



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

20 October 2022

MINUTES OF THE ORDINARY MEETING HELD IN THE NHULUNBUY ON
THURSDAY, 20 OCTOBER 2022 AT 9AM

MEETING OPENING

In Attendance:

In the Chair President Lapulung Dhamarrandji, Deputy President Kaye Thurlow, Councillor Jason Mirritjawuy, Councillor David Djalangi, Councillor Joe Djakala, Councillor Constantine Mamarika, Councillor Robert Yawarngu, Councillor Banambi Wunungmurra, Councillor Bandi Bandi Wunungmurra, Councillor Wesley Dhamarrandji, Councillor Marrpalawuy Marika.

East Arnhem Regional Council Officers:

Dale Keehne – CEO.

Michael Freeman – Manager Corporate Services (via video).

Natasha Jackson – A/g Director Technical and Infrastructure Services.

Stacey Eley – A/g Director Community Development.

Minute Taker – Wendy Brook Executive Assistant to the CEO.

PRAYER:

By President Lapulung Dhamarrandji.

The Chair opened the meeting opened at 8.55AM.

2.1 ELECTED MEMBERS ATTENDANCE AND RESIGNATION

SUMMARY

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

GENERAL

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

074/2022 RESOLVED (Joe Djakala/Constantine Mamarika)

That Council:

- (a) Notes the absence of Councillor Evelynna Dhamarrandji, Councillor Lionel Jaragba and Councillor Bobby Wunungmurra.**
- (b) Notes the apologies received from Councillor Evelynna Dhamarrandji, and Councillor Lionel Jaragba .**
- (c) Notes Councillor Evelynna Dhamarrandji and Councillor Lionel Jaragba are absent with permission of the Council.**
- (d) Determines Councillor Bobby Wunungmurra is 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.

075/2022 RESOLVED (Jason Mirritjawuy/Joe Djakala)

That Council:

- (a) Notes the Conflict of Interest and Related Parties Register.**
- (b) Declares no conflict of interest in today's meeting.**

Previous Council Minutes

4.1 MINUTES OF THE COUNCIL MEETING HELD 25 AUGUST 2022

076/2022 RESOLVED (Robert Yawarngu/Constantine Mamarika)

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

BANAMBI WUNUNG MURRA JOINED MEETING THE TIME BEING 9.15AM.

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.

077/2022 RESOLVED (Wesley Dhamarrandji/Joe Djakala)

That Council notes the CEO Report.

6.2 REVIEW AND FURTHER EMPOWERMENT OF LOCAL AUTHORITIES

SUMMARY:

Council is asked to consider the review and further strengthening and empowerment of Local Authorities, and the direct referral to the Local Authorities for them to consider and advise what options they would like.

078/2022 RESOLVED (Wesley Dhamarrandji/Joe Djakala)

That Council:

- (a) Endorses the review of the Local Authority Review Report by each Local Authority, to consider and decide on the different recommendations to strengthen the role of Local Authorities, and any other recommendations.**
- (b) Endorses the nomination of President Lapulung Dhamarrandji, Chief Executive Officer Dale Keehne and a Local Authority Member, as representatives on the Reference Group to develop an Implementation Plan to strengthen Local Authorities.**

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.

079/2022 RESOLVED (Joe Djakala/Wesley Dhamarrandji)

That the Council notes the report.

Cr Constantine Mamarika left meeting the time being 10.27 AM

David Djalangi left meeting the time being 10.24AM

David Djalangi returned to meeting the time being 10.28 AM

Cr Jason Mirritjawuy left the meeting, the time being 10:29 AM

Cr Constantine Mamarika returned to meeting the time being 10.31 AM

Cr Jason Mirritjawuy returned to the meeting, the time being 10:34 AM

Cr Wesley Dhamarrandji left the meeting, the time being 10:34 AM

Cr Wesley Dhamarrandji returned to the meeting, the time being 10:35 AM

Cr Banambi Wunungmurra left the meeting, the time being 10:35 AM

Cr Banambi Wunungmurra returned to the meeting, the time being 10:40 AM

Cr Kaye Thurlow left the meeting, the time being 10:42 AM

Cr Kaye Thurlow returned to the meeting, the time being 10:52 AM

MOTION BREAK FOR MORNING TEA

080/2022 RESOLVED (Constantine Mamarika/Joe Djakala)

MOTION MEETING RESUMED AT 11.23AM

081/2022 RESOLVED (Joe Djakala/Wesley Dhamarrandji)

Cr Banambi Wunungmurra returned to the meeting after break, the time being 11.36AM

COMMUNITY DEVELOPMENT REPORTS

8.1 YOUTH SPORT AND RECREATION OVERVIEW

SUMMARY:

This report is to capture the views of the East Arnhem Regional Council Elected Members following the presentation on Youth Sport and Recreation services delivered on the 19 October 2022. In addition the report provides information to other requests for information from the August 2022 meeting of Council.

082/2022 RESOLVED (Constantine Mamarika/Joe Djakala)

That Council:

- (a) Notes the information provided in the report in response to the recommendations from the Community Development update provided at the Ordinary Council Meeting 25 August 2022.**
- (b) Provides the following recommendation for Youth Sport and Recreation services; Council collaborate with the Laynhapuy and other Homelands Aboriginal Corporations, to support more Youth Sport and Recreation opportunities in the Homelands, and advocate for more funding for these services.**

Corporate Services Reports

9.1 2021 CENSUS

SUMMARY:

This report provides a snapshot of the 2021 Census data on East Arnhem that has been released.

083/2022 RESOLVED (Wesley Dhamarrandji/Robert Yawarngu)

That Council notes the 2021 Census data.

Cr Kaye Thurlow left the meeting, the time being 11:50 AM

Cr Banambi Wunungmurra left the meeting, the time being 11:52 AM

Cr Kaye Thurlow returned to the meeting, the time being 11:53 AM

Cr Banambi Wunungmurra returned to the meeting, the time being 11:56 AM

9.2 ANNUAL REPORT FOR 2021/22

SUMMARY:

This report is to adopt the 2021/22 Annual Report.

084/2022 RESOLVED (Wesley Dhamarrandji/Constantine Mamarika)

That Council:

- (a) Adopts the 2021-22 Annual Report and publish the report under section 290 of the Local Government Act.**
- (b) Notes the tabled 18 Local Authority Acquittals.**

9.3 FINANCE AND HUMAN RESOURCES REPORT

SUMMARY

This report is tabled to the Council to provide the Finance Report for the period ended the 30 September 2022 for its approval.

085/2022 RESOLVED (Wesley Dhamarrandji/David Djalangi)

That the Council approves the Finance and Human Resources Report for the period ended on 30 September 2022.

9.4 ATTENDANCE IN LGANT GENERAL MEETING

SUMMARY:

This report nominates delegates for the LGANT Annual General Meeting (AGM in November 2022).

086/2022 RESOLVED (Joe Djakala/David Djalangi)

That Council delegates Wesley Dhamarrandji accompanied by the President and CEO, to the LGANT Annual General Meeting in November 2022, as approved extra meetings.

10.2 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.

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087/2022 RESOLVED (Wesley Dhamarrandji/Constantine Mamarika)

That Council notes:

- (a) The unconfirmed minutes from the Local Authority and Committee meetings.**
- (b) Accepts the following attached nominations as members of their respective Local Authorities:**
 - (i) Mabel Mamarika – Umbakumba.**
 - (ii) Mildred Mamarika – Umbakumba.**
 - (iii) Geraint Manamanja – Umbakumba.**
 - (iv) Gregory Jaragba – Umbakumba.**
 - (v) Jarella Amagula – Angurugu.**
 - (vi) Fabian Lalara – Angurugu.**
 - (vii) Philip Kennell – Angurugu.**
 - (viii) Ishmel Lalara – Angurugu.**
 - (ix) Dana Yunupingu – Gunyangara.**
 - (x) Murphy Yunipingu – Gunyangara.**

**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.

088/2022 RESOLVED (Wesley Dhamarrandji/Bandi Bandi Wunungmurra)

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.**

MOTION BREAK FOR LUNCH 12.32PM

089/2022 RESOLVED (Jason Mirritjawuy/Wesley Dhamarrandji)

MOTION RETURN TO MEETING AT 1.29PM

090/2022 RESOLVED (Wesley Dhamarrandji/Banambi Wunungmurra)

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MOTION MOVE TO CONFIDENTIAL AT 1.36PM

091/2022 RESOLVED (Joe Djakala/Wesley Dhamarrandji)

MOTION RETURN TO ORDINARY AGENDA 3.29PM

092/2022 RESOLVED (David Djalangi/Joe Djakala)

Correspondence

16.1 CORRESPONDENCE REGISTER

DOCUMENT DETAILS REPORT

Incoming Correspondence

| Document ID | Document Name |
|-------------|--|
| 1668345 | Letter from Australian Electoral Commission - Trial for people living in remote communities - 07.09.2022.pdf |
| 1667918 | Letter from Chief Minister - Re Concerns about Local Decision Making in the Yolngu Region - 22.08.2022.pdf |
| 1677791 | The Chief Minister and Cabinet - 22-23 Local Government Funding Levels - 12.09.2022.pdf |

CEO Correspondence

| Document ID | Document Name |
|-------------|--|
| 1659351 | FINAL- Public Messaging- Local Government- 15.08.2022.pdf |
| 1684372 | Letter - Minister for Indigenous Australians Hon Linda Burney - Local Decision Making - Yolngu Region - 13.09.2022 (002).pdf |

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

093/2022 RESOLVED (Constantine Mamarika/Jason Mirritjawuy)

That Council notes the incoming and outgoing correspondence register.

DECISION TO MOVE TO CLOSED SESSION AT 1.36PM

RECOMMENDATION: (Joe Djakala/Wesley Dhamarrandji)

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:

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- 12.1 Use of the EARC 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 RFT15243-2207**
Lot 243 Milingimbi Services Shed - *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 Community Development Update** - *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.*
- 12.5 Applications for Rates Concessions** - *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.*

Cr Constantine Mamarika left the meeting, the time being 03:33 PM

Cr Constantine Mamarika returned to the meeting, the time being 03:34 PM

Cr Banambi Wunungmurra left the meeting, the time being 03:47 PM

Cr Banambi Wunungmurra returned to the meeting, the time being 03:52 PM

RESUMPTION OF MEETING

RECOMMENDATION: (David Djalangi/Joe Djakala)

That the decisions of Closed Session be noted as follows: Per confidential minutes.

DATE OF NEXT MEETING

15 DECEMBER 2022.

QUESTIONS FROM COUNCILLORS/ GENERAL BUSINESS

- Council decided on no further LGANT representatives. Another Council to take the position.
- What are we doing about Reconciliation Action Plan ? (RAP) No plan as such – Council has Aboriginal voice as is.
- Seeking President Lapulung to attend meetings in Canberra with Andrew in regards to discussing YSR programmes. Lapulung to keep connection going with Ministers etc.,

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- Council endorses Lapulung Dhamarrandji to attend meetings in Canberra if confirmed, with Director Community Development, the CEO and Cyril Bukulatjri (if available), of Galiwinku Local Authority.
- Telstra failings ongoing in Galiwinku – people unable to access food, can't pay with eftpos or can't access cash etc., and power and water are affected additionally.

Discussed Proposed Resolution to the Review by the Remuneration Tribunal on the remuneration of Councils and Local Authorities.

That Council endorses a submission be made to the Review by the Remuneration Tribunal on the remuneration of Councils and Local Authorities, from the President, and include the following:

- (a) The level of payments to Councillors and Local Authority members be increased significantly to address the inequity of remuneration as determined by the Local Government Act and Regulations, and much higher rates paid to many Aboriginal Corporations under the CATSI Act, or for other regular employment.
- (b) Meeting payments allow for higher payments for longer meetings.
- (c) Provision for the payment of Proxies, noting this will require approval by the NT Government. This will be culturally appropriate and a practical way of supporting greater participation on Local Authorities.
- (d) Note the difficulty of the payment of taxation bills, and seek recommendations on how to help to address this.
- (e) Higher amounts be provided for the professional development of Councillors and Local Authority members be provided with a professional development allowance, to support the significance and demands of their role.
- (f) Failure of access to superannuation by Councillors, and the need for this to be addressed.
- (g) That Councillors are considered as Council employees for tax purposes, which will help address the above issues.

MEETING CLOSE

The meeting concluded at 4.36 PM.

This page and the preceding pages are the minutes of the Ordinary Meeting of Council held on Thursday, 20 October 2022, and are to be confirmed.