



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

25 August 2022

MEETING OPENING

In Attendance:

Deputy President Kaye Thurlow, Councillor Evelynna Dhamarrandji, Councillor Jason Mirritjawuy, Councillor David Djalangi, Councillor Joe Djakala, Councillor Robert Yawarngu, Councillor Bandi Bandi Wunungmurra, Councillor Lionel Jaragba, Councillor Bobby Wunungmurra, Councillor Wesley Dhamarrandji, Councillor Marrpalawuy Marika (via video) and Councillor Banambi Wunungmurra (via video).

President:

Lapulung Dhamarrandji.

East Arnhem Regional Council Officers:

Andrew Walsh – Acting CEO.

Michael Freeman – Corporate Services Manager.

Shane Marshall – Director Technical and Infrastructure Services.

Divyan Ahimaz – Community Development/Strategic Coordinator.

Minute Taker – Wendy Brook, Executive Assistant to CEO.

Meeting Opened with prayer by President Lapulung at 9.15AM.

Attendance

2.1 DECLARATION OF MEMBERSHIP OF COUNCIL

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.

This report is to also provide the process for the newly elected member to acknowledge their role as an elected member, the code of conduct, and sign their declaration.

Local Government Act: Code of Conduct

Section 119

1 Honesty and integrity

A member must act honestly and with integrity in performing official functions.

2 Care and diligence

A member must act with reasonable care and diligence in performing official functions.

3 Courtesy

A member must act with courtesy towards other members, council staff, electors and

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25 AUGUST 2022 AT 9.00AM

members of the public.

4 Prohibition on bullying

A member must not bully another person in the course of performing official functions.

5 Conduct towards council staff

A member must not direct, reprimand, or interfere in the management of, council staff.

6 Respect for cultural diversity and culture

A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.

7 Conflict of interest

A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

8 Respect for confidences

A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

9 Gifts

A member must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.

10 Accountability

A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.

11 Interests of municipality, region or shire to be paramount

A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

12 Training

A member must undertake relevant training in good faith.

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

RECOMMENDATION(Jason Mirritjawuy/Bobby Wunungmurra)

That Council:

- (a) Notes the absence of Councillor Constantine Mamarika and Councillor Joe Djakala.**
- (b) Notes the apology received from Councillor Constantine Mamarika.**
- (c) Notes Councillor Constantine Mamarika and Councillor Joe Djakala are absent with permission of the Council.**

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.

RECOMMENDATION(Jason Mirritjawuy/Wesley Dhamarrandji)

That Council:

- (a) Notes the Conflict of Interest and Related Parties Register.**
- (b) That the new Council members will have their details updated to the Register by the next council meeting.**

Previous Council Minutes

4.1 MINUTES OF THE COUNCIL MEETING HELD 30 JUNE 2022

RECOMMENDATION(Evelyna Dhamarrandji/Robert Yawarngu)

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

Cr. Marrpalawuy Marika joined the meeting at 9:35AM.

CHIEF EXECUTIVE OFFICER REPORTS

6.1 CEO REPORT

SUMMARY:

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

RECOMMENDATION(Bandi Bandi Wunungmurra/Wesley Dhamarrandji)

That Council notes the CEO Report.

Cr. David Djalangi joined the meeting at 9:55AM.

6.2 MEMBERSHIP OF COMMITTEES

SUMMARY:

This report is to appoint a member to the Audit Committee following the resignation of an existing member and also seeking expression of interest for the external members following completion of their tenure. This report will also present the current membership of the committee for Council's review.

RECOMMENDATION(David Djalangi/Kaye Thurlow)

That Council:

- (a) Appoints Lionel Jaragba and Evelynna Dhamarrandji to the Audit Committee, and notes the resignation of Cr Kaye Thurlow from the Audit Committee.**
- (b) Seeks expression of interest for the position of two external members.**
- (c) Appoints the following for the Finance Committee:**

Gumurr Miwatj Ward:

Primary – Marrpalawuy Marika

Alternate – Banambi Wunungmurra

Gumurr Miyarrka Ward:

Primary – Bandi Wunungmurra

Alternate – Bobby Wunungmurra

Anindilyakwa Ward:

Primary – Constantine Mamarika

Alternate – Lionel Jaragba

Birr Rawarrang Ward:

Primary – Jason Mirritjawuy

Alternate – Robert Yawarngu

Gumurr Gattjirr Ward:

Primary – Lapulung Dhamarrandji

Alternate – Joe Djakala

Gumurr Marthakal Ward:

Primary – Evelynna Dhamarrandji

Alternate – Kaye Thurlow & David Djalangi

Cr. Jason Mirritjawuy left the meeting the time being 9:55AM.

Cr. Robert Yawarngu left the meeting 10:00AM.

Cr. Jason Mirritjawuy re-joined the meeting the time being 10:22AM.

Cr. Robert Yawarngu re-joined the meeting at 10:22AM.

6.3 PACIFIC AUSTRALIA LABOUR MOBILITY SCHEME – TRIAL

SUMMARY:

This report is to provide information to the Elected Members of the Pacific Australia Labour Mobility (PALM) scheme from the Federal Department of Foreign Affairs Tourism & Trade (DFAT) including recommendation following consultation with East Arnhem Regional Council Local Authorities and progress the scheme to a trial phase for the East Arnhem Regional Council.

RECOMMENDATION(Lionel Jaragba/Wesley Dhamarrandji)

That Council:

- (a) Notes the report.**
- (b) Approves East Arnhem Regional Council to register for the Pacific Australia Labour Mobility Scheme.**
- (c) Endorses a trial of the Pacific Australia Labour Mobility scheme in East Arnhem Regional Council operations.**
- (d) Requires updates and progress reports on the trial of the Pacific Australia Labour Mobility scheme at all future meetings of Council.**
- (e) Requests the scheme be presented at the Local Authority meetings.**

6.4 BUDGET ADJUSTMENT 2022-23

SUMMARY:

This report presents a minor budget adjustment for consideration.

RECOMMENDATION(Kaye Thurlow/Robert Yawarngu)

That the Council approve the minor 2022/23 Budget Adjustment.

Cr Banambi Wunungmurra left the meeting at 11:00AM.

TECHNICAL AND INFRASTRUCTURE SERVICES REPORTS

7.1 TECHNICAL AND INFRASTRUCTURE PROGRAM AND CAPITAL PROJECT UPDATES

SUMMARY

This report is tabled for the Council to provide program updates within the Technical and Infrastructure directorate. In addition to progress updates associated with capital projects and initiatives associated with the 2022-2023 Annual Plan.

RECOMMENDATION(Wesley Dhamarrandji/Lionel Jaragba)

That the Council.

- (a) Notes the report.**
- (b) Notes the date adjustments for Capital Building works to that of the Annual Plan.**
- (c) That Council supports CDU research project on Remote Disaster Waste Management, and using Milingimbi, Galiwin'ku and Ramingining as Case Studies, and the sharing of developed information for the purposes of the study only.**
- (d) Approve funding from the Waste Reserve of \$134,743.40, to enable stage 1 of the Asbestos Removal project and training to proceed.**
- (e) Approve funding from the Building Reserve of \$150,000.00, for the site servicing requirements for Milingimbi MS/Public Works Shed and associated buildings on the Lot.**

7.2 ANIMAL MANAGEMENT 21-22 ANNUAL PROGRAM DELIVERY OVERVIEW

SUMMARY

This report is tabled for Council to provide and update on the annual animal management program delivery outcomes for the 21-22 financial year and the current 22-23 approved annual plan.

Service Profile:	108 - Core – Veterinary and Animal Control Services
Business Unit:	Veterinary and Animal Control

Action ID:

2.3.10.12 - Provide program outcome statistics to Local Authority and Council meetings.

RECOMMENDATION(Wesley Dhamarrandji/Jason Mirritjawuy/)

That Council notes the report.

MOTION BREAK FOR MORNING TEA 11.19AM

076/2022 RESOLVED (Jason Mirritjawuy/Kaye Thurlow)

MOTION MEETNG RESUMED AT 11.40AM

077/2022 RESOLVED (Evelyna Dhamarrandji/Robert Yawarngu)

COMMUNITY DEVELOPMENT REPORTS

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.

RECOMMENDATION(Jason Mirritjawuy/Wesley Dhamarrandji)

That Council:

- (a) Notes the Community Development update.**
- (b) Extends the current training opportunities for East Arnhem Regional Councils Youth Sport Recreation team training to Miwatj Aboriginal Corporation and Laynhapuy Homelands Aboriginal Corporation.**
- (c) Requests a report on East Arnhem Regional Council homeland services.**
- (d) Requests a report on Youth Sport and Recreation activities, including basketball and utilisation of the remote sports program.**
- (e) Requests the outcomes of the Community Night Patrol surveys and operational hours for Council input.**

Cr Jason Mirritjawuy left the meeting, the time being 12:17PM.

Cr Jason Mirritjawuy returned to the meeting, the time being 12:26PM.

8.2 EAST ARNHEM REGIONAL COUNCIL MURAL PROJECT

SUMMARY:

This report is to provide an update on the status and undertakings of the East Arnhem Regional Council Mural project.

RECOMMENDATION(Lionel Jaragba/Evelyna Dhamarrandji)

That Council notes the EARC Mural project.

8.3 ACCOMODATION BUSINESS REPORT

SUMMARY:

This report is to update and seek direction from the elected members on the Accommodation Businesses operated by East Arnhem Regional Council.

RECOMMENDATION (David Djalangi/Wesley Dhamarrandji).

That Council notes the Accommodation Business report.

Cr Bandi Bandi Wunungmurra left the meeting, the time being 12:36PM.

Cr Bandi Bandi Wunungmurra returned to the meeting, the time being 12:42PM.

Cr David Djalangi left the meeting, the time being 12:45PM.

Cr David Djalangi returned to the meeting, the time being 12:51PM.

8.4 NEW CHILD CARE SERVICE - ANGURUGU - UPDATE

SUMMARY:

This report is to provide further information and seek direction from the Elected Members on a resolution made by Council regarding a New Child Care service in Angurugu discussed at the Ordinary Council meeting 30 June 2022.

RECOMMENDATION(Jason Mirritjawuy/Wesley Dhamarrandji)

That Council:

- (a) Notes the Child Care Service report.**
- (b) Supports East Arnhem Regional Council being the provider for the proposed CCCFR service in Angurugu.**
- (c) Supports further negotiation with the Department of Education, Skills and Employment to implement the proposed service.**
- (d) Supports East Arnhem Regional Council lodging a formal application to be the provider of the proposed CCCFR service in Angurugu, after successful transition from unregulated to regulated environment has been completed in current operating locations, and the model has been proven sustainable and viable.**
- (e) Recommends that Milingimbi be considered for further consultation and establishment, in either phase 1 or phase 2 of the CCCFR program expansion.**

MOTION BREAK FOR LUNCH AT 12.57PM

078/2022 RESOLVED (Kaye Thurlow/Evelyna Dhamarrandji)

MOTION TO RESUME MEETING AT 1.22PM

079/2022 RESOLVED (Robert Yawarngu/Wesley Dhamarrandji)

Corporate Services Reports

9.1 DELEGATION MANUAL UPDATE

SUMMARY:

Delegation Manual Update

RECOMMENDATION(Robert Yawarngu/Wesley Dhamarrandji)

That Council approves the Delegation Manual as of 25 August 2022.

9.2 FINANCE, HUMAN RESOURCES AND WHS REPORT

SUMMARY

This report is tabled to the Council to provide the Finance Report for the period ended the 31 July 2022 for its approval.

RECOMMENDATION(Marrpalawuy Marika/Evelyna Dhamarrandji)

That the Council approves the Finance, Human Resources and WHS Report for the period ended on 31 July 2022.

Local Authorities

**10.1 UNCONFIRMED MINUTES FROM LOCAL AUTHORITY AND COMMITTEE
MEETINGS AND MEMBERSHIP**

SUMMARY

This report provides to Council copies of minutes from Local Authority and Committee meetings.

RECOMMENDATION(Bobby Wunungmurra/Wesley Dhamarrandji)

That Council notes:

- (a) The unconfirmed minutes from the Local Authority and Committee meetings.**
- (b) Accepts the following nominations as members of their respective Local Authorities:**
 - (i) Fabian Garawirritja**
 - (ii) Tasma Lalara**
 - (iii) Conroy Mamarika**
 - (iv) Ainsley Wurramara**

(c)Accepts the resignation of:

(i) Gaylene Gurruwiwi

Cr David Djalangi left the meeting, the time being 02:05PM.

Cr David Djalangi returned to the meeting, the time being 02:09PM.

Cr Jason Mirritjawuy left the meeting, the time being 02:17PM.

Cr Robert Yawarngu left the meeting, the time being 02:17PM.

Cr Robert Yawarngu returned to the meeting, the time being 02:18PM.

Cr Jason Mirritjawuy returned to the meeting, the time being 02:25PM.

**10.3 LOCAL AUTHORITY ACTIONS - COUNCIL REVIEW AND ENDORSEMENT
SUMMARY**

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

RECOMMENDATION(Lionel Jaragba/Evelyna Dhamarrandji/)

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 removal of completed actions and as recommended by each Local Authority.**

Correspondence

16.1 CORRESPONDENCE REGISTER

DOCUMENT DETAILS REPORT

Incoming Correspondence

Document ID	Document Name
1652586	Declaration of result - Anindilyakwa ward by-election - 22.07.2022.pdf
1641055	Declaration of Result - Gumurr Miwatj Ward By-election - 07.07.2022.pdf
1652641	Declaration of result - Gumurr Miyarrka ward by-election - 22.07.2022.pdf
1641905	Letter from NT Health - RE Exposure to Manganese on Groote Eylandt - 08.07.2022.pdf
1636298	NIAA - Acknowledgement of Support Re Letter Dated 22.03.2022 - 16.06.2022.pdf

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Outgoing Correspondence

Document ID	Document Name
1656720	Letter to Ministers – Impact of Legal Sale of Alcohol and Kava 11.07.2022
1656717	Letter to Ministers Re Local Decision Making 13 Jul 22
1624934	Letter from President Lapulung Dhamarrandji to Hon Minister Linda Burney
1639092	Letter to Electoral Commission - Casual Vacancy of Gumurr Miyarrka Ward - 04.07.2022.pdf

CEO Correspondence

Document ID	Document Name
1642742	Letter from NT Chief Minister - Appointment of Dale to the EAREG Committee - 08.07.2022.pdf

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

RECOMMENDATION(Wesley Dhamarrandji/Robert Yawarngu/)

That Council notes the ingoing and outgoing correspondence register.

MOTION TO MOVE TO CLOSED SESSION 2.28PM

080/2022 RESOLVED (Wesley Dhamarrandji/Lionel Jarragba)

Cr Jason Mirritjawuy left the meeting, the time being 02:29 PM

Cr Evelynna Dhamarrandji left the meeting, the time being 02:29 PM

Cr Evelynna Dhamarrandji returned to the meeting, the time being 2:30PM.

Cr Jason Mirritjawuy returned to the meeting, the time being 2:32PM.

DECISION TO MOVE TO CLOSED SESSION 2.28PM

RECOMMENDATION:(Wesley Dhamarrandji/Lionel Jarragba)

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 Land Leasing formal arrangements and the use of the Common Seal. - *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 East Arnhem Regional Council - New Tender Evaluation Panel Members** - *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 WS** **2022-08**
Waste Collection for Umbakumba and Angurugu - *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 Variation** **02**
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.*
- 12.6 WS** **2022-07**
Waste Collection for Yirrkala and Gunyangara - *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 Australian National Audit of Land Councils** - *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.*
- 12.8 CouncilBIZ Changes** - *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 Proposed New Warnindilyakwa Regional 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.*

RESUMPTION OF MEETING

RECOMMENDATION: Wesley Dhamarrandji/Evelyna Dhamarrandji

That the decisions of Closed Session be noted as follows:-

Per Confidential Minutes.

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General Business:

Council discussed the presentations on the Informal Day from Guest Speakers:

Rachael Norman – National Indigenous Australian Agency
Territories Stolen Generation Redress Scheme.

Sharon Hewitt and Melinda Mansell – Centre for Aboriginal & Torres Strait Islander
Statistics.

It was noted that Rachael Norman will be liaising with Local Communities through East
Arnhem Regional Council, to arrange further presentations and discussions where required,
to ensure Local Communities are aware of the Territories Stolen Generation Redress
Scheme.

Questions from Councillors:

Council send a letter to the Hon Selena Uiibo, Minister for Housing and Homelands and the
Hon Natasha Fyles, Chief Minister, raising concerns regarding the rental deduction changes
of social housing and express concerns of community housing through the Department
Territory Families Housing and Community. Additionally, raise concerns regarding sitting
fees not being paid to members of the housing reference group.

DATE OF NEXT MEETING

20 October 2022

MEETING CLOSE

The meeting concluded at 4.17PM.

This page and the preceding pages are the minutes of the Ordinary Meeting of Council held
on Thursday 25 August 2022, and are to be confirmed.