



# Agenda

## Milyakburra

# LOCAL AUTHORITY MEETING

On

**23 January 2023**

**EAST ARNHEM REGIONAL COUNCIL**

Notice is hereby given that a meeting of the Milyakburra Local Authority will be held at the Milyakburra Council Office on Monday, 23 January 2023 at 10AM.

Dale Keehne  
**Chief Executive Officer**

**Join on your computer or mobile app**

[Click here to join Video Conference Meeting](#)

**Or call in (audio only)**

Dial the Conference# 02 8318 0005

Meeting ID: 369 931 290#

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**APOLOGIES**

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<b>ITEM NUMBER</b>	2.1
<b>TITLE</b>	Apologies and Absent Without Notice
<b>REFERENCE</b>	1713737
<b>AUTHOR</b>	Wendy Brook, Executive Assistant to the CEO

**SUMMARY**

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

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

**RECOMMENDATION**

**That the Local Authority:**

- (a) **Notes the absence of <>.**
- (b) **Notes the apology received from <>.**
- (c) **Notes <> are absent with permission of the Council.**
- (d) **Determines <> are absent without permission of the Local Authority.**

**ATTACHMENTS:**

1 [↓](#) Milyakburra Attendance Record.docx



Milyakburra attendance record 27.11.23

Meeting date	21.03.22	23.05.22	25.07.22	26.09.22	14.11.22	16.01.23	27.03.23	22.05.23	24.07.23	25.09.23	27.11.23
Eliot Bara	Cancelled		Y	N - with permission	Cancelled						
Lucinda Bara		Y	Y	Y							
Tasma Lalara				Y							
Conroy				Y							
Mamarika											
Constantine			N - with permission	N - with permission							
Mamarika			N - with permission	N - with permission							
Nathaniel			N - with permission	N - with permission							
Murrungun			Y	Y							
Eric		Y	Y	Y							
Wurramara											
Victor		Y	Y	Y							
Wurramara											
Janice		Y	Y	N - With permission							
Wurramara											
Terrance		Y	N - with permission	N - With permission							
Wurramara											
Ainsley				N - with permission							
Wurramara											
Vail		Y	Y	Y							
Wurramara											
Lionel				N - with permission							
Jaragba											

\*Vacancy available due to the passing of a member\*

## **APOLOGIES**

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<b>ITEM NUMBER</b>	2.2
<b>TITLE</b>	Local Authority Membership
<b>REFERENCE</b>	1713738
<b>AUTHOR</b>	Dale Keehne, Chief Executive Officer

### **SUMMARY:**

This report lists the community and Council appointed members and the resignation and vacancies of the Local Authority.

### **BACKGROUND**

The meeting needs to consider the membership of the Local Authority.

A Local Authority can have between 6 and 14 members, including the appointed Councillors.

### **GENERAL**

Following are the current community members of this Local Authority:

#### **Milyakburra**

Terrance Wurramarra  
Victor Wurramarra  
Vail Wurramarra  
Lucinda Bara  
Janice Wurramarra  
Eric Wurramarra  
Nathaniel Murrungun  
Elliot Bara  
Tasma Lalara  
Conroy Mamarika  
Ainsley Wurramara

The following elected Councillors are appointed by the Council as members of the Local Authority:

#### **Milyakburra**

Cr Constantine Mamarika  
Cr Lionel Jaragba

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

**RECOMMENDATION**

**The Local Authority notes the member list and calls for new members to fill up existing vacancies.**

**ATTACHMENTS:**

There are no attachments to this report.

**CONFLICT OF INTEREST**

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<b>ITEM NUMBER</b>	3.1
<b>TITLE</b>	Conflict of Interest
<b>REFERENCE</b>	1713739
<b>AUTHOR</b>	Wendy Brook, Executive Assistant to the CEO

**SUMMARY**

This report is tabled for members to declare any conflicts they have within the agenda.

**BACKGROUND**

The Local Government Act (Chapter 7, Part 7.2, Section 114 – Conflict of Interest) details that “A member has a conflict of interest in a question arising for decision by the Audit Committee, Council, Council Committee or Local Authority, if the member or an associate of the member has any of the following interests in how the question is decided:

- (a) A direct interest;
- (b) An indirect financial interest;
- (c) An indirect interest by close association;
- (d) An indirect interest due to conflicting duties”.

**GENERAL**

A conflict of interest is a situation that has the potential to undermine a person’s ability to be impartial because of the possibility of a clash between the person’s self-interest and professional interest or public interest.

When this occurs the Local Authority Member should declare the interest and remove them self from the decision making process.

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

**RECOMMENDATION**

**That the Local Authority notes no conflicts of interest declared at today’s meeting.**

**OR**

**That the Local Authority notes any conflicts of interest declared at today’s meeting.**

**ATTACHMENTS:**

There are no attachments to this report.

## PREVIOUS MINUTES

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<b>ITEM NUMBER</b>	4.1
<b>TITLE</b>	Previous Minutes for Ratification
<b>REFERENCE</b>	1713740
<b>AUTHOR</b>	Wendy Brook, Executive Assistant to the CEO



### SUMMARY

The Local Authority is asked to confirm the unconfirmed minutes from the previous meeting.

### BACKGROUND

In line with the Northern Territory *Local Government Act 2019 (Chapter 6, Part 6.3, Section 101- 3)*, The Audit Committee, Council, Council Committee or Local Authority must, at its next meeting, or next ordinary meeting, confirm the minutes (with or without amendment), including any confidential business considered at the meeting, as a correct record of the meeting.

According to the *Local Authority Guideline 1 (Part 12, Section 12.4)*, Members at a provisional meeting can confirm the minutes of a previous provisional meeting. However, members at a provisional meeting cannot confirm the minutes of a previous Local Authority meeting.

### GENERAL

Local Authority members need to read the unconfirmed minutes carefully before they endorse them as a true record of the previous meeting.

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

### RECOMMENDATION

**That the Local Authority notes the minutes from the meeting of 25 July 2022 and 26 September 2022 to be true records of the meetings.**

### ATTACHMENTS:

- 1 [↓](#) Local Authority - Milyakburra 2022-07-25 [1881] Minutes.DOCX
- 2 [↓](#) Local Authority - Milyakburra 2022-09-26 [1928] Minutes.DOCX



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## 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 LOCAL AUTHORITY MEETING

25 July 2022

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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### **ATTENDANCE**

Chair Eric Wurramarra Local Authority Members Janice Wurramarra, Eric Wurramarra, Vail Wurramarra, Lucinda Bara, Victor Wurramarra, Elliot Bara.

### **COUNCIL OFFICERS**

Dale Keehne – CEO.

Divyan Ahimaz – A/Community Development Coordinator Angurugu & Umbakumba.

Ulaiasi Nawaqa – Community Development Coordinator.

Minute Taker – Wendy Brook, Executive Assistant to the CEO.

### **MEETING OPENING**

Chair opened the meeting at 10.41AM and welcomed all members and guests.

### **Apologies**

#### **2.1 APOLOGIES AND ABSENT WITHOUT NOTICE**

##### **SUMMARY**

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

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

**220/2022 RESOLVED (Eric Wurramara/Janice Wurramarra)**

**That the Local Authority:**

- (a) Notes the absence of Cr. Constantine Mamarika, Lucille Wurramara, Nathaniel Murrungun, Terrance Wurramarra.**
- (b) Notes the apology received from Nathaniel Murrungun, Terrance Wurramarra. Lucille Wurramara.**
- (c) Notes Nathaniel Murrungun, Terrance Wurramarra, Cr. Constantine Mamarika and Lucille Wurramara are absent with permission of the Council.**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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## 2.2 LOCAL AUTHORITY MEMBERSHIP

### SUMMARY:

This report lists the community and Council appointed members and the resignation and vacancies of the Local Authority.

#### 221/2022 RESOLVED (Janice Wurramarra/Elliot Bara)

##### The Local Authority:

- a) Notes the member list and calls for new members to fill up existing vacancies.
- b) Recommends the following nominations to be placed in the Council meeting for approval;
  - (i) Tasma Lalara
  - (ii) Conroy Mamarika
  - (iii) Ainsley Wurramarra

### Conflict of Interest

## 3.1 CONFLICT OF INTEREST

### SUMMARY

This report is tabled for members to declare any conflicts they have within the agenda.

#### 222/2022 RESOLVED (Vail Wurramarra/Elliot Bara)

That the Local Authority notes no conflicts of interest declared at today's meeting.

### Previous Minutes

## 4.1 PREVIOUS MINUTES FOR RATIFICATION

### SUMMARY

The Local Authority is asked to confirm the unconfirmed minutes from the previous meeting.

#### 223/2022 RESOLVED (Lucinda Bara/Victor Wurramarra)

That the Local Authority notes the minutes from the meeting of 23 May 2022 to be a true record of the meeting.



MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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**MOTION MOVED TO CONFIDENTIAL AT 11.01AM**

224/2022 RESOLVED Elliot Bara/Eric Wurramara)

**MOTION RESUMED MEETING FROM CONFIDENTIAL AT 11.05AM**

225/2022 RESOLVED (Eric Wurramara/Lucinda Bara)

**Local Authorities**

**MOTION MEMBERS BREAK AT 11.32AM**

226/2022 RESOLVED (Vail Wurramara/Elliot Bara)

**MOTION MEETING RESUMED AT 11.57AM**

227/2022 RESOLVED (Janice Wurramarra/Lucinda Bara)

**5.1 LOCAL AUTHORITY ACTION REGISTER**

**SUMMARY**

The Local Authority is asked to review the range of actions and progress to complete them.

228/2022 RESOLVED (Vail Wurramara/Elliot Bara)

**That the Local Authority notes the progress of actions from the previous meetings and request that completed items be removed from the Action Register for the Council to endorse.**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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**Guest Speakers**

**6.1 GUEST SPEAKERS - RACHAEL NORMAN FROM THE NATIONAL INDIGENOUS AUSTRALIAN AGENCY.**

229/2022 RESOLVED (Janice Wurramarra/Elliot Bara)

The Local Authority thanks the guest speakers for their presentations.

**General Business**

**MOTION MEMBERS BREAK FOR LUNCH AT 12.27PM**

230/2022 RESOLVED (Eric Wurramara/Vail Wurramara)

Eric Wurramurra left meeting at 12.27PM to catch a flight.

Janice Wurramurra left meeting at 12.27PM to attend work.

**MOTION MEETING RESUMED AT 1.22PM**

231/2022 RESOLVED Elliot Bara/Eric Wurramara)

**MOTION TO MOVE MEETING TO PROVISIONAL - CHAIR VAIL WURRAMURA.**

232/2022 RESOLVED (Elliot Bara/Lucinda Bara)

**7.1 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.

233/2022 RESOLVED (Vail Wurramara/Elliot Bara) (Provisional decision)

That Council notes the CEO Report.

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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## 7.2 COUNCIL PLAN

**234/2022 RESOLVED (Vail Wurramara/Lucinda Bara) (Provisional Decision)**

**That the Local Authority notes the update.**

## 7.3 PACIFIC AUSTRALIA LABOUR MOBILITY SCHEME

### SUMMARY

This report is to provide information to the Local Authority of the Pacific Australia Labour Mobility (PALM) scheme from the Federal Department of Foreign Affairs Tourism & Trade (DFAT).

**235/2022 RESOLVED (Eric Wurramara/Vail Wurramara) (Provisional Decision)**

**That the Local Authority:**

**(a) Notes the report.**

**(b) Supports a trial of the Pacific Australia Labour Mobility scheme.**

## 7.4 PROPOSED APPROACH TO DEAL WITH LAW AND ORDER

### SUMMARY

The views and recommendations of the Local Authority are sought on how to tackle growing law and order concerns, to be raised directly with the Chief Minister.

**236/2022 RESOLVED (Elliot Bara/Victor Wurramara) (Provisional Decision)**

**That the Local Authority notes the report.**

## 7.5 TECHNICAL AND INFRASTRUCTURE PROGRAM AND CAPITAL PROJECT UPDATES

### SUMMARY

This report is tabled for the Local Authority to provide program updates within the Technical and Infrastructure Directorate in addition to progress updates on capital projects and initiatives associated with the 2022-2023 Annual Plan.

**237/2022 RESOLVED (Victor Wurramara/Elliot Bara) (Provisional Decision)**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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That the Local Authority notes the report.

#### **7.6 ANIMAL MANAGEMENT PROGRAM UPDATE**

##### **SUMMARY**

This report is tabled for the Local Authority to provide updates on the community delivery of the Animal management program.

**238/2022 RESOLVED (Elliott Bara/Victor Wurramara) (Provisional Decision)**

That the Local Authority notes the report.

#### **7.7 ROADS INFRASTRUCTURE - MAINTENANCE OF PUBLIC STREET LIGHTS**

##### **SUMMARY**

This Report is tabled for the Milyakburra Local Authority in order to update on the progress of the Maintenance of Public Street Lights and Solar Lights.

**239/2022 RESOLVED (Lucinda Bara/Vail Wurramara) (Provisional Decision)**

That the Milyakburra Local Authority notes the report.

#### **7.8 LIBRARY SERVICES PRINCIPLES**

##### **SUMMARY**

This report is to inform and seek direction from the Local Authorities on the provision and design of East Arnhem Regional Council's Library services.

**240/2022 RESOLVED (Elliott Bara/Vail Wurramara) (Provisional Decision)**

That Local Authorities:

- (a) Notes the report.
- (b) Recommends the following be included in Library design and programming;
  - a. services and programs.
  - b. timetable of services, professional services/development.
  - c. professional services.
  - d. attractive and engaging.
  - e. a meaningful service.
- (c) Consults with the wider community on community needs and services.

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 25 JULY 2022 AT 10.00AM

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### **7.9 COMMUNITY DEVELOPMENT REPORT**

#### **SUMMARY**

This report is provided by the Community Development Coordinator at every Local Authority meeting to provide information and or updates to members.

**241/2022 RESOLVED (Elliot Bara/Lucinda Bara) (Provisional Decision)**

**That Council notes the Community Development Coordinator report.**

### **7.10 CORPORATE SERVICES REPORT**

#### **SUMMARY:**

This report presents the financial expenditure plus employment statistics as of 30 June 2022 within the Local Authority area.

**242/2022 RESOLVED (Vail Wurraramara/Elliot Bara) (Provisional Decision)**

**That the Local Authority receives the Financial and Employment information to 30 June 2022.**

#### **DATE OF NEXT MEETING**

30 SEPTEMBER 2022

#### **MEETING CLOSE**

The meeting terminated at 2.45PM

This page and the preceding pages are the minutes of the Local Authority Meeting held on 25 July 2022.



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## 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 MILYAKBURRA LOCAL AUTHORITY PROVISIONAL MEETING**

**26 September 2022**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

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**ATTENDANCE**

In the Chair Eric Wurramarra, Local Authority Members Vail Wurramarra, Lucinda Bara, Victor Wurramarra, Conroy Mamarika and Tasma Lalara.

**COUNCIL OFFICERS**

Dale Keehne – CEO.

Andrew Walsh – Director Community Development.

Minute Taker – Wendy Brook, Executive Assistant to the CEO.

**MEETING OPENING**

Chair opened the meeting at 10.33AM and welcomed all members and guests.

**Apologies**

**2.1 APOLOGIES AND ABSENT WITHOUT NOTICE**

**SUMMARY**

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

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

**243/2022 RESOLVED (Lucinda Bara/Tasma Lalara)**

**That the Local Authority:**

- (a) Notes the absence of Janice Wurramarra, Terrance Wurramura, Cr. Lionel Jaragba, Cr. Constantine Mamarika, Ainsley Wurramura, Nathaniel Murrungun, and Elliot Bara.**
- (b) Notes no apologies were received.**
- (c) Notes Janice Wurramarra, Terrance Wurramura, Cr. Lionel Jaragba, Cr. Constantine Mamarika, Ainsley Wurramura, Nathaniel Murrungun and Elliot Bara are absent with permission of the Council.**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

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## 2.2 LOCAL AUTHORITY MEMBERSHIP

### SUMMARY:

This report lists the community and Council appointed members and the resignation and vacancies of the Local Authority.

#### 244/2022 RESOLVED (Vail Wurraramara/Lucinda Bara)

That the Local Authority notes the member list and calls for new members to fill up existing vacancies.

### Conflict of Interest

## 3.1 CONFLICT OF INTEREST

### SUMMARY

This report is tabled for members to declare any conflicts they have within the agenda.

#### 245/2022 RESOLVED (Lucinda Bara/Tasma Lalara)

That the Local Authority notes no conflicts of interest declared at today's meeting.

### Previous Minutes

*'Unable to ratify minutes due to Provisional meeting'*.

## 4.1 PREVIOUS MINUTES FOR RATIFICATION

### SUMMARY

The Local Authority is asked to confirm the unconfirmed minutes from the previous meeting.

### RECOMMENDATION

That the Local Authority notes the minutes from the meeting of 25 July 2022 to be a true record of the meeting.

## MOTION TO MOVE TO BREAK AT 11.19AM

#### 246/2022 RESOLVED (Vail Wurraramara/Victor Wurraramara)

## MOTION MEETING RESUMED AT 11.50AM

#### 247/2022 RESOLVED (Lucinda Bara/Tasma Lalara)



MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

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**Local Authorities**

**5.1 LOCAL AUTHORITY ACTION REGISTER**

**SUMMARY**

The Local Authority is asked to review the range of actions and progress to complete them.

**248/2022 RESOLVED (Conroy Mamarika/Tasma Lalara)**

**That the Local Authority notes the actions from the previous meetings, the addition of new actions, and requests that completed items be removed from the Action Register for the Council to endorse.**

**General Business**

**7.1 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.

**249/2022 RESOLVED (Eric Wurraramara/Lucinda Bara)**

**That the Local Authority notes the CEO Report.**

**7.2 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.

**250/2022 RESOLVED (Lucinda Bara/Victor Wurraramara)**

**That the Local Authority notes the report on the progress of the Pacific Australia Labour Mobility scheme.**

**MOTION MOVE TO LUNCH AT 12.31PM**

**251/2022 RESOLVED (Victor Wurraramara/Lucinda Bara)**

**MOTION MEETING RESUMED AT 1.13PM**

**252/2022 RESOLVED (Eric Wurraramara/Vail Wurraramara)**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

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*Tasma Lalara re-joined the meeting at 1.15pm.*

### **7.3 ROADS INFRASTRUCTURE - MAINTENANCE OF PUBLIC STREET LIGHTS**

#### **SUMMARY:**

This Report is tabled for the Milyakburra Local Authority in order to provide an update on the progress of the Maintenance of Public Street Lights and Solar Lights.

**253/2022 RESOLVED (Lucinda Bara/Conroy Mamarika)**

**That the Local Authority notes the report.**

### **7.4 LIBRARY SERVICES PRINCIPLES**

#### **SUMMARY**

This report is to inform and seek direction from the Local Authorities on the provision and design of East Arnhem Regional Council's Library services.

**254/2022 RESOLVED (Lucinda Bara/Eric Wurramara)**

**That Local Authorities:**

- (a) Notes the report.**
- (b) Recommends the following be included in Library design and programming:**
  - 1. Literacy and numeracy.**
  - 2. Reading and writing.**
  - 3. Personal development.**
  - 4. Improve English, so our kids can walk in both worlds.**
- (c) Supports further consultation with the Local Authority and community on library services.**

### **7.5 COMMUNITY DEVELOPMENT COORDINATOR REPORT**

This report is provided by the Community Development Coordinator at every Local Authority meeting to provide information and updates to members.

**255/2022 RESOLVED (Lucinda Bara/Conroy Mamarika)**

**That the Local Authority:**

- (a) Notes the Community Development Coordinator Report.**
- (b) Invites the Lagulaya Management and Anindilyakwa Land Council Support Officer for Aboriginal Corporations, to attend the next Local Authority meeting to discuss Lagulaya operations in Milyakburra.**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

---

*'Youth, Sport and Recreation Community update deferred'.*

#### **7.6 YOUTH, SPORT AND RECREATION COMMUNITY UPDATE**

##### **SUMMARY:**

This report sets out to highlight Youth, Sport and Recreation staffing updates, events, activities, successes and challenges in your community.

**256/2022 RESOLVED (Eric Wurraramara/Lucinda Bara)**

**That the Local Authority defers the Youth, Sport and Recreation Community update.**

#### **7.7 CORPORATE SERVICES REPORT**

##### **SUMMARY:**

This report presents the financial expenditure plus employment statistics as of 31 August 2022 within the Local Authority area.

**257/2022 RESOLVED (Tasma Lalara/Conroy Mamarika)**

**That the Local Authority receives the Financial and Employment information to 31 August 2022, noting the Local Authority Project Fund acquittals.**

#### **7.8 TECHNICAL AND INFRASTRUCTURE PROGRAM AND CAPITAL PROJECT UPDATES**

##### **SUMMARY**

This report is tabled for the Local Authority 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.

**258/2022 RESOLVED (Vail Wurraramara/Lucinda Bara)**

**That the Local Authority notes the report.**

MINUTES OF THE LOCAL AUTHORITY MEETING HELD IN THE MILYAKBURRA  
COUNCIL OFFICE ON MONDAY, 26 SEPTEMBER 2022 AT 10.00AM

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**DATE OF NEXT MEETING**

14 November 2022.

**MEETING CLOSE**

The meeting terminated at 2:20PM.

This page and the preceding pages are the minutes of the Local Authority Meeting held on 26 September 2022.

Unconfirmed

**LOCAL AUTHORITIES**

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**ITEM NUMBER** 5.1  
**TITLE** Local Authority Action Register  
**REFERENCE** 1713741  
**AUTHOR** Wendy Brook, Executive Assistant to the CEO

**SUMMARY**

The Local Authority is asked to review the range of actions and progress to complete them.

**BACKGROUND**

The current Local Authority Action Items List, and updates on progress to complete them, is attached.

**GENERAL**

The attached report gives the Local Authority an opportunity to check that actions from previous meetings are being implemented. New actions will be added to the Action Register.

If an action is completed the Local Authority need to request for the item to be removed from the Action Register, for the Council to endorse.

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

**RECOMMENDATION**

**That the Local Authority notes the progress of actions from the previous meetings and request that completed items be removed from the Action Register for the Council to endorse.**

**ATTACHMENTS:**

1 [↓](#) Local Authority - Milyakburra October 2022.docx

## MILYAKBURRA ACTIONS

ACTION ITEM	ACTIONS	STATUS
16/3/2021 Series of Murals	That the Local Authority continue to consider and advise when agreed what significant person or people to include in the series of murals.	12.05.2021 – Ongoing  24.05.2021 – Update provided to LA members. Members have decided that they would like to use the elders and young people. Timeline agreed that Cr Elliot to consult with community members within 14 days, to advise council at next council meeting.  22.11.2021 – Ongoing. Some concerns were raised to have paintings of Anindiyakwa leaders on the outside of the building, but ok to have them inside. Will discuss this point with Umbakumba and Angurugu Local Authorities.  18.01.2022 – Suggestive option for the Grootte Archipelago – which is tabled for this meeting is the recognition on the EARC Head office based in Nhulumbuy - a map to be the fixture for the acknowledgement of associated history of the Grootte Area as part of the Regional history and long standing association.  23.05.2022 – Ongoing  25.07.2022 – Ongoing - To have a designer visit community.  <b>19.10.22 – Design consultant to work with each Local Authority, community and homeland members to develop an agreed design, of a map of the region, including key cultural aspects of each part of the region.</b>
The legal sale of Kava		23.05.2022 - Call on the Northern Territory and Australian Governments to work with the Local Authorities and Regional Council to ensure genuine and thorough consultation and engagement with all communities and homelands of East Arnhem Land, on the important and pressing issues of the possible introduction of the legal sale of kava and alcohol.  25.07.2022 – no to Milyakburra - but will support decision made by the other Grootte communities of Angurugu and Umbakumba and the Yolgnu communities and homelands.  <b>19.10.22 President and CEO to follow up a positive discussion on this issue at a meeting with the Chief Minister to the region, with the Executive Director of the</b>

**MILYAKBURRA ACTIONS**

ACTION ITEM	ACTIONS	STATUS
Alcohol		<p><b>Department of the Chief Minister and Cabinet, on gaining action on the Local Authority and Council resolutions.</b></p> <p>25.07.2022 - The Local Authority have confirmed in the meeting with ALC and Government officials that they oppose the legal sale of alcohol in Milyakburra, and that no resident of Milyakburra be granted a permit to buy alcohol, to prevent them from being humbugged by people from other communities.</p> <p><b>26.09.2022 per the CEO report.</b></p>
Cemetery Fence	<p>Cemetery fence – 18/01/2021 – The cemetery fence falls outside town boundary. The Director of Technical and Infrastructure Services to update the Local Authority of any progress once NT Government and ALC recommence consultations – No update provided by the department to date and consultations still pending.</p>	<p>24.05.2021 – Ongoing;</p> <p>10.03.2022 – Ongoing no confirmation to date received.</p> <p>23.05.2022 – No finalisation on this one yet.</p> <p>30.6.2022 – As above - no finalisation on this as yet.</p> <p>25.07.2022 – Still waiting on the NTG and Land Trust to finalise discussions on the Licence arrangements with the newly adopted Act.</p> <p>26.09.2022 – Ongoing</p>
Barge Landing Solar Lights One of the two lights at the Barge Landing is not working	<p>26.09.2022 – Director Technical and Infrastructure Services to follow up.</p>	<p><b>24/10/22 – Local Govt: representatives are currently working on how to progress discussions with all interested parties and will provide an update in the coming weeks.</b></p> <p><b>19.11/2022 – Update from the department of Chief Minister – Development Officer on the 24<sup>th</sup> of October</b></p> <hr/> <p>Good morning Shane,</p> <p>My name is xxxxxx and I recently joined the Local Government Unit. I wanted to reach out and introduce myself because I will be working with Ethan on various projects related to the Burial and Cremation Act 2022, including the Groote Eylandt Cemetery Licence applications.</p>

**MILYAKBURRA ACTIONS**

ACTION ITEM	ACTIONS	STATUS
		<p>We are currently working on how to progress discussions with all interested parties and will provide an update in the coming weeks. Please feel free to reach out if you have any questions.</p> <hr/>
<p>Water tank required at Barge Landing Similar to one at airport.</p>	<p>Director Technical and Infrastructure Services to assess cost and options to fund.</p>	<p>19.10.22 Cost will be supplied to the Local Authorities to determine funding</p> <p>19/11/2022 – Quotation for tank received from Darwin based supplier for a 3000 ltr tank – awaiting quotation from LAC for a manufactured tank stand for the tank in addition to hold down cables for cyclone rating – further updates will be supplied in the next meeting.</p>
<p>Shift required from loud diesel generator to solar generator</p>	<p>Director Technical and Infrastructure Services to approach ALC about funding.</p>	<p>19.10.22 Emailed CEO ALC and AHAC and Power and Water requesting whether if that alternate power generation for the community was in their future infrastructure planning. – no response received to date</p>
<p>Need for upgrade of road from barge landing to town due to extra traffic from new college</p>	<p>Director Technical and Infrastructure Services to assess cost and options to fund including speed reduction humps, tarmacking and water truck.</p>	<p>19.10.22 Director Technical and infrastructure services has emailed ALC CEO requesting that available funding as part of their current or future development plans for the service access of the new college - no response has been received to date.</p>



**MILYAKBURRA ACTIONS**

ACTION ITEM	ACTIONS	STATUS
<p><b>FUTURE ACTION ITEM/ACTION ON HOLD/ADVOCACY</b></p>	<p><b>ACTIONS</b></p>	<p><b>STATUS</b></p>
<p>Toilet needed at Barge Landing</p>	<p>26.09.2022 – Director Technical and Infrastructure Services to follow up.</p>	<p>19.10.22 Move to Advocacy</p>
<p>Health Worker</p>	<p>Move to advocacy</p>	<p>Move to advocacy</p>

**COMPLETED ACTIONS:**

<p>112/2020 – Approval of Welcome Signage for Milyakburra</p>		<p>22.06.2022 – completed</p>
<p>Street Lights</p>		<p>26.09.2022 – completed</p>

**GENERAL BUSINESS**

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<b>ITEM NUMBER</b>	7.1
<b>TITLE</b>	CEO Report
<b>REFERENCE</b>	1715374
<b>AUTHOR</b>	Dale Keehne, Chief Executive Officer

**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.

**GENERAL****Happy New Year**

It has been a quiet time of year since our Local Authority meetings in November over the end of the year period. I hope all Local Authority Members, your families, Clans, Traditional Owners and community and homeland members have had a restful and peaceful Christmas and New Year festive season.

**Local Government Association of the Northern Territory Meeting Outcomes**

It was a pleasure to attend the General and Annual General Meeting in Darwin in November, of the Local Government Association of the Northern Territory (LGANT).

Deputy President Kaye Thurlow at the time represented Council in place of President Lapulung Dhamarrandji, who had important cultural obligations to attend to in Mililingimbi. Councillor Wesley Dhamarrandji was able to join Councillor Thurlow at the Annual General Meeting.

A highlight of the meeting was the attendance of the Chief Minister and her Cabinet Ministers for an hour and a half session. The discussion started on the important matter of law and order and youth justice, as discussed with the Chief Minister and senior officials a couple of months ago. A range of actions were taken on this and other issues raised on other topics, which LGANT will continue to follow up for progress.

The Chief Minister has committed she and her Cabinet Ministers will attend every LGANT General Meeting from now on, to enable genuine and meaningful engagement and action on a wide range of important issues and challenges across the Northern Territory.

Also of note, the Lord Mayor of the City of Darwin Kon Vatskalis, was re-elected as LGANT President. A number of strong Indigenous people were elected to represent Regional Councils on the LGANT Executive.

East Arnhem will continue to work closely with the LGANT President, CEO, staff and other Councils, and play a strong role on key issues like the recognition on Aboriginal Community Controlled Local Authorities and Regional Councils in processes like Local Decision Making, Closing the Gap, and the development of Local, Regional and National Indigenous Voice, and Northern Territory Treaties.

## **Election of New Deputy President**

Council thanked Councillor Kaye Thurlow, for serving as Deputy President for the last six months, and the ongoing contribution she makes to Council.

President Lapulung and I welcome the decision at its meeting in December last year of Councillor Lionel Jaragba as the new Deputy President. Lionel was one of the founding Councillors of East Arnhem Shire Council back in 2008.

In addition to recognising Councillor Jaragba's experience, knowledge and capacity in making the decision to appoint Councillor Lionel Jaragba as Deputy President, Council recognised the importance of his representation as a strong Anindilyakwan cultural man and leader for the people of the Groote Archipelago, alongside Yolngu President Lapulung Dhamarrandji.

I look forward with great commitment and energy to our year ahead, working for all the people of East Arnhem Land.

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

## **RECOMMENDATION**

**That the Local Authority notes the CEO Report.**

## **ATTACHMENTS:**

There are no attachments to this report.

**GENERAL BUSINESS**

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<b>ITEM NUMBER</b>	7.2
<b>TITLE</b>	Review and Further Empowerment of Local Authorities
<b>REFERENCE</b>	1715398
<b>AUTHOR</b>	Dale Keehne, Chief Executive Officer

**SUMMARY**

Council has reviewed and endorsed the range of different recommendations that made by Local Authorities on how to further strengthen and empower their role which will now be provided to the Northern Territory Government and a Reference Group that will develop an Implementation Plan to be provided to the Minister for Local Government.

**BACKGROUND**

Aboriginal people have run local government and community services in each Aboriginal community across the Northern Territory, since the end of the mission days.

From 2008 Aboriginal people have run local government and community services in a number of communities across larger regions.

This increased Aboriginal Controlled Council's ability to deliver services, and increased their voice and ability to deal and work with the Northern Territory and Australian Governments.

The voice of local communities has come from locally elected Councillors, and the creation of Community Advisory Boards in each community.

From 2013 this local voice was strengthened with the shift from Community Advisory Boards to Local Authorities which have a more formal role within the broader regional Councils. This includes a formal process for nominating members, formal and transparent agendas, and reporting back processes, the provision of specific Local Authority Project Funding, and secretariat and senior management support.

**Review of Local Authorities**

The Department of the Chief Minister and Cabinet is conducting a formal review of Local Authorities. It includes key principles of Flexible Governance, Community Centred, Placed Based Engagement, Empowerment, Outcome Focused, and Accountability – and possible options to achieve them (see attachment A).

Following input from across the Territory, a Reference Group will be formed in January 2024 to develop an Implementation Plan on the strengthening of Local Authorities. The Reference Group will be led by the Department of the Chief Minister and Cabinet, and include representatives from the Local Government Association of the Northern Territory (LGANT), Regional Councils and Local Authorities.

The Implementation Plan is due to be developed from January to March to then be provided to the Minister for Local Government Chansey Paech for consideration and approval. The plan and any changes in it are due to be implemented from 1 July 2023.

The next steps are for the Regional Councils and the respective Local Authorities to provide comment and input on the Local Authority Review Report.

Council resolved at its last meeting on 20 October:

*That the Local Authority:*

- (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.*

## **GENERAL**

Each Local Authority that met in November last year was asked to consider the review and further strengthening and empowerment of their Local Authority, to inform the review of Local Authorities being conducted by the Northern Territory Government.

The Local Authorities for Ramingining, Milingimbi, Galiwinku, Gapuwiyak, Angurugu and Yirrkala all met, discussed at length and provided a range of very valuable recommendations.

The Local Authorities of Milyakburra, Umbakumba and Gunyangara were unable to meet due to important cultural sorry business, but will be consulted for their discussion and resolutions in the next round of Local Authority meetings in January.

Each Local Authority that met resolved:

*That the Local Authority, to further strengthen and empower their role, endorses the recommendations – in the attached document raised in the Local Authority Review Report.*

A full record of all the respective recommendations from each Local Authority is at Attachment B.

In recognition of the importance of honouring the full range and depth of the particular recommendations of each Local Authority Council has endorsed the resolutions of each Local Authority without change, to then be provided to the Northern Territory Government. Specifically it was resolved at its meeting on 15 December:

*That Council:*

*That Council endorses the respective recommendations of each Local Authority, to further strengthen and empower their role, as detailed in full in Attachment B, to be provided to the Northern Territory Government and Reference Group that will develop an Implementation Plan to be provided to the Minister for Local Government Chansey Paech.*

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

## **RECOMMENDATION**

**That the Local Authority:**

- (a) Welcomes the decision by Council to endorse the respective recommendations of each Local Authority, to further strengthen and empower their role, as detailed in full in Attachment B, to be provided to the Northern Territory Government and Reference Group that will develop an Implementation Plan to be provided to the Minister for Local Government Chansey Paech.**
  
- (b) Having now also met to consider how to further strengthen and empower our role endorses the recommendations for our Local Authority, as detailed in the expanded 'Local Authority Recommendations'.**

## **ATTACHMENTS:**

- 1** [↓](#) LA Review Report - 12 October 2022 Draft.
- 2** [↓](#) LA Review -East Arnhem Local Authority Resolutions - November 2021.

# Local Authority Review Report

## 1. Background

Local authorities (LAs) were established in 2014 under section 53B of the former *Local Government Act 2008* (the 2008 Act). LAs were established as a response to concerns from communities that the transition from the former community government councils to regional councils led to a loss of communities' voices in the planning and delivery of council programs and services in their community.

The inclusion of LAs in the structure of regional councils is intended to ensure communities have a say in their regional councils' planning, prioritisation, funding and delivery of services and infrastructure for their community; and the provision of information and feedback to communities about the councils' decisions and activities in that community. The ultimate goal is effective, responsive council services for remote communities.

## 2. Intent of the Legislative Framework

On 1 July 2021, the intent of the 2008 Act was further strengthened when it was replaced with the *Local Government Act 2019* (the 2019 Act). In addition, the previous *Guideline 8: Regional councils and local authorities* (Guideline 8) was replaced by the new *Guideline 1: Local Authorities* (Guideline 1). The provisions in the 2019 Act were in a new chapter entitled Local Decision Making to reinforce the intent and purpose of LAs.

The 2019 Act requires regional councils to seek their LAs' advice and recommendations in relation to the council's budget; their priorities for expenditure; their service delivery; regional plans; strategic directions; and funding. Regional councils must also ensure their strategies and plans are informed by the vision and priorities of the LAs, and must work with their LAs to foster constructive working relationships between the council and community.

The 2019 Act specifically provides for expanded roles for LAs and a mechanism for giving communities a stronger voice in local government matters that affect them. Section 78 defines the functions of a LA:

- to involve local communities more closely in issues related to local government;
- ensure that local communities are given an opportunity to express their opinions on questions affecting local government;
- to allow local communities a voice in the formulation of policies for the locality as well as policies for the area and the region;
- to take the views of local communities back to the council and act as advocates on their behalf;
- to contribute to the development of the regional plan;
- to make recommendations to the council in relation to the council's budget and the part of the council's area within which the LA performs its functions.

Guideline 1 provides how LAs are to operate and be administered by their respective regional councils, including appointments and resignations, meetings, LA member payments and reporting.

## 3. Local Authority Review

In 2021, before the commencement of the 2019 Act, the Department of the Chief Minister and Cabinet (CM&C) started a desktop review (Review 1) of how well regional councils and LAs were meeting the intent of the 2008 Act and Guideline 8. The aim of Review 1 was to identify good practice across the NT as well as areas that could be further strengthened, and to determine what actions could be considered to better support the delivery of the intent

## Local Authority Review Report

of LAs given their expanded roles under the 2019 Act. Review 1 focused on the 66 LAs established across the Northern Territory for the period 1 July 2019 to 30 June 2020.

Review 1 was informed by the information available on regional councils' websites, information held and observations made by CM&C and some feedback and insights provided by regional councils. The findings and draft recommendations were provided to councils and other stakeholders in early 2022 for comment.

The Review 1 report acknowledged limitations associated with any desktop process. However it provided a platform for more discussion with councils, LA members and others, resulting in the direction outlined in this report.

Review 1 confirmed that there is noticeable diversity in the functioning of LAs and the way councils work with them, with some LAs engaging strongly with their communities and working with their councils to deliver on community priorities and aspirations, and some others struggling to meet or attain quorum to enable recommendations to be made about community priorities. Some LAs, with their councils' support, consider broader matters than council business, acting as a forum and conduit for community engagement in matters including local, Territory and Commonwealth government priorities.

In addition, feedback from councils and LA members has indicated that some of the requirements placed on them by the NT Government, or interpretations of these requirements, are impeding their ability to achieve their core functions.

Feedback on Review 1 included the following:

**Role of LAs:**

- a need for greater recognition, promotion and celebration of the strengths of the LA model and more sharing of examples of LAs and their councils successfully achieving the intent of the Act;
- the need for CM&C, councils and LAs to have a clear and common understanding of the definition and scope of their core functions and requirements;

**Flexibility:**

- the need for flexibility in how LAs and their councils deliver on the core functions (or choose to move beyond the core) to respond to differences between communities, their aspirations and the capacity of LAs;
- providing for flexibility for those communities, LAs and councils who want to have more integrated engagement, not just on local government matters. For example, some communities would like to see a single body coordinating community input into local government and NT Government (or broader) planning, services and prioritisation; while others have indicated a preference that LA members continue to focus on local government and other groups are established or continue to provide input into NT Government and broader matters;
- recognition that some LAs are well established with consistent membership who deliver well-regarded outcomes for their communities and council, and others are less established; and that, over time, LAs may cycle through these stages. This impacts on the levels of support needed from councils for their LAs and the level of autonomy LAs may have, and needs to be accommodated in expectations set by CM&C and required of councils;

**Decision making**



## Local Authority Review Report

- LAs should have as much influence and decision-making power as is appropriate to their stage of development and the delegations of the council; for example, some councils have already delegated decision making in the use of LA Project Funding (LAPF) to their LA, and some have delegated decision making over other community funding. The council is the decision-maker about the level of delegation relevant for their LA/s;

**LA Members:**

- a need for greater role clarity, capacity building and support for LA members and LA chairs;
- the need to revisit whether proxies should be permitted for LA members;

**Administration:**

- CM&C should remove any administrative requirements that detract from the ability of the LA and council to deliver on their core function. This needs to be balanced with good governance and accountable administrative process, reflecting that LAs are involved in the use of public resources and should be respected in their communities as informed, well governed and responsive structures;
- performance reporting should be focused on the intended outcome; ie the demonstration by councils of the engagement of communities through their LAs, and of the council's responsiveness to the advice, input and advocacy of their LA, including through the delivery of agreed community priorities;
- LAs should be able to set their own agendas and conduct their own meetings, while recognising the role of councils in managing administration, building capacity and responding to the varying levels of experience and capacity of members;

**Resourcing/support**

- some LAs and their councils continue to see benefit in having CM&C representatives at meetings at least occasionally, to coordinate responses to questions from community and LAs about NT Government matters, as well as to support engagement with other NT Government agencies;
- LAPF is a valuable resource for LAs and their councils to respond to community priorities. However, some councils struggle to spend these funds in the required time frames. The support role of CM&C is important in helping councils to address any barriers to the timely expenditure of funding on community priorities as determined by the LA and council;
- Accessible information should be provided to enable communities to understand how priorities for the use of LAPF are determined, and where they are spent;
- A need for a review of the LAPF guidelines to ensure their alignment with the core intent of the LAs;
- Any changes to the LA model should avoid requiring additional council resourcing. For example, where communities and their LAs want to have a broader role than council matters, there may need to be negotiation of partnering with NTG or others to share costs.

As a result of feedback and further discussions, the focus of the Review 1 report changed considerably into this report. This report emphasises the intent of the legislative framework for LAs and provides a principles-based direction for how this intent will be strengthened across the diverse councils of regional NT.

This review does not anticipate a change in the 2019 Act in relation to the role of LAs; LAs will remain part of their regional council structure, and continue to be subject to the control and direction of their relevant regional council.

## 4. Principles

## Local Authority Review Report

The following principles have been developed to guide the way in which CM&C, regional councils and LAs will support the effective integration and involvement of communities in the system of local government, as intended in the 2019 Act. An amendment to Guideline 1 will be required to fulfil the aspirations below.

<b>PRINCIPLE: Flexible governance</b>	
<b>What does this mean?</b>	<p>All LAs have a core role: to enable their community to have a say in their regional councils' planning, prioritisation, budgeting, and service delivery for their community; and to support the provision of regular feedback to their communities about council activities and the achievement of LA priorities.</p> <p>Councils and their LAs, with their communities, will determine how they deliver the role so it is adaptable to different locations, community aspirations, and capacity. CM&amp;C will facilitate the sharing of examples of good practice from LAs across the NT</p>
<b>What does this look like?</b>	<p>LAs, with their councils, decide:</p> <ul style="list-style-type: none"> <li>• whether they and their community prefer that the LA focus on council business or take a broader approach with a wider range of community matters. If a broader approach is agreed this may need negotiation of support from CM&amp;C or other partners for non-council activities. Also, if a broader approach is agreed community input should ensure it avoids duplicating other community structures, authority or roles and that the role is understood and supported;</li> <li>• how the LA will conduct meetings and engage with their community;</li> <li>• how the LA will prioritise LAPF funds including how community input will be heard, how priorities will be decided, and how decisions and outcomes will be communicated to the community;</li> <li>• whether delegated decision making will be requested from the council;</li> <li>• the nomination process for LA members, with councils seeking LA and community input into their policy on criteria for selecting LA members;</li> <li>• the number of appointed members up to a maximum of 14;</li> <li>• whether the Mayor/President will be a member of LAs beyond their own ward;</li> <li>• the frequency of LA meetings (minimum four per year, with timing to enable input into, and feedback from, council planning);</li> <li>• the location of LA meetings - they should be held in public places to maximise opportunity for community members to attend; and</li> <li>• whether attendance at meetings via phone/video conference will be allowed.</li> </ul> <p>First LA meetings to recommend to council:</p> <ul style="list-style-type: none"> <li>• nomination of LA chair;</li> <li>• the kinds of priorities the LA would like to focus on for their community;</li> <li>• how information about meetings and decisions will be publicised. This must be at least on the council website for transparency for community members; and</li> <li>• the use of interpreters</li> </ul>

## Local Authority Review Report

PRINCIPLE: Community-centred, place based engagement	
<b>What does this mean?</b>	The way the council and LA engage with each other and the community is place-based and adapts to local needs, languages, time frames and cultural protocols to encourage community involvement.
<b>What does this look like?</b>	<ul style="list-style-type: none"> <li>• LAs will recommend to their council the process for community engagement and two-way communication between the council, LA and community</li> <li>• Community engagement is supported by principles of the Remote Engagement and Coordination Strategy</li> <li>• Communication is clear and accessible.</li> <li>• LAs with their councils decide the nature and format of reports to be provided by councils to LAs – brief, diagrammatic reports are enough</li> <li>• LAs and their councils decide how the feedback about priorities is given to the LA and community in a timely way such as through the Council Community Based Manager, local council member or LA chair outside of meetings if needed</li> <li>• Regional councils support their LAs to host at least one community based event each year to support community input into LA priorities, and council planning. These events may be funded through some LAPF. For example, some LAs may hold community barbecues twice per year: to provide input into LA priorities and council plans for their area; and to receive feedback about how the LA and council has responded to that input.</li> <li>• Information is provided by regional councils in LA meeting agenda papers on: <ul style="list-style-type: none"> <li>○ Decisions that council has made based on the LA’s recommendations and advice</li> <li>○ Council resources and service delivery in the community.</li> <li>○ Progress / status updates on LA project recommendations.</li> <li>○ The amount of funding that is available to the LA for community priorities.</li> </ul> </li> </ul>

PRINCIPLE: Empowerment	
<b>What does this mean?</b>	LAs have authority to effectively carry out their core role as intended in the Act.
<b>What does this look like?</b>	<p>Where LAs seek to do so, regional councils consider opportunities for delegation of relevant decisions to LAs consistent with the <i>Local Government Act 2019</i>, including decision making about priorities for LA project funds</p> <p>Councils, with CM&amp;C assistance, provide training and resources to support professional development of LA chairs and members in governance and the LA role; and clearly communicate the role of LAs and regional councils to communities.</p>

## Local Authority Review Report

PRINCIPLE: Outcome-focused	
<b>What does this mean?</b>	LAs (and communities) can see that their recommendations to the council, based on community engagement, are being acted on; where this is not the case, they are informed of the reason.
<b>What does this look like?</b>	Council annual reports include information that demonstrates how they have engaged with communities via their LA, and the outcomes delivered in response to LA recommendations/decisions.  Compliance activity by CM&C will focus on the intended outcome of LAs

PRINCIPLE: Accountability	
<b>What does this mean?</b>	LAs and their councils continue to demonstrate high standards in governance and the use of public resources
<b>What does this look like?</b>	LAs have opportunities for professional development in governance consistent with their core role through their council and/or with support from CM&C if requested Decision making is transparent, focused on the best interests of the community as a whole, and conflicts of interest are managed. Information is accessible to community members about meetings, meeting proceedings, and opportunities for participation. Meetings are generally open to community members unless there is a defined need for confidentiality consistent with the provisions in the <i>Local Government Act 2019</i> .

## 5. Examples of Good Practice

To be discussed with, and provided by, regional councils.

## 6. Next Steps

This report will be provided to regional councils and other stakeholders for comment and input. Regional councils are encouraged to engage with their LAs in developing feedback. CM&C is available to assist as needed.

An implementation plan will be drafted for feedback from regional councils and LAs through their respective councils. The implementation plan will be developed through a reference group led by CM&C with the Local Government Association of the NT, and council and LA representatives.

The final LA Review report and Implementation Plan will be provided to the Minister for Local Government for consideration and approval. It is intended that this will be completed within the first quarter of 2023.

The LA Project Fund grant funding guidelines will be reviewed in 2022-23 in consultation with regional councils along with Guideline 1. Any recommendations for changes will then be advised to the Minister for Local Government for consideration for implementation in 2023-24.

# Local Authority Recommendations

*Each Local Authority raised and formally endorsed the following recommendations to further strengthen and empower their role.*

## Ramingining

Want to deal with broader issues.

Hold more community meetings.

Listen to community what they want, thoughts and ideas.

Loud speaker announcements, posters

Use Facebook, Ramingining site, Insta , Twitter, Council Website more.

Use Council TV monitors.

Local Radio.

Noticeboards, Council and Shop, CDP Office, Clinic, School, Rangers / Homelands / outstations (Dinybulu).

Invite school kids to the Local Authority. Learn about and tell what they want.

More young people on Local Authority – from 15 to 18 years old.

People from different Clans of 13 to 14 Clans.

People from Workplaces, Clinic, School, ALPA. Spot on their agenda. Raise problems, what happening.

Invite Land Council local Board Members.

Invite Police, Governments Departments – what’s happening, their job. Sometimes confusing. Deal with concerns. Tell them our feelings.

Do regularly between meetings.

Re Patient escorts, seek advice of LA members.

Happy with up to 14 Members.

After meeting with range of local organisations, tell people what is happening.

Dinybulu / ALPA to come talk to meetings.

1 Representative from each outstation, to attend Local Authority. 13 total.

TO on the Local Authority.

Support proxies.

## Local Authority Recommendations

## Milingimbi

It's our Local Authority - It's just for us.

We want Local governance training.

We want to make our community's better. Especially for place for our kids

Connect with our service providers, by inviting them to each Local Authority meeting.

Invite kids to the Local Authority to learn about governance. Give them the opportunity, they are the new generation. They can learn from us and us from them, both ways. Could be a school project program linked to attending the Local Authority, with a focus on senior kids, and when they leave school.

Also want young people to join the Local Authority. Want the kids to have something to admire, and to have a voice and a say, how they see it, they're going to see something different from us.

Support open public meetings of the Local Authority, so the community can have their say and raise issues. Could do every 3 months or so. Make a public meeting planner, not just when things happen.

In the park in the dry and in the rec hall in the wet and build up, or the Church. 'So we are engaging everyone'.

Meet somewhere we get goose bumps, a special place. We can all do it like before, connecting together. We have a strong voice but we want to hear all voices from community.

Want reconciliation of all the Clans in the community, discussing together.

Use the PA system to invite all tribes to the community meetings.

Also invite other Clan members to join the Leaders or members. So that the kids and Balanda can see and recognise all the Clans.

We are building bridges together, walk hand in hand. To really make things happen, get input on all services in our community.

We need to help each other now.

Invite the Traditional Owners to be part of the Local Authority. We come under their wings, they gave us a place to live, without them we wouldn't have a place to live.

Invite the local regional representatives of the Northern Land Council to attend and maybe be part of the Local Authority.

Want the Local Authority to help bring people together, as they are willing to do.

Use Facebook and other social media more to let people know the value of what is happening in the communities, on the Milingimbi noticeboard and regionally.

Public meetings can lead to some people just being negative, and conflict. Need meetings to be respectful and reasonable and not go on forever. Could include training of the chair. Careful use of microphones or no use of microphones.

## Local Authority Recommendations

## Milingimbi

Want to hear from the community about a wide range of issues.

Let people know what Council is doing and what decisions are being made.

Re the number of Local Authority members, support not too many, to be able to reach agreement.

Re proxies support and want to be able to have someone else nominated to replace a Local Authority member at meetings.

The LA members need to be disciplined, by the law, to be the middle person, the Code of Conduct, in Yolngu and Balanda. We make the rules and should not break them. Commit an oath or pledge before we even become a Local Authority leader, like with Councillors.

Re rules – need to make sure everyone doesn't break the oath of how we should work properly. The Local Authority can be in the middle for all, not just one family, but a pledge to work for all people. All communities are very holistic in our way, and we see the outcomes the good and the bad.

Have free flowing discussion in community meetings, and not the same level of formality. But do want to capture and reflect back accurately what people said.

Oath could include a commitment to be positive and offer possible solutions. It's about obeying the rules of engagement.

Need to address the inequity of the level of sitting fees between different boards, to encourage and support people to join and participate. Particularly because the Local Authority deals with a wide range of issues and engagement across the community, and direct input into NT and Australian Government processes.

We need faith with action, to say something and make it happen.

## Local Authority Recommendations

## Galiwinku

We want to deal with all sorts of issues.

Talk to other organisations about their programs.

We should ask the older members in community also, but do want action.

Have a road map for the Local Authority of plans of what is next what are we looking for. Make decisions on what the topics are.

Work through issues with the Traditional Owners, to allocate land, for community projects.

Deal with safety of the community, kids fighting in public, drinking alcohol, Clans fighting with one another. All the Leaders are turning their backs on their own people. Local Authority and Council can ask for more Police.

Conduct a survey of all community members of their issues, evaluate them and capture the issues of life living in community. Then Council can consult other organisations to help deal with the problems better.

Families are not coming together, before we had leaders to solve issues.

Don't want someone else making decisions. The Police don't talk to the community about how to deal with the problem kids. A magistrate decides or someone else from outside of the community. The Shire has been bought in, but it can ask others to do more.

Rehabilitation for kids in community, with community members to be involved.

Local Authority has a useful role in raising issues with the Chief Minister, Ministers and government people.

Support holding monthly barbeques with the leaders, but they need to come.

Work with Homeland leaders through an MOU with Marthakal Homelands.

Consider changing name of the Local Authority to reflect the inclusion of homelands. It's the time to change and think of reunite and redefine our knowledge.

Invite homeland members to join as members on the LA, want to learn everyone's perspective.

The Shire has opening many doors for the community the Local Authority is neutral and can talk about anything.

Re Council services, the Local Authority has a direct voice of raising what services need to be provided, and if there are problems with services.

Sitting fees should be more than one level of payment for each meeting, for when we need to meet longer.

Needs to be fair.

Need responsible Local Authority members. Bring input of benefit to the community, real input.

Need to work hard and talk hard and then get paid.



## Local Authority Recommendations

## Galiwinku

Support inviting Yalu, ALPA, Why Warriors, Marthakal Homelands and others. If we are going to help the community we need to know what they are doing and make sure our services complement each other.

Talk to NLC to identify land owners and invite them to Local Authority meetings. Will be good to talk directly with other, and make allies. Want to help improve approval process for projects.

Get news out of the work of the Local Authority by more use of social media, Yolngu Radio, BRACS radio.

Talk to people face to face to hear about what their issues are.

Share information with the other local boards, on their platforms.

Use Call for Recognition to frame working with the community.

The Local Authority and Council is neutral, the umbrella for others in the community.

Approach NLC to seek funding for important projects, identified by the Local Authority.

Re proxies, should have so someone else who can attend in place of each member, for when they can't. Even if that person can't attend the family and Clan will have the voice still. The Local Authority should be able to decide. Would be like bringing back to Village Council to hear all voices.

Need to have fair representation across the Clans, and encourage them to join. So may need to increase the number of LA members from 14.

Need to advertise to attract more people, Facebook, Instagram, come and try and see.

Invite emerging leaders, and diversity, having knowledge and working together.

Decide on how Local Authority Project Funds are spent in Galiwinku.

Have Standard Operating Procedures for how the Local Authority works.

## Local Authority Recommendations

## Gapuwiyak

Hold public meetings.

Talk about what the community wants. How we can help the community.

Give feedback to the Northern Territory Government. Are a lot of issues and people give us ideas but we need to share.

Invite the community members to hear the voices of community and share.

Have to involve the people about they think about the community and what they want.

Raise issues we hear between meetings.

Are a lot of activities in the community. Good to have a barbeque to invite people together to talk to the services in one place. Use the rec Hall in the rain.

Give gifts to people to encourage them to come. Ask them to come with their ideas of projects and services. Shelters, footpaths, other things.

Could have separate barbeques for men and women to allow space to talk about their issues.

Have booklets to show what the Council does, services and projects.

Communicate by using the Council notice board, as well as social media.

Take comments of what people want by writing down or on social media. Also encourage use of tablets in offices, and look at using mobile phones also.

After meetings meet with community to tell them what Council is doing, and seek input.

Invite all the TOs to any public meetings.

Ensure all ideas and recommendations are written down, and share back.

Invite key local organisations along to have a place on the agenda to talk about their work and discuss together.

Explain the role of Local Authorities and Council through all forums.

Want more young people on the Local Authority. From 15 to 20s and 30s.

Also other younger kids of all ages as it's important to hear their voices and issues. Could include a youth forum making views to the Local Authority.

Re proxies support having as is culturally appropriate and ensures maximum representation.

Support a review of sitting fees to be fair and equal with other Aboriginal organisations.

Want different governments to talk to us together, not all separate.

Don't want to get caught in politics, just work for the whole community, and just our community.

We, the community want to make the decisions ourselves.

Local Authority Recommendations

## Gapuwiyak

Re delegated authority want on how Local Authority Project Funds are used in our community. To slow otherwise, and should be our choice.

Also support that we decide who our Local members are.

## Local Authority Recommendations

## Angurugu

Match the sitting fees of other boards. People going to other meetings get paid more. Is happening now.

Want more people on the Local Authority who are reliable and committed, so we can have the meetings. Make sure they will be in community, not always travelling.

Get young mob in too. Get them ready to be leaders. Good to have people who aren't involved in everything else, so they have time to come.

Need to check if people have health issues, if they can't attend.

Should be a rule that Councillors need to attend the Local Authority. They are the leaders, they are taking the voice back to Council.

Councillors need to have time for Council Local Authority meetings, and not be on too many other boards. Particularly if other boards like ALC pay more, 300 to 500 dollars a day.

There is nothing hidden with Council and our LA. Everything is on the table. We feedback to the members, the community about what is said in meetings.

Use Facebook to tell community about the important things happening, updates. More feedback so the community can see what Council is doing, small to big things.

Re membership, we want to get new people on more quickly. Takes a long time to get final approval. We know and we should decide. Best if can approve to join immediately at a Local Authority meeting.

Same for Local Authority Project Funds. It's our community so we should just have our direct say, and get action straight away. Can apply for other issues too. Get action quicker if Council staff can start dealing with what we need when we raise it.

Each community needs its own voice, this is our community and the others are there's.

Difficult to invite other organisations to the Local Authority meeting as there is a lot of politics and they keep things secret.

Issue of conflict of interest needs to be dealt with of some Councillors who are on other boards, specially the ALC.

Want as many different voices as we can get. Is hard as people are scared of the powerful people who threaten them if they speak out. Try and deal with by broadening the type of people on the Local Authority who are willing to talk.

Community meetings are hard as one person does all the talking in language and does all the talking, and threatening people. Better to speak in clear plain English. It can then be all open with no threats.

Should know how to act in meetings. Be trained to sit in meetings and act in meetings. Need anger management training and how to act so everyone can talk.

Need to be positive and come up with solutions and, not winging, negative and threats.

Need to work by a clear code of conduct and follow it.

Need transparency and we get that from Council, but not others, like the ALC.

## Local Authority Recommendations

## Yirrkala

Want to deal with the big issues like alcohol, kava, policing, housing, other issues.

The people on our Local Authority are the voice for our people. Any projects or programs that are happening in Yirrkala should go through the Local Authority. A big role for the Local Authority members and also community members.

We want government to recognise our voice, we are the ones who make the decisions, Some of us come from different areas, some community, some homelands but we work for everyone.

The funding bodies should give us better sitting fees, We have to travel to meetings and take out time. We are the voice who advocates on behalf of the community and the TOs.

Local Authority members would like to also go to Council meetings to listen. Sometimes Council members don't bring the story back so Local Authority representatives could go to the Council meetings.

Recognising the Local Authority is needed. The NT Police should consult the Local Authority. We have to have a good connection to work together. It gives the Local Authority empowerment about what is going on in community and who the LA represents.

The Police do not know our culture and law. Need partnership with the Night Patrol and community. Have agreement how we work together.

Want to have our direct Authority on how we spend Local Authority Project money, as well as our members.

The Local Authority body is a very important thing, for programs and projects. If we were not here making those decisions then who would?

Local Authority members need to attend meetings and act properly, with respect of the importance of the role.

Want the Local TOs, the senior TOs, on the Local Authorities.

The 13 Clans should all be on the Local Authority.

Young people should also attend meetings so we can hear them. The Indigenous Liaison Officer should gather people from around the community.

We want each Local Authority member to be able to choose to come in their place.

Want to invite other local Aboriginal organisations to do PowerPoint presentations about they do, and their services. Could discuss. Good for us to listen to what they do and they can listen to what we do, projects and other things.

Want to raise issues with the NLC we are having, to get approval for lease. Invite NLC local Board member representatives. Can understand each other better and issues.

Need to be paid more, not fair.

Need government to come and talk to local Yolngu who are sitting on the ground. It has been put there by our ancestors and that is never going to change. The Local Authority can help all people to be heard together at the same time. Want governments to come talk with us together. Invite all stakeholders.

Local Authority Recommendations

## Yirkala

Have outside meetings to invite all community members to discuss different issues. Like at the Art Centre.

Talk about employment opportunities in big community meetings run by the Local Authority. The Community Liaison Officer could help.

Use Facebook and ARDS radio more.

Like input into how Council delivers services in Yirkala, like it's done with our patrol and sport and rec.

Include the homelands of Yirkala in the Local Authority. We're all the same people. We are all homeland members.

Laynhapuy Homelands Aboriginal Corporation to continue its role.

**GENERAL BUSINESS**

<b>ITEM NUMBER</b>	7.3
<b>TITLE</b>	Technical and Infrastructure Program and Capital Project Updates
<b>REFERENCE</b>	1719617
<b>AUTHOR</b>	Shane Marshall, Director Technical & Infrastructure Services

**SUMMARY**

This report is tabled for the Local Authority 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.

**BACKGROUND**

As part of the Annual Plan, there were a range of tabled projects and initiatives subsequently approved by the Local Authorities and Council for the current financial year.

Each meeting will have updates associated with the annual plan actions, in addition to the reporting of any new initiatives or business arising for the community.

The information below covers actions associated with the below services:

- 108 – Veterinary and Animal Control Services
- 112 - Support Fleet and Workshop Services
- 116 – Lighting for Public Safety.
- 118 – Local Road Maintenance & Traffic Management.
- 119 – Local Road Upgrade and Construction.
- 122 – Building Infrastructure Services.
- 129 – Waste and Environmental Services.
- 169 – MS/Public Works & Infrastructure Services

**GENERAL**

**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.**

Community: Angurugu, Umbakumba, Milyakburra

Reporting month/period: December 2022.

Overall comments:

- Quieter overall as many community members depart community for the holiday season.
- Parvovirus continues to be problematic causing significant morbidity and mortality particularly in puppies and young dogs – the majority of individual treatments conducted during December were for parvovirus.

- Unfortunately the vet vehicle was maliciously damaged (both side windows smashed) which will require replacement.

Service Deliver Statistics Year to Date:

<b>AMP Delivery: {Community name}</b>	<b>This period of reporting</b>	<b>Calendar Year to date</b>	<b>Last year's Annual delivery</b>
<b>Dogs De-sexed</b>	Angurugu: 2 Umbakumba: 0 Milyakburra: 0	Angurugu: 31 Umbakumba: 15 Milyakburra: 12 Homelands: 4	Angurugu: 12 Umbakumba: 9 Milyakburra: 1 Homelands: 11
<b>Cats De-sexed</b>	Angurugu: 0 Umbakumba: 0 Milyakburra: 0	Angurugu: 4 Umbakumba: 0 Milyakburra: 0 Homelands: 4	Angurugu: 0 Umbakumba: 3 Milyakburra: Homelands: 3
<b>Community consultations</b>	Angurugu: 32 Umbakumba: 7 Milyakburra: 0 Homelands: 0	Angurugu: 379 Umbakumba: 106 Milyakburra: 48 Homelands: 13	Angurugu: 100 Umbakumba: 28 Milyakburra: 11 Homelands: 26
<b>Remote/Phone consultations</b>	5		
<b>EARC Veterinary Cabinet medication dispensed</b>	2		
<b>Minor procedures/other surgeries</b>	Angurugu: 1 (tumour removal)		
<b>Parasite Treatments (ivermectin)</b>	Angurugu: 15 Umbakumba: 7 Milyakburra: 0 Homelands: 0	Angurugu: 470 Umbakumba: 137 Milyakburra: 82 Homelands: 146	Angurugu: 122 Umbakumba: 70 Milyakburra: 4 Homelands: 6
<b>Parasite Treatments (other)</b>	Angurugu: 11 Umbakumba: 3 Milyakburra: 0		
<b>Euthanasia</b>	Angurugu: 4 Umbakumba: 1 Milyakburra: 0 Homelands: 0		
<b>KVC engagements (Groote region)</b>	7		
<b>TOTAL Engagements</b>	<b>100</b>		

Community education activities:

- Public awareness campaign implemented regarding parvovirus (posters, radio) staff training.
- Dr. Lauren attending anti-discrimination training organised by EARC.
- AMW Tineka Turner continues her Cert 2 in Animal Studies



Additional Collaborations/Stakeholder engagements: N/A

Concerns:

- Damage to vet vehicle – both side windows smashed by community member (upset about incident unrelated to the program). EARC fleet informed and police report lodged. The incident was captured on CCTV in front of the GEAT building and the perpetrator has been charged.
- Animal welfare concerns/cases: Suspected dog stabbing in Angurugu – superficial wound only and dog recovering well.

Follow-up list for next visit:

- Large number of surgical candidates in Angurugu, however oxygen bottle now empty therefore need to wait until charter organised from Gove to Groote to facilitate replacement – currently liaising with both Taylah Mills and Sarah Carrall.
- Veterinary visit to Milyakburra planned mid-January.
- Commence community parasitic rounds towards the end of January once community members return.

**Service Profile:** 116 - Core - Lighting for Public Safety

**Business Unit:** Transport Infrastructure

Action ID:

**4.2.6.8 Manage, maintain and upgrade streetlights in Angurugu Umbakumba, Milyakburra.**

Audits have been undertaken on a range of lighting within the communities via the Konect Inspection software by the Municipal/Public Works team.

As part of the ongoing improvement in this area, monthly inspection audits and reporting will form part of the Public Works/Municipal Services work plan, with an order based on the lighting replacement requirements actioned every three months to avoid supply delays.



**Audit Repairs Completed 100%**

**Service Profile:** 122 - Support – Building and Infrastructure Services  
**Business Unit:** Technical and Infrastructure

Action ID

**1.4.2.1 Provide relevant Program / Project updates to every Local Authority Community meeting as required.**

**4.3.14.2 Conduct minor and capital upgrades to various council controlled buildings throughout the region, in line with the allocated budget and completion time lines per community.**

Milyakburra Lot 21 (Staff Housing)

Internal painting.

**Service Profile:** 129 - Core - Waste and Environmental Services  
**Business Unit:** Regional Waste and Environment

**4.1.5.2 Develop and implement environmental management plans for all Council operated Waste Management and Transfer Station Facilities**

Environmental Management Plans (EMP) have been developed and implemented across the six landfill facilities at: Umbakumba, Milyakburra, Ramingining, Milingimbi, Gapuwiyak and Galiwin'ku.

Three draft EMPs are currently being prepared for Angurugu, Yirrkala and Gunyangara Transfer Stations.



**Project Status – Underway 65%**

**4.1.9.12 Implement and manage appropriate public area litter infrastructure and collection schedules within all communities.**

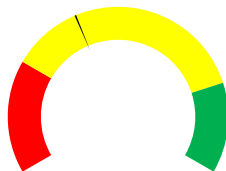
Ongoing core service in all communities. Waste Services are trying to setup a visit with Keep Australia Beautiful NT, to assist in the development of community specific litter management plans, provide some education to local organisations and provide some strategies that are working in other communities.



### **Project Status – Planning 8%**

**4.1.14.1** Develop, support and monitor the undertaking of monthly community waste education presentations and events such as CDS and Litter for Cash in conjunction with the Local Municipal Services, Community Development, and School based programs in selected communities.

Cash 4 Containers has continued throughout all communities except Milyakburra. It is expected that once a Council Operations Manager is employed at Milyakburra programs such as Cash 4 Containers can once again be implemented.



### **Project Status – Planning 40%**

**4.1.14.2** Implement and conduct a quarterly community household rewards program for waste and environmental practices in each community in conjunction with the Community Development program in each community.

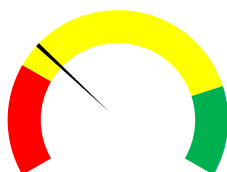
Planning has begun to conduct rewards programs in conjunction with the quarterly community clean-ups. Pre-Cyclone Clean-ups were held from 7 to 11 November, in conjunction with Tidiest Yard competitions in Gapuwiyak, Galiwin'ku and Milingimbi. It is expected that once a Council Operations Manager is employed at Milyakburra similar competitions and rewards programs can be implemented.

### Community Clean-Up event Calendar



#### 4.1.4.3 **Coordinate and monitor quarterly waste bin audits and repairs in conjunction with the Municipal Services Program in each community.**

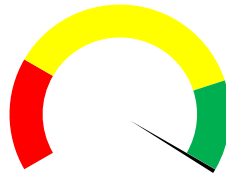
Waste Services have been trialing the use of Konect software for wheelie bin audits. Due to the success of these audits, this financial year all bin repairs/audits will begin to be captured through Konect, with the assistance of Municipal Services. The Milyakburra Wheelie Bin Audit was successfully conducted in October, the results of the audit were outstanding with zero wheelie bins requiring replacement.



#### **Project Status – Planning & Design 30%**

#### 4.1.7.1 **Monitor and report on the approved 10 year Waste Management Strategy**

Waste Services have completed the FY22 Environmental Monitoring and Audit Report of each facility. Overall, management of all facilities were satisfactory and met the requirements of Council's Environmental Management Plan. There were no reportable safety incidents recorded at the facilities, no environmental incidents and zero Lost-Time Injury hours recorded.

**Project Status – Completion 100%****4.1.7.2 Enter into partnerships and agreements, particularly for the transport or processing of recyclable material, to maximize the recycling opportunities for East Arnhem communities.**

Council entered into a partnership with Ecocycle for the recycling of household batteries and fluorescent globes. This partnership will build on the agreement Council made last year with B-Cycle to partner with an accredited battery recycler under the Battery National Product Stewardship Scheme.

Currently, Council have ongoing recycling partnerships with:

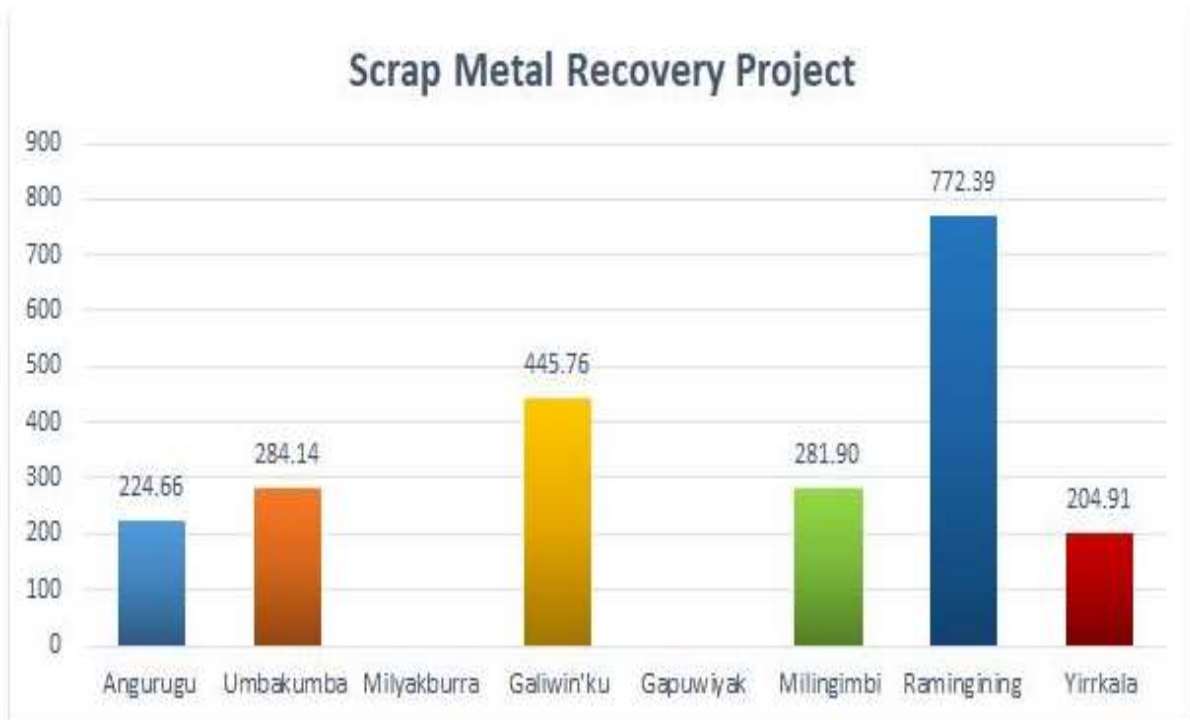
- Sea Swift (Barging of materials back to Darwin)
- Envirobank (Container Deposit Scheme);
- Ecocycle (Household Batteries);
- Mobilemuster (Mobile Phones and Accessories);
- TechCollect (E-Waste);
- TyreCycle (Tyres);
- Sell & Parker (Scrap Metal and lead acid batteries); and
- Veolia (Waste Oil and other hazardous materials).

**Project Status – Ongoing review and assessment****Scrap Metal Project**

The scrap metal project will recommence in the dry season with only Milyakburra and Gapuwiyak remaining to be completed throughout the region communities, delays with the availability of barge deck space have been the main contributing factor to date.

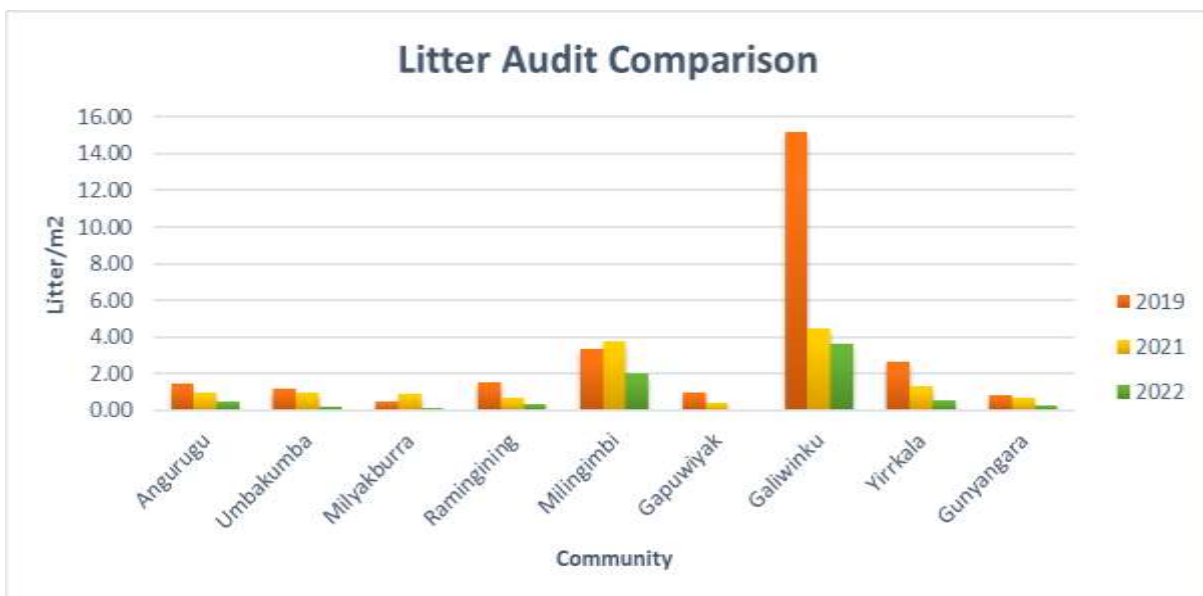
Further timing updates will be supplied in the month of March surrounding the updated schedule.

Regional project tonnage results to date.



**4.1.9.11 Coordinate and report on Bi –Annual ground litter audits in conjunction with the municipal Services Program in each Community.**

Bi-annual audits are currently underway across the region with only Gapuwiyak left to complete. Results and analysis should be available for all communities at the next Council meeting. Below are the results to date. As the graph illustrates, there has been a general reduction in litter across the communities since 2019. For Milyakburra, the results of the 2022 litter audit were fantastic, with such a minimal amount of litter identified that the results can barely be seen on the graph below.



**Service Profile** 169 - Core - Municipal Services / Public Infrastructure  
**Business Unit:** Technical and Infrastructure

**Description:**

Maintain Council's open spaces (parks, gardens, cemeteries, sporting fields and playgrounds).

**Primary Outcome:**

4.1 Maintain and enhance a clean, tidy, welcoming community.

### KONECT Public Area Infrastructure Assets



All Municipal Services teams are in the stages of identifying and recording all Council Public Area Infrastructure across the region.

Municipal Service Supervisors are familiar with the app as they use for Road Defects and Streetlight reports.

Milyakburra assets inspection are on hold until the Municipal Services Supervisor commences in the position.

Figure 1 Example of Galiwin'ku Public Area Assets on map



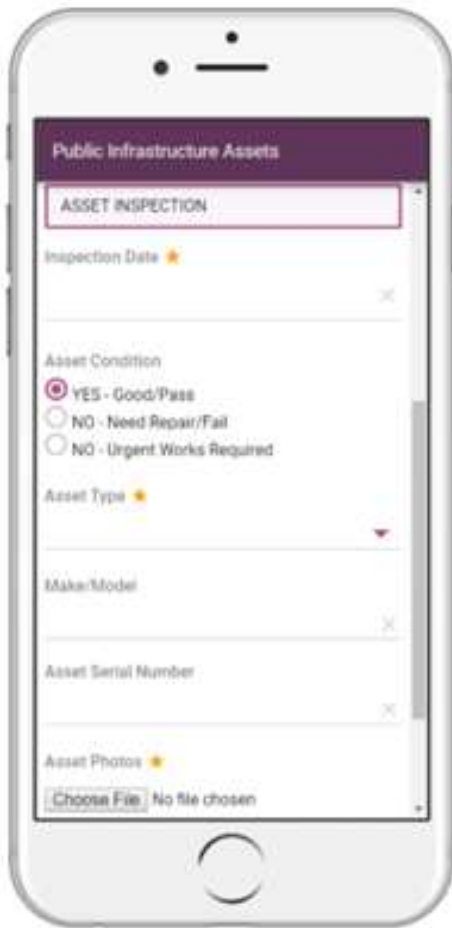


Figure 3 Milyakburra Public Area Infrastructure

Location of assets are recorded with the GPS on the phone to provide accurate location. Inspections will be carried out by the Municipal Services/Public Works teams, based on the assets in KONECT to identify any hazards, replacements or new install locations.

Figure 2 Konekt Mobile App



A huge thank you to Henry, Vail and Gebie CDP Labour hire Sammy who are doing a great job with the cores services in Milyakburra in the absence of a Municipal Services (MS) Supervisor.



A huge thank you to John Harpley – MSS/COM Umbakumba supports the team with a weekly visit and he is very proud of their efforts. The team are focusing on sorting the recycling and rubbish in the waste facility and general delivery.



<b>ACTION Item</b>	<b>LA Recommendation Required</b>
<b>LAPF</b>	<b>Technical and Infrastructure</b>

An action from the last meeting was a request for a water tank similar to the airport to be situated at the Barge Landing for general community usage.

Quotations have been obtained from a tank supplier and also Lac for the fabrication of an elevated tanks stand inclusive of cyclone tied downs.

### Quotations



#### Terracorp Industries

9 Beresford Rd, Yarrowonga, NT 0830, Australia  
 (08) 8932 8222  
 accounts@terracorp.com.au  
 ABN: 65992045074

### QUOTE

Quote Number: Q-40  
 Date: 8 Nov, 2022  
 Terms: Prepaid  
 Salesperson: Sarina Aldridge

#### Bill To:

SHANE MARSHALL  
 EAST ARNHEM REGIONAL COUNCIL  
 SHIP TO SEA SWIFT BARGE  
 Australia

#### Ship To:

SHIP TO SEA SWIFT BARGE  
 Australia

#### MILYAKBURRA LA

Qty	Item	Description	Price	Subtotal	Discount	Total
1.00	Zone B	TILT TRAY DELIVERY TO SEA SWIFT BARGE	\$220.00	\$220.00		\$220.00
1.00	FOB 40	FIT OUT BORE - 40MM	\$0.00	\$0.00		\$0.00
1.00	WT3MG	2 x 40MM (1 1/2") TANK BOSS - INLET & OUTLET 3KL TANK - MIST GREEN 3KL POLY WATER TANK - MIST GREEN	\$810.00	\$810.00		\$810.00

#### TERMS & CONDITIONS

- Quote is valid for 30 days only
- Freight / Delivery fees are subject to price increases based on current fuel levy at the time of delivery.

Subtotal	\$1,030.00
GST 10%	\$93.64
<b>Total</b>	<b>\$1,030.00</b>



## GENERAL BUSINESS

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<b>ITEM NUMBER</b>	7.4
<b>TITLE</b>	Funeral Services and Cemetery Management Policy - Review
<b>REFERENCE</b>	1717035
<b>AUTHOR</b>	Andrew Walsh, Director Community Development



### SUMMARY:

This report is to provide information to members on the proposed updates to the East Arnhem Regional Council Funeral Services and Cemetery Management Policy following the introduction of the Northern Territory Burial and Cremation Bill 2022.

The report provides opportunity for the members to reflect on the proposed Policy and to directly influence the final policy and the management of the East Arnhem Regional Council Community cemeteries.

### BACKGROUND

On 29 November 2022, the Territory Labour Government passed legislation that expressly respects traditional Aboriginal burial practices. The Burial and Cremation Act 2022 enables traditional owners to notify authorities about burials and exhumations in areas outside of a community controlled cemetery, rather than seeking approval.

The Act also allows for those who make decisions for land to maintain autonomy in how burials are conducted, without needing to adopt a Westernised cemetery management approach.

Different practices for the burial, exhumation, and disposal of human remains are allowed in certain areas, and take into account economic, social, cultural, and regional interests.

The Burial and Cremation Act 2022 replaces 70-year-old legislation that pre-dated Aboriginal Land Rights in the NT.

Why new legislation was needed: previously, cemeteries in regional and remote communities on Aboriginal land were not legally recognised. This means in many cases burial records were not kept for these areas. East Arnhem Regional Council has maintained burial records for burials inside Community cemeteries since 2018.

The new legislation ensures that burial areas in Communities are legally recognised, and records of burials are maintained. This will help ensure that people across the Northern Territory will have a record of where deceased loved ones are buried.

Having a record of burial sites will ensure they are respected and that future generations can have a connection to their family history.

### GENERAL

#### What has changed with the legislation:

- The new legislation requires records be kept for all burials in the NT.
- Allows burying in cemeteries, burial grounds and other areas.
- Ensures that those responsible for the land have power to decide whether cemeteries or burial grounds are recognised, this includes Traditional Owners of Aboriginal land.

- Ensures that a decision maker for the deceased can be a person with authority under Aboriginal customs and traditions, this is also known as a senior next of kin.

### Burial areas

The new legislation recognises two types of burial areas:

- Cemeteries.
- Burial Grounds.

The difference between a cemetery and a burial ground is that the latter doesn't have an organisation that looks after and manages the area.

There are four possible types of cemeteries, managed by the following organisations:

- Public cemeteries – urban cemeteries managed by local government councils.
- Community cemeteries – regional and remote cemeteries managed by local government councils.
- Local cemeteries – regional and remote cemeteries managed by Aboriginal corporations or other organisations.
- Independent cemeteries – cemeteries managed by private organisations.

You must apply to the relevant organisation for a burial to take place in the cemetery. The organisation will keep records of all burials.

### Burials and other areas

People can bury outside of a cemetery, such as:

- Burial Grounds.
- Out on Country.
- On Pastoral properties.
- Near Homelands.

Although a burial ground is a declared area, there is no responsible organisation to manage a burial ground.

A representative nominated by the land owner can consent to burials in burial grounds.

Land owners can decide if the area becomes a:

- Cemetery or
- Burial Ground.

They can also decide if it continues to be an undeclared area.

Individuals must notify the department about a burial in a burial ground or other areas, the department to be notified is not the East Arnhem Regional Council.

The department keeps records of all burials outside of cemeteries.

Under the new legislation, individuals must notify the department if you are burying outside a cemetery. A burial notification for outside of a cemetery is not an approval process.

### Policy Updates

The East Arnhem Regional Council Funeral Services and Cemetery Management Policy has been updated to reflect the changes in the new legislation. This is the second update since

the proposed legislation was first tabled in 2019. The last update was considered and approved by Local Authority in July 2020 and endorsed by Council on 8 May 2020.

Many of the changes in the first revision have remained in the current policy, including the provision of \$1000.00 in kind service to residents of the Community who have completed a Burial Application Form and are conducting the burial inside the Community cemetery.

The policy purpose is to define the level of support provided to residents of the East Arnhem Regional Council (EARC) communities undertaking funeral activities, and define management, service and record keeping activities of the Council controlled community cemeteries and other burial activities.

Policy Objectives include:

- To define hours of operational support (funeral services).
- To define services available.
- Apply limitations to gratis services offered by the Council.
- Apply applicable fees to non-gratis funeral services.
- Ensure compliance with records management per relevant legislation.

East Arnhem Regional Council is responsible for the efficient delivery of local government services and a range of agency funded services to nine (9) communities in East Arnhem Land. Under the Northern Territory Burial and Cremation Act 2022 (ACT) Council has set statutory obligations.

EARC receives financial assistance to maintain and provide administration of cemeteries as part of the Council's core services defined in the Northern Territory Local Government Act 2019. This financial assistance covers cemetery maintenance and management.

Council is recognised as the responsible entity for cemeteries within communities administered by Council under the Northern Territory Local Government Act and Northern Territory Burial and Cremation Act 2022.

The manager of the cemetery is the Chief Executive officer or an individual within a position with delegation to act as the Manager.

The following principles have been applied to the development of the policy:

- (1) to enable and accommodate different methods and practices for the burial, exhumation and disposal of human remains, including respecting the rights of Aboriginal people to practice customs and traditions in relation to burials, exhumations and disposals; and
- (2) to ensure records of burials, exhumations and disposals of human remains are kept and maintained for the benefit of next of kin and future generations; and
- (3) to regulate record keeping for the protection and maintenance of burial sites; and
- (4) to recognise different burial areas for the burial of human remains; and
- (5) to regulate cemeteries for the burial of human remains; and
- (6) to regulate the management of cemeteries in a way that takes into account economic, social, cultural and environmental wellbeing and regional interests; and
- (7) to regulate facilities for the disposal of human remains.

The Policy has also been drafted on the recognition of rights and interests of Aboriginal people.

Attached to this report is the draft policy for review.

Questions for the Local Authority members to consider when reviewing the policy:

Section 5.1 Cemetery Access

Section 5.3 Funeral Services (Section (2) Gratis Services)

Section 5.4 Hours of Availability

Section 5.5 Notification

Section 5.6 Application for burial approval within a Community Cemetery

Section 5.8 Applicable fees

Section 5.10 Refusal of Service

Section 5.12 Burial without approval

Section 5.13 Burial outside cemetery

Section 5.15 Services not provided

Please note that under the new legislation it is now an offence to conduct a burial without approval within a Community cemetery or without providing notification to the department outside of a cemetery (Section 5.12 Burial without approval).

Local Authorities recommendations on records management is valued, the Act and the proposed policy deem **culturally sensitive information**, in relation to a deceased person, information identified as culturally sensitive in:

- (1) a burial application / approval form;
- (2) a burial notification;
- (3) an application for exhumation and relocation of human remains under section 87(1) of the Act;
- (4) an exhumation notification;
- (5) a disposal approval form.

The burial application form requires the following information, if the Local Authority can make recommendations on information that Council should class as culturally sensitive.

Burial Application Form requirements:

- (a) The following details regarding the applicant:
  - full name, address and contact details;
  - relationship to the deceased person;
- (b) One of the following documents in relation to the deceased person:
  - a notice under section 34(1) of the Births, Deaths and Marriages Registration Act 1996;
  - a certificate under section 12(3) of the Births, Deaths and Marriages Registration Act 1996;
  - a certificate issued by the coroner or the coroner's clerk under section 17(1) of the Coroners Act 1993;
  - a certificate issued by the Registrar under

section 44(1)(a) of the Births, Deaths and Marriages Registration Act 1996 certifying the registration of the death of the deceased person;

- (c) Confirmation of the notification of, or confirmation of reasonable attempts to notify, the decision maker for the deceased person;
- (d) Any objection, known to the applicant, from the decision maker for the deceased person to the burial of the deceased person.
- (e) The time and date the service is requested for
- (f) Preferred location inside the Cemetery or approved burial ground
- (g) Authorisation for the records to be kept by the East Arnhem Regional

**Culturally sensitive information** will be redacted in any request to access the Community cemetery register.

The Policy also list services that East Arnhem Regional Council do not provide in a Community Cemetery or for other burial locations:

- (a) Multiple burials in the same plot
- (b) Cremation
- (c) Disposal of human remains
- (d) Exclusive rights of burial
- (e) Construction or erection of structures for interment

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

## RECOMMENDATION

**That Local Authority:**

- (a) Notes the report
- (b) Approves the draft Funeral Services and Cemetery Management Policy
- (c) Classes the following information as Culturally sensitive information on the burial form:

No.	Information	Culturally Sensitive?	
		Yes	No
<b><u>Details of person making burial application</u></b>			
1	Full name, address and contact details	<input type="checkbox"/>	<input type="checkbox"/>
2	Relationship to the deceased person	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Documents in relation to the deceased person</u></b>			
3	Notice under section 34(1) of the Births, Deaths	<input type="checkbox"/>	<input type="checkbox"/>

	and Marriages Registration Act 1996		
4	Certificate under section 12(3) of the Births, Deaths and Marriages Registration Act 1996	<input type="checkbox"/>	<input type="checkbox"/>
5	Certificate issued by the coroner or the coroner's clerk under section 17(1) of the Coroners Act 1993	<input type="checkbox"/>	<input type="checkbox"/>
6	Certificate issued by the Registrar under section 44(1)(a) of the Births, Deaths and Marriages Registration Act 1996 certifying the registration of the death of the deceased person	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Other information</u></b>			
7	Confirmation of the notification of, or confirmation of reasonable attempts to notify, the decision maker for the deceased person	<input type="checkbox"/>	<input type="checkbox"/>
8	Any objection, known to the applicant, from the decision maker for the deceased person to the burial of the deceased person	<input type="checkbox"/>	<input type="checkbox"/>
9	Time and date requested for service	<input type="checkbox"/>	<input type="checkbox"/>
10	Location inside the Cemetery or approved burial ground	<input type="checkbox"/>	<input type="checkbox"/>
11	Authorisation for the records to be kept by the East Arnhem Regional	<input type="checkbox"/>	<input type="checkbox"/>

**OR**

**Supports the inclusion of check box for the applicant to deem information as culturally sensitive during the application process.**

**ATTACHMENTS:**

1 [↓](#) Funeral Services and Cemetery Management Policy - DRAFT - FINAL EDIT  
06.01.2023.docx





# Funeral Services and Cemetery Management Policy

<b>Policy Number</b>	OPS/008
<b>Policy Category</b>	Operations
<b>Responsibility</b>	Director – Community Development
<b>Council decision (reference):</b>	
<b>Legislative reference:</b>	Local Government Act 2019, Burial and Cremation Act 2022
<b>Policy reference:</b>	
<b>Next Review date:</b>	4 Years from adoption

## 1. Purpose

This policy is to define the level of support provided to residents of the East Arnhem Regional Council (EARC) communities undertaking funeral activities and define management, service and record keeping activities of the Council controlled community cemeteries and other burial activities.

### 1.1 Policy Objectives

- (1) To define hours of operational support (funeral services)
- (2) To define services available
- (3) Apply limitations to gratis services offered by the Council
- (4) Apply applicable fees to non-gratis funeral services
- (5) Ensure compliance with records management per relevant legislation

The East Arnhem Regional Council is responsible for the efficient delivery of local government services and a range of agency funded services to nine (9) communities in East Arnhem Land. Under the Northern Territory Burial and Cremation Act 2022 (ACT) Council has set statutory obligations.

EARC receives financial assistance to maintain and provide administration of cemeteries as part of the Council's core services defined in the Northern Territory Local Government Act 2019. This financial assistance covers cemetery maintenance and management.

Council is recognised as the responsible entity for cemeteries within communities administered by Council under the Northern Territory Local Government Act and Northern Territory Burial and Cremation Act 2022. The manager of the cemetery is the Chief Executive officer or an individual within a position with delegation to act as the Manager.

## 2. Principles

The following principles will be followed:

- (1) to enable and accommodate different methods and practices for the burial, exhumation and disposal of human remains, including respecting the rights of Aboriginal people to practice

### Funeral Services and Cemetery Management Policy

customs and traditions in relation to burials, exhumations and disposals; and

- (2) to ensure records of burials, exhumations and disposals of human remains are kept and maintained for the benefit of next of kin and future generations; and
- (3) to regulate record keeping for the protection and maintenance of burial sites; and
- (4) to recognise different burial areas for the burial of human remains; and
- (5) to regulate cemeteries for the burial of human remains; and
- (6) to regulate the management of cemeteries in a way that takes into account economic, social, cultural and environmental wellbeing and regional interests; and
- (7) to regulate facilities for the disposal of human remains.

#### 2.1 Recognition of rights and interests of Aboriginal people

- (1) The rights and interests of Aboriginal traditional owners and Aboriginal people specified in subsections ((2), (3) and (4) – Burial and Cremation Act 2022) are to be recognised and the regulation of burials, exhumations, disposals and related activities under this Act must be in harmony with those rights and interests.
- (2) The Act and this Policy is not intended to limit traditional rights to use Aboriginal land otherwise than in accordance with the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).
- (3) The Act and this Policy is not intended to limit native title rights and interests otherwise than in accordance with the *Native Title Act 1993* (Cth).
- (4) The Act and this Policy must be interpreted in a way that does not prejudice traditional rights and interests to use Aboriginal land and native title rights and interests to the extent those rights and interests are recognised and protected by law.

### 3. Definitions

**Aboriginal community living area** means an area granted as an Aboriginal community living area under Part 8 of the *Pastoral Land Act 1992*, or the corresponding previous legislative provisions.

**Aboriginal community living area association**, see section 7 of the *Local Government Act 2019*.

**Aboriginal land**, see section 3 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

**burial** for the purposes of this policy means the following:

- (a) natural burial in the ground without a shroud or funerary box;

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- (b) burial in the ground in a shroud;
- (c) burial in the ground in a funerary box;

**burial area** means the following areas of land:

- (a) a cemetery;
- (b) a burial ground.

**burial fee**, for a burial, means a fee charged for the following:

- (a) digging the grave;
- (b) any other fee for a service required to undertake the burial.

**burial ground** means an area of land declared to be a burial ground by the Minister.

**cemetery** means an area of land declared to be a cemetery by the Minister.

**cemetery plan** means a plan required for a cemetery.

**CEO** means the Chief Executive Officer of the Agency.

**Chief Executive Officer** means the Chief Executive Officer of the Council.

**Manager** means the Chief Executive Officer of the Council or their delegate responsible for the management and administration of the Council controlled cemetery.

**closed cemetery**, see section 106 of the Act.

**community cemetery** means a class of cemetery declared under section 16(2)(b) of the Act.

**council**, see section 7 of the *Local Government Act 2019*.

**cremation** means the process of using fire and heat in a purpose-built furnace to reduce human remains to ashes.

**culturally sensitive information**, in relation to a deceased person, means information identified as culturally sensitive in:

- (a) a burial application / approval form;
- (b) a burial notification;
- (c) an application for exhumation and relocation of human remains under section 87(1) of the Act;
- (d) an exhumation notification;

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(e) a disposal approval form.

**decision maker**, see section 9 of the Act.

**decision notice**, for a decision, means a written notice setting out the matters required for a notice of decision under section 34 of the *Northern Territory Civil and Administrative Tribunal Act 2014*.

**declared infectious disease** means a disease declared by the Chief Health Officer under section 192(1) of the Act.

**disposal**, in relation to human remains, means disposal by:

- (a) cremation; or
- (b) any other process prescribed by regulation.

**enforcement order**:

- (a) for a cemetery – means an order issued under section 164 of the Act.

**exclusive right of burial** means a right mentioned in section 50(1) of the Act.

**exhumation approval**, see section 87(5) of the Act.

**funeral director** means a person who carries on the business of arranging for the burial of human remains or the disposal of human remains.

**funerary box** includes a coffin, casket or other container used to keep human remains for burial.

**human remains** means the body, or part of a body, of a deceased person, but does not include a body, or part of a body, that is cremated or undergoes any other process of disposal prescribed by regulation.

**independent cemetery** means a class of cemetery declared under section 16(2)(d) of the Act.

**inspector** means an inspector appointed under section 149 of the Act.

**interest holder**, see section 8 of the Act.

**Land Council** means an Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

**local cemetery** means a class of cemetery declared under section 16(2)(c) of the Act.

**manager**:

- (a) of a cemetery – see section 23(1) of the Act; or Chief Executive Officer of the Council or their delegate.

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**memorial** means a gravestone, headstone, tombstone, plaque, tablet, cenotaph or any other permanent physical object used to memorialise a deceased person.

**multiple burials** means the burial of human remains in a burial site where other human remains are already buried.

**native title**, see section 223 of the *Native Title Act 1993* (Cth).

**native title holder**, see section 224 of the *Native Title Act 1993* (Cth).

**native title rights and interests**, see section 223 of the *Native Title Act 1993* (Cth).

**next of kin**, see section 10 of the Act.

**officer** means a person specified in section 145(1) of the Act.

**permanent record**:

- (a) for a cemetery – means the records specified in section 182(1) of the Act

**personal representative**, in relation to a grantee, means the person specified by the grantee under section 54(1)(b) of the Act.

**premises** includes:

- (a) land; and
- (b) a permanent or temporary building or construction on land.

**provider** means a person who, or body that, provides, or holds out to provide, a health service or community service.

**public cemetery** means a class of cemetery declared under section 16(2)(a) of the Act.

**Public Trustee**, see section 5 of the *Public Trustee Act 1979*.

**representative for a burial ground**, see section 36(1) of the Act.

**responsible entity**:

- (a) for a cemetery – see section 4.1(1) of the Act.

**senior next of kin**, see section 11(1) of the Act.

**structure** means a building or a portion of a building used to inter human remains.

**suspended cemetery**, see section 168(1) of the Act.

**suspension notice** means a notice issued under section 175(1) of the Act.

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**undeclared area** means an area of land that is not within a burial area.

## 4. Application of Policy

### 4.1 Responsible entity for cemetery

- (1) The responsible entity for a cemetery is as follows:
  - (a) for a public cemetery or a community cemetery located in a council area – the council;
  - (b) for a public cemetery or a community cemetery located outside a council area – the entity specified in the notice under section 16(1) of the Act ;
  - (c) for a local cemetery – the Aboriginal corporation, Aboriginal community living area association or other entity specified in the notice under section 16(1) of the Act;
  - (d) for an independent cemetery – the entity specified in the notice under section 16(1) of the Act.
- (2) The responsible entity for a cemetery must manage and control the cemetery
- (3) The responsible entity has the following functions:
  - (a) to establish a cemetery plan for the cemetery;
  - (b) to establish policies for the cemetery;
  - (c) to ensure that there is access to equipment to undertake burials and exhumations in the cemetery;
  - (d) to care for and maintain the cemetery;
  - (e) to fund the maintenance of the cemetery;
  - (f) to ensure that the cemetery is accessible to the public in accordance with the Act or another Act;
  - (g) to ensure that the burial register is accessible to the public in accordance with the Act or another Act;
  - (h) any other functions conferred on the responsible entity under the Act or another Act.
- (4) In exercising a power or function under the Act, the responsible entity must have regard to the following:
  - (a) if the cemetery serves a particular cultural or religious community – the values of

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that community;

- (b) the heritage value of the cemetery, including the heritage significance of a heritage place or heritage object under the *Heritage Act 2011*;
- (c) the most efficient way of maintaining the cemetery.

#### 4.2 Manager of cemetery

- (1) The manager of a Council controlled cemetery is the Chief Executive Officer of the Council or their delegate.
- (2) The Council is required to notify the Agency of the following information regarding the manager of the cemetery:
  - (a) the full name of the manager;
  - (b) the contact details of the manager.
- (3) A notification under subsection (2) must be in writing and occur as soon as reasonably practicable after the person becomes the manager of the cemetery.

#### 4.3 Cemetery plans

- (1) Cemetery plans are available from the East Arnhem Regional Council community offices and the East Arnhem Regional Council website;
- (2) A cemetery plan includes the following information:
  - (a) the layout of the cemetery that identifies any portion of the cemetery for specific use;
  - (b) the types of burials available in the cemetery;
  - (c) the location of each burial site;
  - (d) that multiple burials are not permitted in the cemetery;
  - (e) that exclusive rights of burial are not available in the cemetery;
  - (f) the date the cemetery plan was last reviewed;
  - (g) any other matter prescribed by regulation.
- (3) A burial approval may still be given to bury human remains in the cemetery before the cemetery plan is established or if it is past its review date.
- (4) The Council must review the cemetery plan at least every 4 years.

## Funeral Services and Cemetery Management Policy

### 5. Policy Statements

#### 5.1 Cemetery Access

(1) Visiting Hours

Cemeteries throughout East Arnhem Regional Council Communities are unsecured.

In the interest of public safety, public opening hours of cemeteries are limited to day light hours only between dawn and dusk.

(2) Burial Access

Access to burial services is by application to the EARC and must be accompanied by the Burial Application Form.

The Burial Application Form is available via the EARC website or in person at the Council office.

Allocation of a burial plot and approval to bury will only be granted once a completed Burial Application Form has been submitted to the East Arnhem Regional Council.

#### 5.2 Contractor Access

Contractors undertaking works or grave site preparations must gain approval from the EARC prior to undertaking any works. A community or Council representative will be appointed to consult with the contractor on protocol and the area of planned work. The representative will assist the contractor in identification of poorly marked or barely distinguishable burial sites prior to undertaking any works within the cemetery.

#### 5.3 Funeral Services

(1) Cemetery Services

East Arnhem Regional Council services for cemetery maintenance and burials are as follows;

- (a) Grave site preparation
- (b) Cemetery Maintenance
- (c) Ceremonial sand delivery

(2) Gratis Services

Gratis Service is applicable by location and has a limitation calculated by the value of the service under the following guidelines;

- (a) EARC Council provided services up to the value of \$1000
- (b) Once per deceased individual
- (c) Limited to the community and EARC administered cemetery where the burial will take place
- (d) For gratis funeral services provided please refer to 4.3 (3)

The gratis measure of \$1000.00 is an in-kind amount, thus cannot be;



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- (a) Used to purchase items
- (b) Paid to an external or third party for service or material
- (c) Held in credit for subsequent funerals of other relatives
- (d) Applied to funeral services requested outside of ordinary business hours

The gratis service amount will be drawn on by application of the fees as per EARC's schedule of rates for the current financial year.

Payment will be required for any service that exceeds the gratis amount as set in this policy.

(3) Available Gratis funeral services

Services listed below are subject to equipment availability and serviceability. Council will not be liable for costs of contracted services due to plant, equipment or human resources being unfit for service or unavailable at the time of the request.

- (a) Grave digging
- (b) Ceremonial sand delivery
- (c) General labour assisting in grave preparation activities

Other services may be available at each location, these are by negotiation with the local EARC office. Other services do not form part of the gratis services availability.

(4) Transportation of material

Sand requested to be relocated as part of funeral ceremonies must be accompanied by written permission/approval from the relevant Land Council where the sand is to be extracted from.

#### 5.4 Hours of availability

Funeral services as defined in this policy are provided during Council operational hours only and through fee for service arrangements subject to availability and serviceability.

Funeral Services hours of availability:

- (a) 8:00am to 4:00pm weekdays

Fee for service is available:

- (a) Saturday between the hours of 8:00am and 6:30pm
- (b) Weekdays between the hours of 4:00pm and 6:30pm

No service is available:

On Sunday, gazette published public holidays or days observed by Council as non-working days (local cultural shutdown)

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#### 5.5 Notification

- (1) EARC's administration require a minimum of two working days' notice for any requested services.
- (2) Request must be accompanied by a completed Burial Application Form submitted to the EARC office.

#### 5.6 Application for burial approval

- (1) The manager of a cemetery may approve the burial of human remains in the cemetery once a completed Burial Application Form has been submitted.
- (2) A person may apply to the manager for a burial approval by submitting the following information on a Burial Application Form:
  - (a) the following details regarding the applicant:
    - i. full name, address and contact details;
    - ii. relationship to the deceased person;
  - (b) one of the following documents in relation to the deceased person:
    - i. a notice under section 34(1) of the *Births, Deaths and Marriages Registration Act 1996*;
    - ii. a certificate under section 12(3) of the *Births, Deaths and Marriages Registration Act 1996*;
    - iii. a certificate issued by the coroner or the coroner's clerk under section 17(1) of the *Coroners Act 1993*;
    - iv. a certificate issued by the Registrar under section 44(1)(a) of the *Births, Deaths and Marriages Registration Act 1996* certifying the registration of the death of the deceased person;
  - (c) confirmation of the notification of, or confirmation of reasonable attempts to notify, the decision maker for the deceased person;
  - (d) any objection, known to the applicant, from the decision maker for the deceased person to the burial of the deceased person.
  - (e) the time and date the service is requested for
  - (f) preferred location inside the Cemetery or approved burial ground
  - (g) authorisation for the records to be kept by the East Arnhem Regional

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- (3) The manager of a cemetery may not apply for a burial approval under subsection (2) to bury human remains in that cemetery.
- (4) The manager of a cemetery may request a copy of the document required under subsection (2)(b)(i) or (ii) from a provider if the document is not submitted under subsection (2).
- (5) If the manager of a cemetery requests a copy of a document under subsection (4), the provider must provide a copy of the document to the manager unless the provider does not have access to the document.
- (6) The burial approval may be given subject to any conditions that the manager of the cemetery considers appropriate.
- (7) Despite subsection (6), the manager of a cemetery must not impose a condition on a burial approval that is intended to limit the exercise of rights and interests mentioned in section 5 of the Act unless the condition is imposed for environmental protection, public health purposes or public safety purposes.
- (8) If the manager of a cemetery knows there is an objection from the decision maker for the deceased person under subsection (2)(d) of this policy or section 45(1) of the Act, the manager of the cemetery must not approve the burial of the human remains of the deceased person unless the decision maker withdraws, in writing, the decision maker's objection.
- (9) A manager of a cemetery may refuse to approve a burial unless:
  - (a) the proposed burial relates to the exercise of rights and interests mentioned in section 5 of the Act; and
  - (b) the proposed burial does not contravene the Act or another Act.
- (10) If a manager of a cemetery refuses to approve a burial, the manager must give the applicant a decision notice.
- (11) Please see East Arnhem Regional Council Burial Application and Funeral Services Flow Chart Process for further instruction on process.

**5.7 Application for authorisation to erect memorial/headstone**

- (1) Before erecting a memorial in a public cemetery, a person must, in writing, apply to the manager of the cemetery for authorisation to erect a memorial in the cemetery using the Memorial application form.
- (2) The manager may authorise the erection of the memorial in accordance with any policy determined by the responsible entity.

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- (3) The manager may authorise the erection of the memorial subject to any conditions the manager considers appropriate.
- (4) The applicant must comply with any conditions imposed under subsection (3)
- (5) A structure for interment is not an approved memorial in a Council Controlled cemetery

#### 5.8 Applicable Fees

- (1) Fees are applicable for all funeral services when;
  - (a) The service requested exceeds the gratis limitation.
  - (b) The service is requested outside of hours of availability.
  - (c) The burial is taking place in an approved burial location not under the management of the Council.
- (2) Fees charged will be a rate reflected by the EARC Schedule of Rates and subject to the following conditions;
  - (a) A purchase order has been provided by a recognised debtor of EARC, or;
  - (b) Pre-payment has been made by electronic funds transfer where available at the local Council office.

#### 5.9 Waiver Fees

- (1) Council may provide a reduced fee or waive a fee completely. Approval to waiver fees can only be approved by the Manager of the Cemetery and can only be considered for services inside the Council controlled cemetery.
- (2) Circumstances in which a fee can be waived is at the discretion of the approving officer.
- (3) Application to have a fee waived must be in writing to an officer with delegation to waive the fee.

#### 5.10 Refusal of service

- (1) EARC will not render any service, paid or gratis under the following conditions;
  - (a) A completed Burial Application Form has not been submitted to the EARC.
  - (b) Identity of the deceased has not been formally established or is in question.
  - (c) Burial is not within an approved burial location or EARC controlled cemetery.

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- (d) Correct/required information has not been provided for burial records.

**5.11 Depth of burial**

- (1) Human remains that are buried in the ground must be:
  - (a) Completely covered by soil that is at least 1000 mm deep at its shallowest point; or
  - (b) Completely covered by:
    - (i) a layer of stone, concrete or similar material impervious to water, which is at least 50 mm thick and placed directly over the remains; and
    - (ii) soil that is at least 500 mm deep at its shallowest point.
  - (c) No grave is to be prepared deeper than 1500 mm at its deepest point.

**5.12 Burial without approval**

- (1) All funeral and burial services require a completed and approved burial application form prior to commencement of any type of service.
- (2) A person commits an offence under the Act if:
  - (a) the person intentionally buries human remains; and
  - (b) the human remains are buried in a cemetery; and
  - (c) a burial approval was not given for the burial of those human remains.

**5.13 Burial outside cemetery**

- (1) A person may bury human remains of a deceased person in a location outside a cemetery after receiving approval from the Agency.
- (2) A burial outside a cemetery includes the burial of the human remains of a deceased person in:
  - (a) a burial ground;
  - (b) an undeclared area;
  - (c) a suspended cemetery.
- (3) East Arnhem Regional will only render service on receipt of approval from the Agency and as a fee for service activity dependent on availability and serviceability.

**Funeral Services and Cemetery Management Policy****5.14 Application for exhumation and relocation of human remains**

- (1) A person may apply to the CEO of the Agency for approval to exhume human remains of a deceased person in a cemetery and relocate the human remains to another place in or outside the Territory.

**5.15 Services not provided**

- (1) The following burial and funeral services are not provided by the East Arnhem Regional Council and are not available within East Arnhem Regional Council controlled cemeteries:
  - (a) Multiple Burials in the same plot
  - (b) Cremation
  - (c) Disposal of human remains
  - (d) Exclusive rights of burial
  - (e) Construction or erection of structures for interment

**5.16 Cemetery Records Management**

- (1) The Council Operations Manager is responsible for the maintenance of the East Arnhem Regional Council Burial register.
- (2) Information for the deceased must be recorded in the EARC Burial Register and Burial application form prior to and after burial has been completed.
- (3) Public access to information is available through the Council website or Council office by following Access to Burial Register Application.

**5.17 Access to Information in Register of Burials**

- (1) The manager of a cemetery must, on request from the following persons, provide the person with a copy or summary of information in the register of burials for the entry of a deceased person through a completed and Access to Burial Application:
  - (a) the executor or administrator of the estate of the deceased person;
  - (b) any next of kin of the deceased person;
  - (c) the applicant for the burial approval for the deceased person.
- (2) The manager of a cemetery must, on request, provide a copy or summary of information in the register of burials to any Agency.

### Funeral Services and Cemetery Management Policy

- (3) The manager of a cemetery may, on request of a person or organisation, provide the person or organisation with a copy or summary of information in the register of burials for the entry of a deceased person, if satisfied the person or organisation has an adequate reason for wanting a copy or summary of that information.
- (4) In deciding whether a person or an organisation has an adequate reason for wanting a copy or summary of information in the register of burials for the entry of a deceased person, the manager must have regard to the following:
  - (a) the nature of the person's or organisation's interest;
  - (b) the sensitivity of the information, including culturally sensitive information;
  - (c) the use to be made of the information;
  - (d) the need to protect the deceased person about whom the information is sought from unjustified intrusion of the deceased person's privacy;
  - (e) any other considerations prescribed by regulation.
- (5) If information is specified as culturally sensitive information in the burial approval form, that information must be redacted when providing a copy or summary of information under subsection (3).
- (6) The production of a copy or summary of information in the register under subsection (1) or (3) must be done in accordance with any policy determined by the responsible entity for a cemetery.
- (7) The responsible entity for a cemetery may determine and charge a fee for the production of a copy or summary of information in the register under subsection (1) or (3).

#### 5.18 Records Management

- (1) Records must be maintained in line with statutory obligation. The Burial Register, Burial Application Form, Authority to Perform Burial Service and all recordable forms related to funeral, cemetery and burial services must be uploaded and/or recorded in the applicable cemeteries folder on the East Arnhem Regional Council Electronic Documents Records Management System (EDRMS)
- (2) All accompanying evidentiary documents must be uploaded into the cemetery folder on the EDRMS. Records are to be made available on request via the EARC website or in person at the EARC office in accordance with the Northern Territory Information Act and Burial and Cremation Act 2022.

#### 5.19 Other Burial Areas

- (1) EARC does not condone the burial of deceased persons in sites other those defined within the Northern Territory Burial and Cremations Act 2022.
- (2) EARC will only provide fee for service arrangement to a person undertaking burial

### Funeral Services and Cemetery Management Policy

activities outside of a Council Controlled cemetery or an approved burial location including an undeclared burial location as long as all requirements for the burial have been conducted and approved by the appropriate authorities. Service provision is based on availability and service ability.

- (3) EARC will not maintain any records of deceased persons buried outside of a Council Controlled Cemetery.

## 6. Version

Version	Decision Number	Adoption Date	History
1			Council Adopted



**GENERAL BUSINESS**

<b>ITEM NUMBER</b>	7.5
<b>TITLE</b>	Public Local Authority Meetings and Mural Project
<b>REFERENCE</b>	1717044
<b>AUTHOR</b>	Divyan Ahimaz, Strategic Coordinator

**SUMMARY**

This report is authored to seek financial support to make progress on two action items from Local Authority action listings, Public Local Authority Meetings and the consultation phase of the East Arnhem Mural project.

**BACKGROUND**

The Public Local Authority Meetings model is aimed at increasing accessibility of Local Authority meetings to more members of the community in the East Arnhem region.

In these meetings, community members will have greater opportunity to discuss points of interest and suggest future discussion topics to the Local Authorities. Discussions will be hosted and recorded in mutually respectful ways to instill a sense of the community being heard and working together for the betterment of the wider community.

Following the approval of the Local Authority project by the elected members of Council, EARC has engaged with mural artists George Domahidy and Luke Breen to consult with communities through workshops, before executing the artwork in the external facing wall in EARC's Nhulunbuy Support Office.

**GENERAL**Public Local Authority Meetings

The Public Local Authority (PLA) Meetings will be held in public, community facing buildings and spaces. This is aimed at assisting in the development of the region to provide consistent legitimate representation, effective governance, improved service delivery and sustainable development through increased community participation.

To facilitate this to the community members, EARC will have to purchase resources and other miscellaneous items to form mobile kits dedicated for each community. The below table shows distribution of items proposed for the communities with the exception of miscellaneous items.

Community	PLA Items				
	Tables	Chairs	Table Cloth	Projectors	Screens
Angurugu	7	40	2	1	1
Galiwin'ku	7	40	2	1	1
Gapuwiyak	7	40	2	1	1
Gunyangara	1	20	2	0	0
Milingimbi	7	40	2	1	1
Milyakburra	0	0	0	0	0
Ramingining	7	40	2	1	1
Umbakumba	7	40	2	1	1
Yirrkala	7	40	2	1	1
<b>TOTAL</b>	<b>50</b>	<b>300</b>	<b>16</b>	<b>7</b>	<b>7</b>

To fulfill the acquisition of the above mentioned items, EARC is seeking approval from the Local Authorities to fund \$4,500 per community as part of the Local Authority Project Funding, totalling to \$40,500.

### East Arnhem Mural Project

To support the consultation and conceptualisation phase and overall logistics of the East Arnhem Mural Project, EARC is seeking approval for a financial support of \$9713.11 as part of the Local Authority Project Funding, totalling to \$87,418 across nine communities.

The consultation phase begins when the artists travel to all nine East Arnhem communities to hold workshops with adults and children. These workshops will be an engaging time of art making on t-shirts and other mediums for the community members to take away. The crucial part of the consultation phase is when the artists bring back suggestions and identify themes that each community wants as a representation of itself on the final mural in Nhulunbuy.

The breakdown of costs is as below:

Item	Cost
Community consultation (including workshops with adults and children)	\$33,638.00
Conceptualisation	\$3,300.00
Logistics	\$50,480.00
<b>TOTAL</b>	<b>\$87,418.00</b>

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

### **RECOMMENDATION**

**That Local Authority:**

- (a) Notes the report.**
- (b) Approves expenditure from Local Authority Project Funding of \$9,713.11 for execution for the community consultation and engagement phase of the Local Authority Mural project.**
- (c) Approves expenditure from Local Authority Project Funding of \$4,500.00 to purchase resources to allow for Local Authority Meetings to be held in public spaces.**

### **ATTACHMENTS:**

There are no attachments to this report.

**GENERAL BUSINESS**

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<b>ITEM NUMBER</b>	7.6
<b>TITLE</b>	Council Operations Report.
<b>REFERENCE</b>	1719486
<b>AUTHOR</b>	John Harpley, Council Operations Manager/Municipal Services Supervisor

**SUMMARY:**

This report is provided by the Council Operations Manager at every Local Authority meeting to provide information and updates to members.

**BACKGROUND**

In line with Guideline 1: Local Authorities; it is a requirement for a report to be included on service delivery issues in the local Authority area.

**GENERAL**

I have been acting in the Council Operations Manager / Municipal Services Supervisor (COM / MSS) role in Milyakburra since mid-September. Recruitment for the position is underway and a new COM / MSS will be appointed in the near future.

The delivery of East Arnhem Regional Council core services have continued in Milyakburra under the guidance of Stefano and Vail, ensuring core services are delivered in a timely and efficient manner.

The Community Night Patrol (CNP) team continue to deliver CNP services. We are looking to recruit a new team member as we have a vacancy and will be working with the existing members of the team to identify potential candidates.

I feel it important to express my gratitude to all members of the team across all programs, for working so hard together to ensure services are still being delivered even in a difficult environment, it is a credit to each individual in the local team here, and we as a community should be very proud of them all.

We have recently filled a vacant role here in Youth, Sport and Recreation. This role has been vacant for a while, so we welcome Sammy to the team and look forward to working with him going forward.

Given we are well are truly in the thick of the wet season, the Municipal Services team are focusing on mowing and maintaining all common areas as well as the normal waste collection and road maintenance.

We appreciate all the assistance we are getting from all community members when it comes to keeping the community clean and free of loose rubbish. On behalf of the Municipal Services team I would also like to thank all community members for their assistance in our pre cyclone clean up and hard rubbish collection.

We are working closely with Centrelink and their IT department to get the Centrelink Kiosk up and running. We know how important it is for our residents to be able to access self-service Centrelink and hope to have the issues rectified and up and running by end of January.

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

**RECOMMENDATION**

**That the Local Authority notes the Council Operations report.**

**ATTACHMENTS:**

There are no attachments for this report.

## GENERAL BUSINESS

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**ITEM NUMBER** 7.7  
**TITLE** Corporate Services Report  
**REFERENCE** 1716503  
**AUTHOR** Michael Freeman, Corporate Services Manager



### SUMMARY:

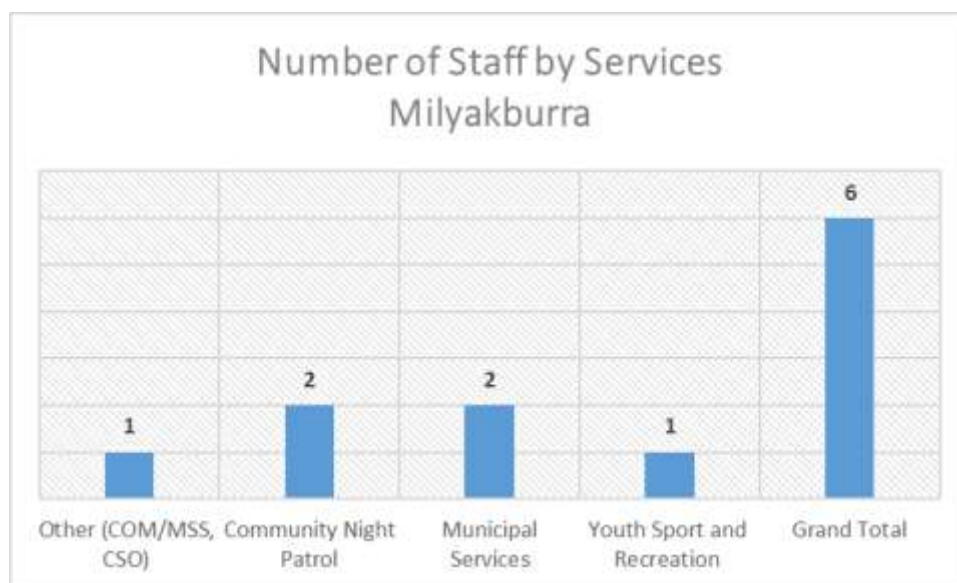
This report presents the financials plus employment statistics as of 31 December 2022 within the Local Authority area.

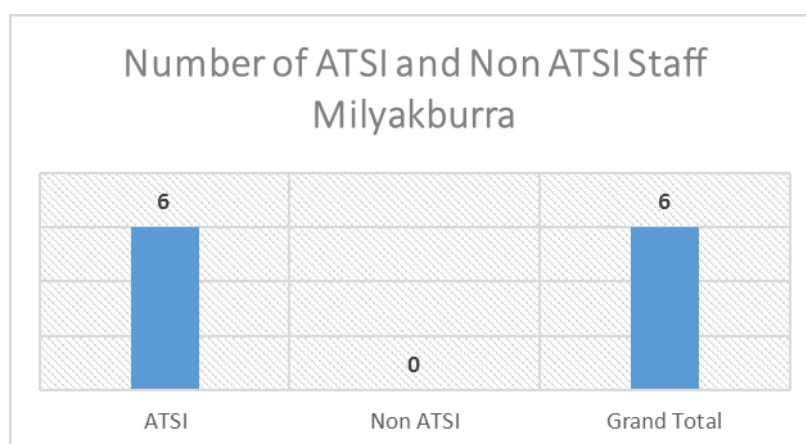
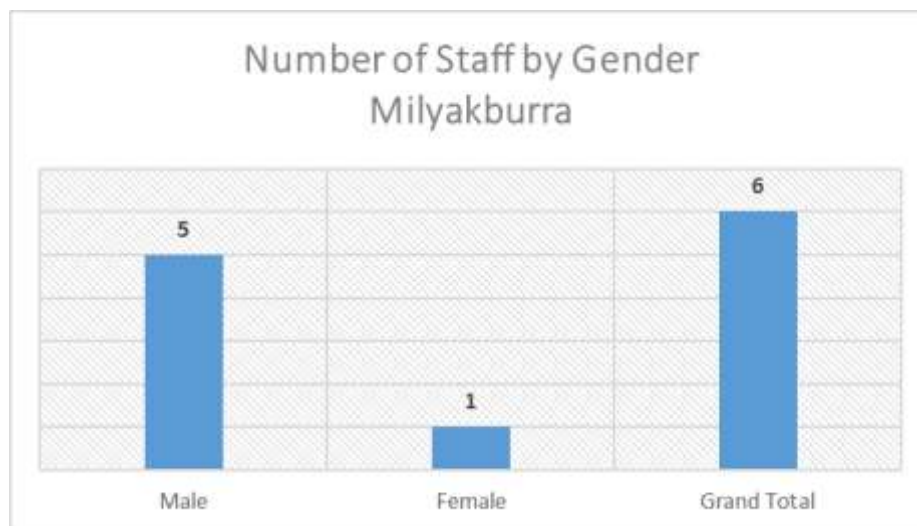
### BACKGROUND

Local Authorities need to consider the Finance Report carefully as it details the current actual figures against the budget for the Local Authority area. Also the report details the number of staff against the different service areas.

### GENERAL

#### Employee Statistics:





Vacancies as of 31 December 2022:

Position	Level
Council Operations Manager/ Municipal Services Supervisor	Level 6
Community Night Patrol Officer	Level 1

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

**RECOMMENDATION**

**That the Local Authority receives the Financial and Employment information as of 31 December 2022.**

**ATTACHMENTS:**

- 1↓ Income and Expense Statement\_Each Reporting Location\_Milyakburra
- 2↓ Where money was spent\_Milyakburra

## Each Reporting Location

INCOME AND EXPENSE STATEMENT YEAR TO DATE 31 DECEMBER 2022	Milyakburra		
	ACTUALS YTD	BUDGET YTD	VARIANCE YTD
<b>OPERATING REVENUE</b>			
Grants	117,959	148,082	(30,123)
User Charges and Fees	2,710	2,850	(140)
Rates and Annual Charges	-	222,272	(222,272)
Interest Income	-	-	-
Other Operating Revenues	4,525	2,773	1,753
Council Internal Allocations	-	-	-
Untied Revenue Allocation	264,425	264,425	-
<b>TOTAL OPERATING REVENUES</b>	<b>389,620</b>	<b>640,402</b>	<b>(250,782)</b>
<b>OPERATING EXPENSES</b>			
Employee Expenses	125,189	200,176	(74,987)
Materials and Contracts	29,960	60,587	(30,627)
Elected Member Allowances	-	-	-
Council Committee & LA Allowances	1,712	4,887	(3,175)
Depreciation and Amortisation	-	-	-
Interest Expenses	-	-	-
Other Operating Expenses	65,684	193,711	(128,028)
Council Internal Allocations	135,961	134,256	1,705
<b>TOTAL OPERATING EXPENSES</b>	<b>358,506</b>	<b>593,618</b>	<b>(235,112)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>31,114</b>	<b>46,785</b>	<b>(15,670)</b>
Capital Grants Income	-	-	-
<b>SURPLUS / (DEFICIT)</b>	<b>31,114</b>	<b>46,785</b>	<b>(15,670)</b>
Capital Expenses	(53,350)	(255,000)	201,650
Transfer to Reserves	-	(11,744)	11,744
Add Back Non-Cash Expenses	-	-	-
<b>NET SURPLUS / (DEFICIT)</b>	<b>(22,236)</b>	<b>(219,960)</b>	<b>197,724</b>
Carried Forward Grants Revenue	46,882	46,352	530
Carried Forward Revenue for FY2024	-	(30,409)	30,409
Transfer from General Equity	-	-	-
Transfer from Reserves	-	427,557	(427,557)
<b>TOTAL ADDITIONAL INFLOWS</b>	<b>46,882</b>	<b>443,499</b>	<b>(396,618)</b>
<b>NET OPERATING POSITION</b>	<b>24,646</b>	<b>223,540</b>	<b>(198,894)</b>
			-

