika)

That Council, given the now current legal importation of Kava into Australia strongly supports:

a) The call by the Northern Territory Government for:

- 1. Resources to support comprehensive and culturally sensitive community engagement, including to determine the benefits and risks of a reintroduction of regulated/controlled kava trading, and to ensure comprehensive education for consumers in relevant languages.**
- 2. Resources to support increased compliance in the Northern Territory, including increased policing and/or licensing and regulatory capacity to assist with regulated kava trade and/or to manage expected increased illicit supply.**
- 3. Increased and dedicated research into the health and socio-economic impacts of kava on vulnerable communities, families and individuals.**
- 4. A comprehensive and culturally sensitive monitoring and evaluation framework to understand any benefits, risks and impacts of the commercial kava pilot.**

b) That all Yolngu and Anindilyakwa people of our communities and homelands have a strong voice and are heard on the important issue of the possible legal sale of kava in East Arnhem Land, through our Yolngu and Anindilyakwa Local Authorities, Aboriginal Community Controlled Local Government Council, and our engagement and partnership with other Aboriginal organisations, and Traditional Owners and Leaders, as an important matter for Local Decision Making.

6.4 REVISED BUDGET 2021/22 - REVISION ONE

SUMMARY:

This report presents a draft Revised Budget for consideration.

072/2021 RESOLVED (Jason Mirritjawuy/Robert Yawarngu)

That the Council:

- a) **Makes the following allocations from equity to:**
- **\$80,000 be used for Gravesite Identification project in Angurugu.**
 - **The remaining \$1,560,343 be allocated to road projects, with a report to be presented on the particular projects.**
 - **\$800,000 be allocated to the Building Reserve for the purchase of accommodation in Nhulunbuy.**
- b) **Requests the Aged and Disability Reserve drawdown be detailed in a further report on specific projects.**
- c) **Approves capital purchase of housing in Nhulunbuy up to the value of \$800,000 from the Aged and Disability Reserve drawdown, to be detailed in a further report.**
- d) **Approves the 2021/22 Budget Revision.**

Cr Bobby M Wunungmurra returned to the meeting, the time being 02:16 PM

TECHNICAL AND INFRASTRUCTURE SERVICES REPORTS

7.1 EAST ARNHEM REGIONAL COUNCIL TENDER AND REQUEST FOR QUOTATION ASSESSMENT WEIGHTING CRITERIA

SUMMARY:

This report is tabled for Council to review the current Assessment Weightings Criteria for Tender and Request for Quotations, for the Procurement of Goods and Services.

073/2021 RESOLVED (Bobby M Wunungmurra/Robert Yawarngu)

That Council:

- a) **Reviews and approves the proposed Tender Assessment Weighting Criteria and Percentages, for future market Tier 3 and 4 Procurement opportunities (\$100,000.00 and above).**
- b) **Approves the secondary Assessment Weighting Criteria for consultancy, and specialised equipment and engement services for future market Tier 2, 3 and 4 Procurement opportunities (\$ 50,000.00 and above).**

7.5 2021-22 WASTE AND RESOURCE MANAGEMENT GRANT PROGRAM

SUMMARY:

Proposal to utilise 2021-22 Waste and Resource Management Grant to upgrade entry gates at Galiwin'ku and Milingimbi Landfills and to offset costs associated with environmental monitoring requirements as part of NT EPA and NLC lease agreements.

074/2021 RESOLVED (Bobby M Wunungmurra/Robert Yawarngu)

That Council resolve to utilise the WaRM funding towards an upgrade of the entry gates at Galiwin'ku and Milingimbi Landfills and to offset costs associated with environmental monitoring requirements.

9.1 NEW POLICIES - CREDIT CARDS AND HUMAN RESOURCES

SUMMARY:

The Local Government Act requires a policy on Credit Cards and Human Resources.

075/2021 RESOLVED (Bobby M Wunungmurra/Jason Mirritjawuy)

That Council approves:

- a) The Credit Card Policy (Council Member and CEO).**
- b) The Human Resource Management Policy.**

BREAK FOR AFTERNOON TEA AT 3:14PM

076/2021 RESOLVED (Gordon Walsh/Banambi Wunungmurra)

RESUMES MEETING AT 3:31PM

077/2021 RESOLVED (Gordon Walsh/Banambi Wunungmurra)

MOVE TO CONFIDENTIAL AT 3:32PM ON 16 DECEMBER 2021

078/2021 RESOLVED (Kaye Thurlow/Bobby M Wunungmurra)

MOVED BACK TO OPEN AGENDA AT 8:50AM ON 17 DECEMBER 2021

079/2021 RESOLVED (Jason Mirritjawuy/Bobby M Wunungmurra)

7.6 WASTE AND ENVIRONMENTAL SERVICES UPDATE

SUMMARY:

This report is to provide a summary update of works and projects being implemented by the Waste Services Department.

080/2021 RESOLVED (Constantine Mamarika/Robert Yawarngu)

That Council notes the Waste and Environmental Services report.

7.7 TRANSPORT AND INFRASTRUCTURE SERVICES UPDATE

SUMMARY:

This report provides Council with an update on the Transport and Infrastructure Services Program.

081/2021 RESOLVED (Kaye Thurlow/Constantine Mamarika)

That Council notes the Report.

8.1 COMMUNITY DEVELOPMENT UPDATE

SUMMARY:

This report is to provide information on the progress, successes, challenges and future opportunities of the Council's Community Development Directorate.

082/2021 RESOLVED (Bobby M Wunungmurra/Constantine Mamarika)

That Council notes the Community Development Report.

Cr D Marika returned to the meeting, the time being 09:46 AM on 17 December 2021.

Cr Lapulung Dhamarrandji left the meeting, the time being 10:00 AM.

Deputy President Gordon Walsh to Chair the meeting until the President returns.

BREAKING FOR MORNING TEA 10:00AM

083/2021 RESOLVED (Kaye Thurlow/Jason Mirritjawuy)

Cr D Marika left the meeting, the time being 10:29 AM

Cr Banambi Wunungmurra left the meeting, the time being 10:31 AM

MEETING RESUMES AT 10:34AM

084/2021 RESOLVED (Constantine Mamarika/Robert Yawarngu)

Cr Banambi Wunungmurra returned to the meeting, the time being 10:45 PM

10.1 LOCAL AUTHORITY ACTION LISTING FROM LA MEETINGS

SUMMARY:

This report provides a summary list of actions arising from Local Authority meetings in each of the East Arnhem Regional Council communities.

085/2021 RESOLVED (Bobby M Wunungmurra/Jason Mirritjawuy)

That Council:

- a) **Endorses the actions included in the Local Authority Actions List as recommended by each Local Authority, or as amended.**
- b) **Approves the additional expenditure nominated from the November meeting at Ramingining \$138,934 to the community oval stage project.**
- c) **Approves the removal of completed actions and as recommended by each Local Authority.**

10.2 UNCONFIRMED MINUTES FROM LOCAL AUTHORITY AND COMMITTEE MEETINGS AND MEMBERSHIP AND RESIGNATION OF LOCAL AUTHORITY

SUMMARY:

This report provides to Council copies of minutes from Local Authority and Committee meetings and also lists the membership and resignation in each of the East Arnhem Regional Council communities

086/2021 RESOLVED (Bobby M Wunungmurra/Kaye Thurlow)

That Council:

- a) **Notes the unconfirmed minutes from the Local Authority and Committee meetings.**
- b) **Accepts the resignations of Local Authority members Joan Dhamarrandji and Murphy Yunupingu.**

9.2 FINANCE AND CORPORATE SERVICES REPORT

SUMMARY:

This report is tabled to provide the Finance Report for the period ended the 30 November 2021 for its approval.

087/2021 RESOLVED (Constantine Mamarika/Banambi Wunungmurra)

That Council:

- a) **Approves the Finance Report with Human Resources information for the period ending the 30 November 2021.**
- b) **Notes the Local Authority Project Funding Grant Acquittals.**

Cr Lapulung Dhamarrandji returned to the meeting, the time being 12:01 PM

Cr D Marika returned to the meeting, the time being 12:04 PM

9.3 DARWIN COSTS

SUMMARY:

This report summarises savings in the Darwin Office.

088/2021 RESOLVED (Jason Mirritjawuy/D Marika)

That Council notes the information on delivery of services from the Darwin office.

BREAK FOR LUNCH AT 12:23PM

089/2021 RESOLVED (Kaye Thurlow/Bobby M Wunungmurra)

RESUMES MEETING AT 1:08PM

090/2021 RESOLVED (Kaye Thurlow/Gordon Walsh)

MOVING TO CONFIDENTIAL AT 1:08PM

091/2021 RESOLVED (Kaye Thurlow/Gordon Walsh)

RETURN TO OPEN AGENDA AT 2:03PM

092/2021 RESOLVED (Bobby M Wunungmurra/Kaye Thurlow)

**7.2 ANNUAL REPORT - REQUEST FOR QUOTATIONS - REQUEST FOR TENDERS
INFORMATION - JANUARY 2021 - DECEMBER 2021**

SUMMARY:

093/2021 RESOLVED (Gordon Walsh/Robert Yawarngu)

That Council notes breakdown of Council expenditure from January, 2021 to December, 2021 which includes for Request for Quotations, Request for Tenders and General Repairs and Maintenance.

7.3 ANIMAL MANAGEMENT PROGRAM ANNUAL UPDATE

SUMMARY:

This Report is tabled for Council as a 12 month overview from January to December on the program delivery of the Animal Management and Veterinarian Program.

094/2021 RESOLVED (Gordon Walsh/Robert Yawarngu)

That Council notes the report.

7.4 INFORMATION, COMMUNICATIONS AND TECHNOLOGY REPORT

SUMMARY:

This report provides Council an update on current projects and overview on the CCTV and Telecommunications statistics within the Information, Communications and Technology Department.

095/2021 RESOLVED (Gordon Walsh/Robert Yawarngu)

That Council notes the Information, Communications and Technology report.

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16.1 CORRESPONDENCE REGISTER

DOCUMENT DETAILS REPORT

Incoming Correspondence

Document ID	Document Name
1555985	15.11.2021 - Letter - ALGA - National General Assembly motion
1552219	Letter - Shadow Minister for Local Government - Self Introduction - 20.10.2021
1564542	Letter - The Chief Minister And Cabinet - Local Authority Project Funding 2021-22 - 29.11.2021
1554106	AHRC - re Electoral Legislation Amendment (Voter Integrity) Bill 2021 - 09.11.2021
1554004	ALGA - 2021 National General Assembly motion 40 - 09.11.2021
1550617	Department of LG - Hon Chansey Paech - Congratulation to Banambi W - 20.10.2021
1552131	Department of LG - Maree De Lacey - Allowances for council members and local authority members - 4.11.2021
1537322	Dept of the Chief Minister and Cabinet - LDM Agreement - 11.10.2021
1554429	Leader of the Opposition - Congratulations to Councillors - 26.10.2021
1557980	Letter - Minister for LDM and Treaty - Future of the Yolngu Region Local Decision Making Partnership - 27.10.2021
1545519	Letter - The Minister for Local Government - Congratulation to Councillor Dhamarrandji - 26.10.2021
1540187	Letter - The Minister for Local Government - Congratulation to President Wunungmurra - 22.10.2021
1552162	Minister for LDM and Treaty - Hon Selena Uibo - Future of the Yolngu Region Local Decision Partnership
1550566	Minister for LG - Hon Chansey Paech - Congratulations to Gordon Walsh - 27.10.2021
1554438	Senator Malarndirri McCarthy - Congratulations to Councillors - 22.10.2021

Outgoing Correspondence

Document ID	Document Name
1555164	Hon Chansey Paech - Annual Report 2020-2021 - 12.11.2021

The report author does not have a conflict of interest to this matter (Section 179 of the Act).

096/2021 RESOLVED (Jason Mirritjawuy/David Djalangi)

That Council:

- a) Note the ingoing and outgoing correspondence register.
- b) Notes additional correspondence both incoming and outgoing regarding the resignation of Crs Gilbert Alimankinni and Jason Butjala.

DECISION TO MOVE TO CLOSED SESSION

RECOMMENDATION:

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 99 of the Local Government Act, 2019 as the items lists come within the following provisions:-

- 12.1 Proposed Anindilyakwa Regional Local Government Council** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(iv) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person.*
- 12.2 Fleet and Sales Report** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.3 T21-203412.1 - Umbakumba New Pedestrian Pathways and Crossings - 2nd Round** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.4 RFT11550-2010 - Lot 550 Angurugu - Renovation Works** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.5 ICT013 - Computer Refresh Project** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.6 FT2122.06 - Supply of Jeep Type Vehicles** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.7 Gapuwiyak PA System** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (e) of the Local Government (General) Regulations. It contains information provided to the council on condition that it be kept confidential.*
- 12.8 Variation 01 - T20-203411.2 - Angurugu Yanbakwa Access Road Repairs and Upgrades** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*
- 12.9 Variation 01 - T20-203416.3 - Gapuwiyak Access Roads Upgrades** - *The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.*

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12.10 Variation 01 - RFT1879-2102 - Lot 79 Yirrkala - Oval Shade Shelters Installation -
The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.

12.11 Variation 01 - RFT15245-2104 - Lot 245 Milingimbi - Supply and Installation of Security Screens and Fences -
The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.

12.12 Project Update -
The report will be dealt with under Section 99 of the Local Government Act and Section 51 (c)(i) of the Local Government (General) Regulations. It contains information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on any person.

12.13 Write Off Small Amounts -
The report will be dealt with under Section 99 of the Local Government Act and Section 51 (b) of the Local Government (General) Regulations. It contains information about the personal circumstances of a resident or ratepayer.

12.14 Write Off of Losses -
The report will be dealt with under Section 99 of the Local Government Act and Section 51 (a) of the Local Government (General) Regulations. 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.

DATE OF NEXT MEETING

24 February 2022

MEETING CLOSE

The meeting concluded at 2:16PM.

This page and the preceding 12 pages are the minutes of the Ordinary Meeting of Council held on Thursday and Friday 16 and 17 December 2021 and are to be confirmed on the next Ordinary Meeting of Council scheduled on 24 February 2022.