

ORDINARY COUNCIL MEETING 24th August 2020



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 5.00pm.

Cathy Winsley - CEO

AGENDA

ORDINARY COUNCIL MEETING

24th AUGUST 2020

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1 OPEN MEETING

The meeting will be declared open at 5:00PM.

2 APOLOGIES AND LEAVE OF ABSENCE

Report Number	2.1.7.20
Author	Cathy Winsley - CEO
Attachments	Nil

Summary

This report is to table, for Council's record, any apologies and requests for leave of absence received from Elected Members for the Ordinary General Meeting held on 29th June 2020.

Background

Not applicable.

Comment

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absence without notice.

Statutory Environment

As per the Local Government Act s.39 (1) A person ceases to hold office as a member of a Council if the person: (d) is absent, without permission of the Council, from 2 consecutive ordinary meetings of the Council.

Financial Implications

Not applicable.

Recommendation

That Council notes the absence of Cr _____ with/without apology for the Ordinary Council Meeting 24th August 2020.

Moved:

Seconded:

3 DECLARATION OF INTEREST

Report Number	3.1.7.20
Author	Cathy Winsley - CEO
Attachments	NIL

Summary

Elected members and staff are required to declare any conflicts of interest arising from the matters contained in this agenda.

Background

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

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the Council by disclosure as soon as possible after the matter is raised.
- 2) In the case of a matter raised in general debate or by any means other than the printed agenda of the Council by disclosure as soon as possible after the matter is raised.

The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting him/ her to leave the Chambers.

Staff Members of the Council are required to disclose an interest in a matter at any time at which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure the Staff Member is not to act or exercise his or her delegated authority unless the CEO or Acting CEO expressly directs him or her to do so.

Comment

NIL

Statutory Environment

- Local Government Act s73 & s74 (Elected Members).
- Local Government Act (2008) s107 Conflict of interest (Staff Members)

Policy Implications

Conflict of Interest – Code of Conduct.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the declarations of interest for the Ordinary General Meeting held 24th August 2020.

Moved:

Seconded:

4 DEPUTATIONS AND PRESENTATIONS

NIL

5 CONFIRMATION OF PREVIOUS MINUTES

Report Number	5.1.7.20
Author	Cathy Winsley - CEO
Attachments	Unconfirmed Minutes of the Meeting 29th June 2020

Summary

Minutes of the previous Ordinary General and Confidential Meeting are submitted to Council for confirmation that those Minutes are a true and correct record of the meetings.

Statutory Environment

The Minutes as submitted must comply with part section 67(2) Local Government Act 2011 and that confirmation of Minutes is compliant with section 67(3) of the Local Government Act 2011.

Policy Implications

Not applicable

Financial Implications

Not applicable.

Recommendation

That the Minutes of the Ordinary General Meeting held on 27th July 2020 be confirmed by Council as a true and correct record of the meeting.

Moved:

Seconded:

MINUTES OF THE ORDINARY MEETING OF THE BELYUEN COMMUNITY GOVERNEMENT COUNCIL MEETING HELD 28 July 2020

1 OPEN MEETING

PRESENT AT MEETING:

Elected Members:

- Zoe Singh (President)
- Cr Rex Edmunds (Deputy President)
- Cr Rex Sing
- Cr John Moreen

Staff:

- Cathy Winsley CEO

Visitors:

- Cathryn Hutton

MEETING OPENED The Ordinary Meeting of Council Meeting opened at 5:30PM

1 OPEN MEETING

2 APOLOGIES AND LEAVE OF ABSENCE

<2.1.7.20>That Council accepts the apology of Cr Cecilia Lewis for her absence from the Ordinary Council Meeting 28th July 2020.

Moved: Cr Rex Edmunds

Seconded: President Zoe Singh

3 DECLARATION OF INTEREST

<3.1.7.20>That Council notes there are no declarations of interest for the Ordinary General Meeting held 28th July 2020.

Moved: President Zoe Singh

Seconded: Cr Rex Edmunds

4 DEPUTATIONS AND PRESENTATIONS

Steven Kabasiweicz presented to the CEO and Councillor that were present at the meeting of the 27th July 2020. Mr Kabasiweicz advised that Department of Housing is planning for future housing development. He provided a map indicating an additional 15 houses could be located and was seeking feedback from the Council.

The CEO presented the map of the community that displayed existing land use and potential future housing lots to the Council.

Cr Rex Sing joined the meeting at 4:52PM

5 CONFIRMATION OF PREVIOUS MINUTES

<5.1.7.20>That the Minutes of the Ordinary General Meeting held on 29th June 2020 and the Confidential Minutes of the Meeting 29th June 2020 be confirmed by Council as a true and correct record of the meeting.

Moved: Cr John Moreen

Seconded: Cr Rex Sing

6 PRESIDENT'S REPORT

NIL

7 CEO REPORTS

7.1 Incoming and Outgoing Correspondence

<7.1.7.20>That Council:

1. Receives and notes the Incoming and Outgoing Correspondence Report tabled at the Council meeting 28th July 2020.
2. Notes the issues of dust caused by CareFlight and:
 - a. Requests that the CEO approach the American military to assist in funding for upgrading the access road
 - b. Request that the CEO seek funding from the Australian Government under the Remote Airstrip Upgrade Program to seal the airstrip
 - c. Confirms that the area near the cemetery as the interim landing site for the CareFlight helicopter landing site.
3. Request that the CEO make arrangements to manage possible COVID-19 infections in the community now that the NT border is open and arrange a community meeting to discuss possible COVID-19 response measures.
4. Invites Claire Butler Senior Consultant from True North Strategic Communication to present to the community (during the day) on Core Lithium's lithium projects.

Moved: President Zoe Singh

Seconded: Cr Rex Edmunds

7.2 Report from the CEO

<7.2.7.20>That Council receives and notes the report from the CEO for the period June to July 2020.

Moved: President Zoe Singh

Seconded: Cr John Moreen

8 OFFICER REPORTS

8.1 Review of Constitutional Arrangements

<8.1.7.20>That Council receives and adopts the Draft Report - Review of constitutional arrangements for the Belyuen Community Government Council's electoral representation and includes the report in the 2020-21 Shire Plan.

Moved: Cr Rex Edmunds

Seconded: Cr John Moreen

8.2 Review Comments, Adopt Regional Plan and Declare Rates

<8.2.7.20>That Council adopt the tabled 2020-21 Regional Plan for the Belyuen Community Government Council and:

- a) note and accept the Rates Assessment Record Certification made by the CEO on 6 July 2020 as tabled;
- b) declare Rates and Charges for the 2020/21 financial year as per the attached "Declaration of Rates & Charges 2020/21" and included within the Shire Plan;
- c) adopt the Budget for the 2020/21 financial year as presented within the 2020-21 Shire Plan;
- d) note the comments received and the content amendments to the draft plan as described in the attached documents;
 - i. Inclusion of Report - Review of constitutional arrangements for the Belyuen Community Government Council's electoral representation
 - ii. Department of local Government, Housing and Community Development comments on the draft plan
 - iii. Officer identified typos and amendments

Moved: President Zoe Singh

Seconded: Cr Rex Edmunds

Cr Rex Sing left at 6:55PM

8.3 Policy Manual

<8.3.7.20>That Council adopts the following policies as tabled:

- EM01 Code of Conduct for Council
- EM02 Contravention of the code of conduct
- EM03 Confidential Information – Council Meeting
- EM04 Conflict of Interest
- FIN01 Credit Card
- EM06 Gifts or benefits received by council members
- EM07 Elected Members Access to Information
- GOV02 Code of Conduct for CEO and Staff
- HR01 Recruitment and Promotion
- HR02 Training and Development
- HR03 Employment-Related Grievances
- HR04 Work Health and Safety
- HR05 Anti-Discrimination (Bullying)
- HR06 Performance Management

Moved: Cr Rex Edmunds

Seconded: President Zoe Singh

Cr Rex Sing returned to the meeting at 6:56PM

8.4 Writing-Off Assets

<8.4.7.20>That Council approves the write-off of six (6) assets that are damaged beyond economic repair to the book value of \$110 as detailed in tabled schedule.

Moved: President Zoe Singh

Seconded: Cr John Moreen

9 FINANCIAL REPORTS

9.1 Monthly Financial Report

<9.1.7.20>That Council accept the financial reports for the period June 2020 as tabled in this report.

Moved: President Zoe Singh

Seconded: Cr Rex Edmunds

10 QUESTIONS BY MEMBERS

NIL

11 GENERAL BUSINESS

11.1 Electronic Council Meeting Papers

<11.1.7.20>That Council supports the move towards electronic meeting papers and approves the purchase of five laptops subject to budget.

Moved: President Zoe Singh

Seconded: Cr Rex Edmunds

12 CONFIDENTIAL ITEMS

NIL

13 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on 24th August 2020 at the Belyuen Council Offices, Belyuen commencing at 5:00PM.

Meeting closed at 7:28PM

6 PRESIDENT'S REPORT

Report Number	6.1.7.20
Author	President Zoe Singh
Attachments	Nil

Summary

The President reports to Council on her activity and any items of importance that have arisen since the last ordinary Council meeting.

Comment

The President gave a verbal report of her activities since the last council meeting.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the President's Report.

Moved:

Seconded:

7 CEO REPORTS

7.1 Incoming and Outgoing Correspondence

Report Number	7.1.7.20
Author	Cathy Winsley - CEO
Attachments	Various letters below

Background

Council is provided with items of correspondence both received and sent during the months of May/June 2020

Hard copies are available to Council on the day of each Ordinary Council meeting for perusal, with additional copies available on request to individual Elected Members.

The correspondence inwards and outwards will be tabled at every meeting or included in agenda items as part of the background information for that particular issue.

Comment

The following correspondence has been received or sent during the period June to July 2020.

Correspondence In

Ref	Date	From	Regarding
A	12 August 2020	Chair - NT Grants Commission	NT Grants Commission Funding allocations for 2020-21
B	18 August 2020	Department of Health	Confirmation of funding under the Aged Care Workforce Retention Payment Program

Correspondence Out

	Date	To	Regarding
C	4 August 2020	Department of Health	Confirming landing area near cemetery as interim landing site.

Consultation

Not applicable.

Statutory Environment

Not applicable.

Policy Implications

Not applicable.

Financial Implications

Nil

Recommendation

That Council receives and notes the Incoming and Outgoing Correspondence Report tabled at the Council meeting 24th August 2020.

Moved:

Seconded:



BELYUEN COMMUNITY GOVERNMENT COUNCIL

ABN 88 194 280 330
BELYUEN COMMUNITY
Community Mail Bag 18,
Darwin NT 0822
Telephone: (08) 8978 5071

To: William Monaghan
Chief Procurement Officer Strategic Contracting, Infrastructure
Planning & Grants
Department of Health Casuarina NT

Attention: John Dettmann



Dear William

Thank you for your letter dated 28th July 2020.

Your letter was tabled at the Belyuen Council Meeting on evening of 28th July.

Council confirmed that the area near the cemetery be used as the interim landing site for the CareFlight helicopter.

Council will arrange to have the three identified trees removed and will work with Thomas Carroll to submit a funding application to the Federal Government to seal the airstrip.

Council will also continue negotiations with the Australian Defence Force in regard to their use of the airstrip and in particular the United States Marine's use of it.

Thank you for addressing this issue as a matter of urgency and I feel quite confident that there will be a good outcome for all in the long term.

Yours Sincerely

Cathy Winsley

CEO

4 August 2020

Cc Thomas Carroll Asset Manager Airfields

Nick Barclay Manager Belyuen Health Clinic

Minister Fyles



Ms Cathy Winsley
Chief Executive Officer
Belyuen Community Government Council
CMB 18
DARWIN NT 0801

Dear Ms Winsley

NORTHERN TERRITORY GRANTS COMMISSION ALLOCATIONS 2020-21

I am writing to provide you with information about your council's final grant outcomes for 2020-21.

The Australian Government has now approved the NT Grants Commission's recommendations in relation to the 2020-21 allocation. The total allocation for the Northern Territory (NT) is \$35 452 911. This allocation has two components that are distributed using different assessment methods.

In 2020-21 the general purpose financial assistance entitlement for the NT is \$17 021 972 and the identified local road entitlement is \$18 430 939.

Due to a reduced Consumer Price Index estimate for 2020-21, and the economic impact of the bushfires and the COVID-19 pandemic, the 2020-21 NT entitlement for general purpose is \$261 578 less than the 2019-20 adjusted entitlement, whilst the local roads entitlement is \$206 722 more than the adjusted 2019-20 local roads entitlement amount.

The Australian Government has also advised that in 2019-20 there was an underpayment totalling \$63 978, due to the difference between the CPI and population estimates made at the beginning of the last financial year and the actual outcome. This adjustment comprises of an underpayment of \$102 995 in general purpose assistance and an overpayment of \$39 017 in the allocation for roads. The necessary adjustments have been made to the 2020-21 grants and will amount to a net increase of \$76 to your council. The adjustment per program is:

- General purpose financial assistance entitlement \$148
- Identified local road entitlement \$-72

To assist you and the council to better understand the process used by the Commission to allocate grants, I have attached relevant material relating to your council's allocations for 2020-21. This comprises:

- A sheet detailing your council's grant allocations and payment schedule for 2020-21;
- A sheet showing the calculation of standardised expenditure and standardised revenue for your council;
- A matrix showing the application of the three cost adjusters against the various expenditure categories;
- A bar chart showing the cost adjusters calculated for all NT councils which underpin the calculation of standardised expenditures;
- A sheet showing the calculation of your council's identified local road entitlement for 2020-21;
- A sheet showing the 2020-21 grant allocations for all NT councils; and
- A grant trend chart of your council's grants over five years.

Contact details for Commission staff members are as follows:

- Donna Hadfield (08) 8999 8820 email:- donna.hadfield@nt.gov.au
- Omor Robin (08) 8999 8576 email:- omor.robin@nt.gov.au

If you have any queries in relation to the matters raised in this letter please contact the Commission's Executive Officer, Donna Hadfield on the above.

Yours sincerely



DR DAVID RITCHIE
Chair
NT Grants Commission

12 August 2020

NORTHERN TERRITORY GRANTS COMMISSION

Belyuen Community Government Council

2020-21 Allocations – General Purpose Grants and Local Roads Funding				
Type of Allocation	Allocations 2020-21 \$	Add/Less Adjustment of Allocations 2019-20 \$	Less Bring Forward 2020-21 \$	Cash Payments 2020-21 \$
General Purpose Funding	\$23,434	\$ 148	\$12,672	\$10,910
Local Roads Funding	\$33,625	\$- 72	\$17,335	\$16,218
Total	\$57,059	\$ 76	\$30,007	\$27,128

Payment Schedule 2020-21*			
Due Dates	General Purpose Funding \$	Local Roads Funding \$	Total \$
Early Release 18 June 2020	\$12,672	\$17,335	\$30,007
18 August 2020	\$2,727	\$4,054	\$6,781
17 November 2020	\$2,727	\$4,054	\$6,781
16 February 2021	\$2,727	\$4,054	\$6,781
18 May 2021	\$2,729	\$4,056	\$6,785
Total	\$23,582	\$33,553	\$57,135

*GST is not applicable to these payments.

Please provide a copy of this statement to your accounts department so that they are aware of scheduled payments.

Belyuen Community Government Council

POPULATION

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TERRITORY WIDE AVERAGES OF EXPENDITURE - Per Capita

General Public Service	457.90
Public Order & Safety	96.66
Economic Affairs	177.57
Environment Protection	70.11
Housing & Community Amenities	192.86
Health	10.04
Recreation, Culture and Religion	230.24
Education	3.64
Social Protection	141.51

REVENUE

Equalised Revenue (per capita share of NT Average)	90,556.07
Add Grants	
Roads To Recovery (50% used)	7,496.80
Library	.00
Roads	33,700.00
Budget Term (per capita share NT Average \$413.393)	71,930.32

TOTAL REVENUE

\$203,683.18

LESS EXPENDITURE

	Base Expenditure	Cost Adjustor Applied	Standardised Expenditure
General Public Service	79,674.02	1.56	124,319.73
Public Order & Safety	16,818.29	1.37	22,997.41
Economic Affairs	30,897.80	0.81	24,936.08
Environment Protection	12,199.90	1.00	12,199.90
Housing & Community Amenities	33,558.00	1.37	45,887.38
Health	1,747.63	1.37	2,389.72
Recreation, Culture and Religion	40,061.04	0.81	32,331.27
Education	633.54	1.37	866.31
Social Protection	24,622.98	1.37	33,669.59
TOTAL EXPENDITURE			\$299,597.38

The Commonwealth Grants Commission (CGC) recommends that the total standardised expenditure for all councils per category, equals the actual expenditure per category for all councils. This is achieved by re-scaling the cost adjustors around one. The result of re-scaling for the Belyuen Community Government Council is a positive adjustor for most of the heads of expenditure.

Deficit 2020-21

\$95,914.20

Adjusted Deficit (When the assessed level of need i.e. the theoretical deficit is greater than the available funds the Commission allocates grants to councils based on receiving the same percentage share of their equalisation requirement.)

\$22,323.96

Per Capita Grant (population by per capita 21.512)

\$3,743.06

Assessed Need

\$18,581.25

Loss Assist Parameter (Applied to reduce loss to 5% from previous year allocation)

\$1,109.69

Total Grant Entitlement 2020-2021

\$23,434.00

Add Underpayment for 2019-2020

\$148.00

Less Bring Forward 2020-2021

\$12,672.00

CASH PAYMENT FOR 2020-2021

\$10,910.00

* Figures have been rounded and discrepancies may occur between total and the sums of the component totals.

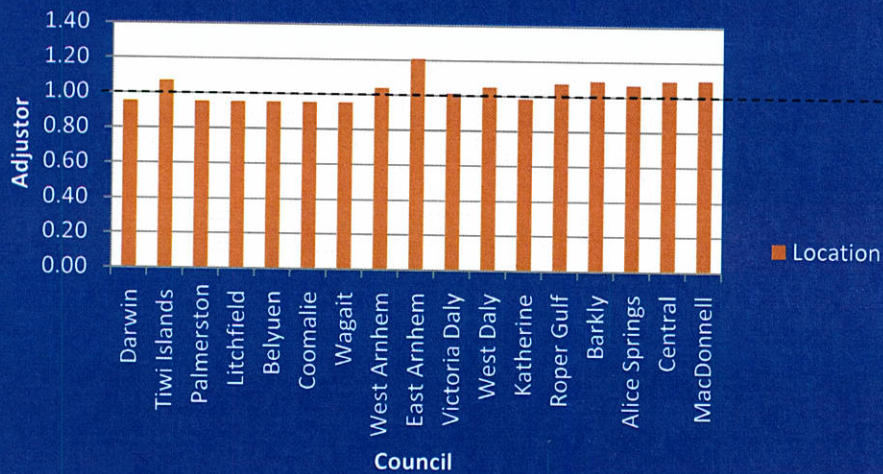
**APPLICATION OF POPULATION AND COST ADJUSTORS
AGAINST EXPENDITURE CATEGORIES 2020-21**

Expenditure Category	Population	Cost Adjustors		
		Location	Dispersion	Aboriginality
Housing and community amenities				
Public order and safety				
Environmental protection				
General public services				
Social protection				
Education				
Health				
Recreation, cultural and religion				
Economic affairs				

(Shaded area indicates when cost adjustor applies)

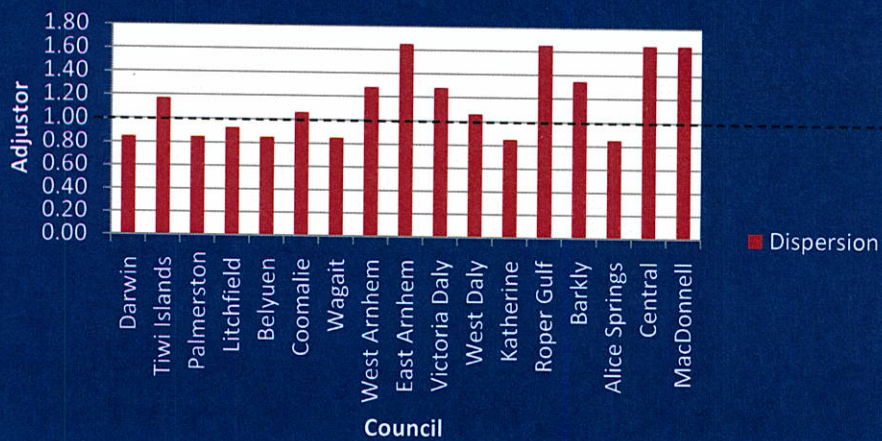
NT GRANTS COMMISSION MAJOR COST ADJUSTORS 2020-21 (RE-SCALED)

Location Cost Adjustor



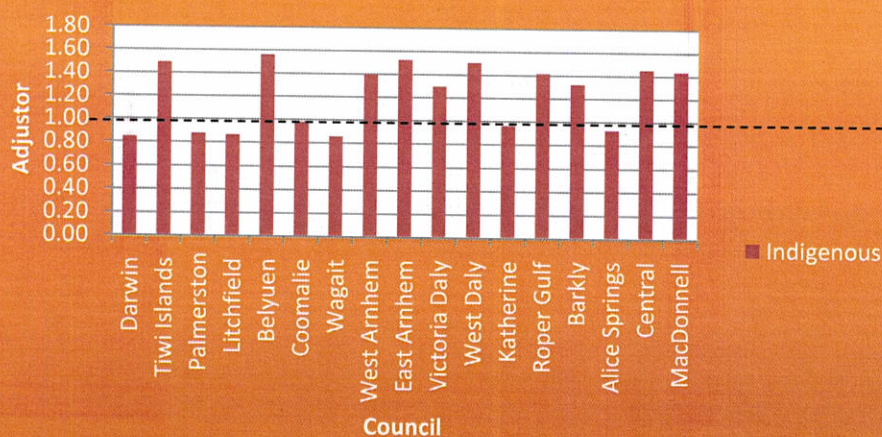
Territory
Average

Dispersion Cost Adjustor



Territory
Average

Indigenous Cost Adjustor



Territory
Average

**NORTHERN TERRITORY GRANTS COMMISSION
LOCAL ROADS GRANT 2020-21**

Belyuen Community Government Council

Road Type Category ¹	Number of Kilometres ²	Weighting Per Road Type	Total Weighting
Sealed	2.35	27	63.45
Gravel	0.00	12	0.00
Cycle Paths	0.00	10	0.00
Formed	14.00	7	98.00
Unformed	67.70	1	67.70
Totals	84.05		229.15

Cost Adjustor	1.00
Total Equalised Road Factor ³	229.38
Local Roads Grant Entitlement = <i>Equalised Council Road Factor / Equalised Total Roads x Total Road Funding</i>	\$33,625
Less Overpayment for 2019-20	\$- 72
Less Bring Forward 2020-21	\$17,335
Total Cash Payment for 2020-21	\$16,218
Share of Total Northern Territory Roads Pool (%)	0.18 %

¹ Data provided by council

² Data provided by council

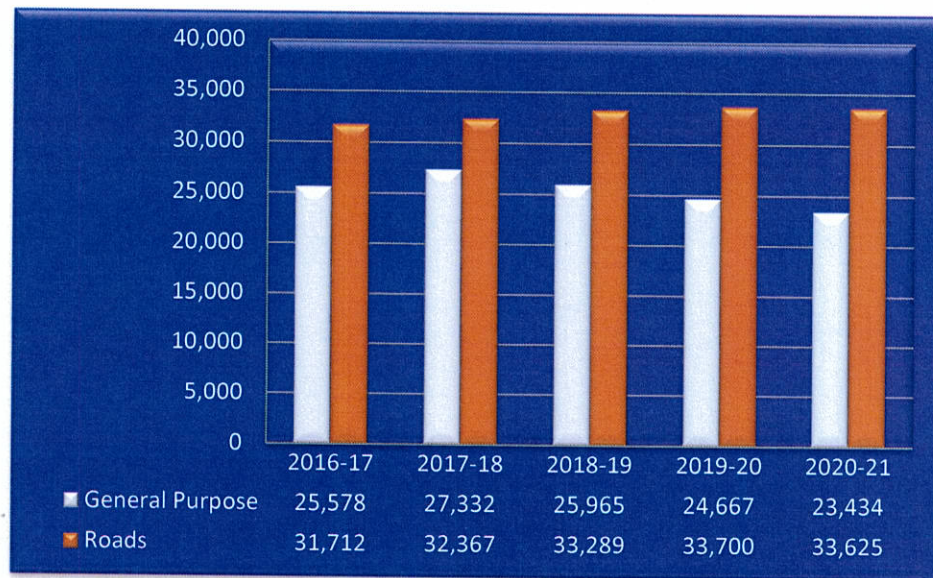
³ Figures have been rounded and discrepancies may occur between totals and the sums of the component items

**NORTHERN TERRITORY GRANTS COMMISSION
FINANCIAL ASSISTANCE GRANTS 2020-21**

Council	Estimated Entitlement		Add/Less Adjustment 2019-20		Less Bring Forward		Cash Payment		Total Cash Financial
	General Purpose	Roads	General Purpose	Roads	General Purpose	Roads	General Purpose	Roads	Assistance
	2020-21	2020-21	2019-20	2019-20	2020-21	2020-21	2020-21	2020-21	2020-21
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Alice Springs Town Council	614,443	976,530	3,877	(2,089)	332,283	503,965	286,037	470,476	756,513
Barkly Regional Council	1,701,629	479,920	10,120	(1,025)	896,614	253,288	815,135	225,607	1,040,742
Belyuen Community Government Council	23,434	33,625	148	(72)	12,672	17,335	10,910	16,218	27,128
Central Desert Regional Council	1,067,020	1,127,496	6,628	(2,162)	520,462	568,852	553,186	556,482	1,109,668
City of Darwin	1,774,298	1,967,474	10,896	(4,151)	917,262	983,127	867,932	980,196	1,848,128
City of Palmerston	819,236	1,032,494	4,875	(2,197)	414,788	581,262	409,323	449,035	858,358
Coomalie Community Government Council	29,321	515,870	179	(1,094)	13,395	265,243	16,105	249,533	265,638
East Arnhem Regional Council	3,330,258	1,285,108	19,992	(2,748)	1,724,296	666,367	1,625,954	615,993	2,241,947
Katherine Town Council	526,809	630,733	3,324	(1,344)	284,893	311,123	245,240	318,266	563,506
Litchfield Council	547,175	2,665,891	3,296	(5,676)	266,513	1,350,434	283,958	1,309,781	1,593,739
Local Government Association of the Northern Territory	n/a	1,597,583	n/a	(3,417)	n/a	812,735	n/a	781,431	781,431
MacDonnell Regional Council	1,930,900	1,021,544	11,334	(2,187)	992,644	524,675	949,590	494,682	1,444,272
Roper Gulf Regional Council	2,021,744	1,105,099	12,200	(2,350)	997,021	560,977	1,036,923	541,772	1,578,695
Tiwi Islands Regional Council	383,995	994,411	2,399	(2,129)	205,586	513,200	180,808	479,082	659,890
Victoria Daly Regional Council	449,300	726,309	2,786	(1,528)	238,735	371,303	213,351	353,478	566,829
Wagait Shire Council	11,100	56,325	68	(121)	3,976	29,037	7,192	27,167	34,359
West Arnhem Regional Council	1,257,252	1,233,274	7,603	(2,641)	667,884	648,483	596,971	582,150	1,179,121
West Daly Regional Council	534,058	981,253	3,270	(2,086)	290,120	537,160	247,208	442,007	689,215
Total	\$17,021,972	\$18,430,939	\$102,995	-\$39,017	\$8,779,144	\$9,498,566	\$8,345,823	\$8,893,356	\$17,239,179

GRANT TREND CHART

BELYUEN COMMUNITY GOVERNMENT COUNCIL



**The amounts presented above are the estimated entitlement allocations for each year and do not include cash adjustments for prior years.*



Australian Government

Department of Health

Ms Cathy Winsley
Belyuen Community Government Council
CMB 18
DARWIN NT 0801

Dear Ms Winsley

Letter of Agreement

I am very pleased to advise that your organisation, Belyuen Community Government Council, ABN 88 194 280 330, has been successful in its application for funding under the Aged Care Workforce Retention Payment Program.

Program	Activity Name	Grant Amount (excl. GST)	GST (if applicable)	Total (incl. GST)
COVID-19 Aged Care Continuity of Workforce	COVID-19 Aged Care Continuity of Workforce - 4- F3JCM4A	\$3,120	\$0	\$3,120
Total		\$3,120	\$0	\$3,120

The Department of Health accepts your offer to perform the Grant Activity on the terms and conditions set out in:

- this letter and its attachments;
- the *Aged Care Workforce Retention Grant Opportunity Guidelines* GO4068; and
- your application.

Together, these documents form your Agreement with the Commonwealth.

You have the right to opt out of this Agreement by providing written notice to the Department of Health (by emailing ACWR@health.gov.au) within two (2) business days of the date of this letter.

Please review the information in this Agreement as soon as possible and advise the Department in writing (email) by 20 August 2020 if any of the details contained in the Agreement need to be amended by contacting ACWR@health.gov.au.

If you do not wish to opt out and all the details are correct, you do not need to do anything further in respect of the execution of the Agreement. The Agreement will continue in force and payment for the conduct of Grant Activity will be made to you in accordance with the Agreement.

If you have any questions about this Agreement, please contact ACWR@health.gov.au.

Yours sincerely

Dave McHugh
18 August 2020

Parties to this Agreement

The Grantee

Full legal name of Grantee	Belyuen Community Government Council
Legal entity type (e.g. individual, incorporated association, company, partnership etc)	Local Government
Trading or business name	
Any relevant licence, registration or provider number	
Australian Company Number (ACN) or other entity identifiers	
Australian Business Number (ABN)	88 194 280 330
Registered for Goods and Services Tax (GST)	Y
Date from which GST registration was effective	
Registered office (physical/postal)	Belyuen Council Office, 1 Main Street, COX PENINSULA NT 0822
Relevant business place (if different)	
Telephone	08 8978 5071
Fax	08 8978 5009
Email	cathy.winsley@belyuen.nt.gov.au

The Commonwealth

The Commonwealth of Australia represented by the Department of Health
23 Furzer Street, Phillip, ACT 2606
ABN 83 605 426 759

7.2 Report from the CEO

Report Number	7.2.7.20
Author	Cathy Winsley - CEO
Attachments	TBA

Summary

Each meeting the CEO provides an update on activities and issues facing the Council.

Comment

ABA funding application for aged care

I am currently drafting a funding application under the ABA funding round for a wheelchair lift for the back of the bus. If the funding is successful, the Aged Care service will be able to lift wheelchairs into and out of the bus easily.

Airstrip update

I had a phone meeting with the liaison with the American military. He was very receptive to our concerns and agreed to progress this with his superiors.

Community meeting outcome

A community meeting was held on Wednesday 12th August 2020 as agreed by the Belyuen Council at their meeting held on 28th July 2020 Agenda item 7.1 (3).

Meeting was chaired by Rex Edmunds Vice President, Cecilia Lewis Councillor and Cathy Winsley CEO, there were 31 adults attended the meeting. A range of subjects were covered including:

- New Procedures Council putting in to place for when Service Providers come into the community
- Community Safety
- Belyuen School
- NT Legal Aid

Please refer to the attached notes for further information.

Corona virus update

As the borders to other states are now open, the NT community has an increased risk of coronavirus infections. Community members are encouraged to continue their COVID19 activities including hand washing and social distancing. The clinic has advised that they are able to undertake any number of COVID19 tests so the community is encouraged to undertake testing if they experience ANY flu like symptoms.

Councillors will note that temperature testing is now undertaken at the Council Office, Shop and Workshop.

CouncilWise update

A project kick off meeting will be held on the 25 August 2020 with Ben Dornier - Chief Digital Officer from Councilwise. Cathryn Hutton will be assisting during the project implementation process.

Amalgamation Discussions

Discussions continue with Coomalie and the Department of Local Government regarding progressing the amalgamation of Coomalie and Belyuen. It should be noted that, with the elections on the 22 August, there may be changes to the priorities of the department.

TOPROC

I attended the Top End Regional Organisation of Councils (TOPROC) meeting on the 14 August 2020 at Litchfield. TOPROC comprises representatives from (6) local governments; Belyuen Community Government Council, City of Darwin, City of Palmerston, Coomalie Community Government Council, Litchfield Council, Wagait Shire Council.

The meeting discussed the Master Plan that the City of Darwin is drafting for the Shoal Bay Waste Facility. It was disappointing to note that the needs and opinions of the other councils that utilize the facility were not being incorporated into the plan.

Waste Management

Council should be aware of the current arrangements which include:

- Weekly pickup of domestic waste using Viola
- Green waste is placed in the “green waste” location near the cemetery
- Skip bins located in the community for larger rubbish

Currently there are no facilities anywhere on the Cox Peninsula for waste transfer and the closest facility is Berry Springs which is in the Litchfield Council area.

I have been copied into an email from the Ironbark Coordinator that advises that they (Ironbark) are not able to place rubbish at the Berry Springs Transfer Station.

The Council has established skip bins for large rubbish items. However, it would assist the Ironbark operations if Berry Springs would accept smaller items arising from Ironbark’s activities. I am seeking your approval to write to the CEO of Litchfield Council to seek approval for small items to be placed at the transfer station. This would only be done through Ironbark.

Aged Care

The Aged Care Manager has requested that the Age Care be registered with “GivIT”. The council has registered and I will advise if we hear anything further.

Statutory Environment

Not applicable.

Financial Implications

Not applicable.

Recommendation

That Council:

- 1. Receives and notes the report from the CEO for the period July and August 2020.***

2. *Write to the CEO of Litchfield requesting approval to place smaller items (not green waste) at the Transfer Station at Berry Springs on the condition that it is only Ironbark staff and waste arising from Ironbark activities.*

Moved:

Seconded:



Notes from the Belyuen community meeting held on Wednesday 12th August 2020

The meeting was supported by the Belyuen Council at their meeting held on 28th July 2020 Agenda item 7.1 (3).

Meeting was chaired by Rex Edmunds Vice President, Cecilia Lewis Councillor and Cathy Winsley CEO

31 adults attended the meeting (attendance sheet attached)

The Vice President welcomed everyone to the meeting.

1. New Procedures Council putting in to place for when Service Providers come into the community.

The CEO explained that all Council workplaces now have a thermometer to take people's temperatures before they enter a Council Workplace. Community people do not have to be tested. The testing is aimed at people coming into the community. A Screening Recording Booklet has been placed at all Council workplaces and Council staff will be taking temperatures which the person then records while answering questions about their whereabouts. Copy of the screening sheet was shared around at the meeting.

CEO explained that it is important that people keep washing their hands at the handbasins outside the workplaces, no handshakes, cover your mouth if you cough, blow your nose on to a tissue and then bin it and go to the clinic if you feel unwell.

CEO explained that with NT borders open to some places there has been a lot of tourists coming into the NT.

Belyuen community people must look after each other to keep corona virus out of the community and to help prevent sickness and possible death.

2. Community Safety

The CEO reminded people again about the short cutting particularly at the main intersection and the dust that is created by vehicles.

The CEO explained that bollards are going to be installed but Council is waiting to see if the men building the telstra tower will need to be doing any digging along the side of the road to install any cables.

Community Service staff will start working in other areas.

A Community member asked Ironbark staff when will they start working again.

The Ironbark Coordinator explained they will be starting back next week (Monday 17th August) but it will only be voluntary work.

The Civil Works Manager explained to the meeting that old cars outside of people's yards have to be moved. Cars can either be moved back inside people's yards or the owner can talk with the Workshop men about getting help to move the cars down to the sewerage ponds.

The CEO explained that people have got until 31st August to put a plan together with Council to move unwanted cars for free.

Cars not moved after then the owner will be invoiced by Council for each car moved.

The Ironbark Coordinator commented that they will work together with Council to get rid of the cars.

The Ironbark Coordinator talked about when they come back to work, they will get stuck into helping with community clean up. They have been talking with Berry Springs Transfer Station Managers to see if Belyuen rubbish can be dumped there.

Ironbark will sort out a clean up date with the Council

Community member asked about street lighting, commenting that more lights are needed.

The CEO explained that the street lights are solar and the closer you get to them the brighter they become. The CEO explained that the solar lights at the intersection and front of the community are stronger than the other lights.

The CEO commented that the streets have been much cleaner lately with less glass bottles being smashed on the roads.

Community member commented about the young people (youth) drinking hot stuff (spirits) and smashing empty bottles on the road.

CEO advised that the youth are too young to be buying alcohol so it comes back to adults buying it for them and that needs to stop.

3. Belyuen School

The School Principal and Chairperson of the parent committee spoke to the meeting about the importance of children going to school and of adults being involved in the school.

The School Principal commented that it is widely acknowledged that schools where parents have a lot of interaction in them the students are higher achievers.

The School Principal commented on the importance of the culture programme in the school curriculum and the importance of the school nutrition lunch programme.

School Principal advised the meeting that people are welcome at any time to come down to the school and see what the students are doing.

School Principal explained that the school has a programme for 0-4year old children and their mothers/guardians to come to the pre school 3 mornings a week. There is a range of education resource material, toys and tea/coffee. There are also facilities for changing babies/toddlers.

The Chairperson of the School Parent Committee encouraged parents/adults to come to the school and be a part of the school committee.

The Chairperson expressed the importance of adults supporting students at school to help them with their learning.

4. NT Legal Aid

3 Representatives from NT Legal Aid introduced themselves to the meeting and said that they are available to help people with a range of issues such as superannuation, centrelink and housing.

The Representatives advised the meeting that they will be setting up under the tree over at the store and will have a sausage sizzle. People are welcome to come and talk with them and share in the sausage sizzle.

5. Community Meeting closed

The Vice President closed the meeting and thanked everyone for coming.

8 OFFICER REPORTS

8.1 Council Delegations

Report Number	8.1.7.20
Author	Cathy Winsley - CEO
Attachments	GOV01 Delegations Policy V1 REG01 Council Delegations Register V1.1

Summary

The Council is able, under section 40 of the *Local Government Act 2019*, to delegate (that is to give the power to do something) to the CEO or committee of council. Council is being asked to adopt a policy and a register that sets out the delegations given to these other entities.

Comment

Under Section 40 of the Local Government Act, a council may delegate its powers and functions. Those delegations may be made to:

- the CEO; or
- a council committee

It is **mandatory** for a council to impose conditions for the following four types of delegations:

- if power to incur financial liabilities is delegated – the council must, by resolution, fix reasonable limits on the delegate's authority
- If the power to enter into a contract is delegated – the council must determine the threshold value
- The power to enter into a non-arm's length transaction only where the transaction will provide a community benefit.
- The power to waive a fee for service may be delegated to the CEO if the waiver will provide a community benefit.

The Delegations Policy sets out the how and when a delegation is given. The Register of Delegations made by the Council provides the details of the delegation. In accordance with the Act, the delegation register must detail:

- the particular power or function that is delegated;
- conditions on the delegation;
- office holder or person the power or function is delegated to;
- the date the delegation starts;
- the date the delegation ends or if it has been revoked; and
- a reference to the council resolution or the written document of the President the power was delegated.

Statutory Environment

Section 40 *Local Government Act 2019* (Section 32 *Local Government Act 2008*)

Section 63 *Local Government (Electoral) Regulations 2008*

Financial Implications

Not applicable.

Recommendation

That Council:

- 1. Adopts GOV01 Delegations Policy***
- 2. Formally delegates the powers and functions outlined in the Register of Delegations made by the Council (v1.1 dated 05-08-2020)***

Moved:

Seconded:

GOV01: Delegation Policy

Type	Council Policy	Version	1
Approval Date		Resolution	
Review Date		Doc ID	

Policy Statement

Under Section 40 of the *Local Government Act 2019*, a council may delegate its powers and functions. Those delegations may be made to:

- the CEO; or
- a council committee

It is **mandatory** for a council to impose conditions for the following four types of delegations:

- if power to incur financial liabilities is delegated – the council must, by resolution, fix reasonable limits on the delegate's authority
- If the power to enter into a contract is delegated – the council must determine the threshold value
- The power to enter into a non-arm's length transaction only where the transaction will provide a community benefit.
- The power to waive a fee for service may be delegated to the CEO if the waiver will provide a community benefit.

Please refer to [Appendix A](#) for a list of Council powers and functions that cannot be delegated.

A delegation cannot duplicate or derogate from the CEO's functions (including delegated functions). Delegations of council are made by council resolution and recorded in the [Register of Council Delegations](#).

Legislative Reference

- Section 40 *Local Government Act 2019* (section 32 *Local Government Act 2008*)

Purpose of this document

To provide clear guidelines for the adoption, management, and revocation of delegations.

Principles

- In the absence of a formal delegation, no delegation exists.
- If a committee holds a delegation from the council, the delegation is held by the committee as a whole and not by any individual committee member.
- In exercising delegations', the delegated authority is required to comply with legislation, industrial awards, contracts or agreements and council approved policies, procedures and code of conduct.

- Delegation is made to a position and not a person. A person appointed to that position, or appointed to be acting in that position on a temporary basis, is the delegate while they are in the position.
- Once power is delegated to the CEO, it is then a matter for the CEO to exercise their power to further delegate to other Council officers (unless further delegation is prohibited or limited by Council).

New or Amended Delegations

New, amended or removal of Delegations by Council can only be achieved by a resolution at a Council meeting.

Review of delegations

The Council may review the delegations at any time. In accordance with the requirements of the General Regulations, the Council will review the delegations within six months of a general election.

Registers

In accordance with the General Regulations, the Council keeps the following registers:

- Register of delegations made by the Council
- The President to other Councillors
- Council to the Chief Executive Officer

The Register is divided into numerous sections, for each relevant Act and Regulation in respect of which the relevant power has been delegated. The Register will detail:

- the particular power or function that is delegated;
- conditions on the delegation;
- office holder or person the power or function is delegated to;
- the date the delegation starts;
- the date the delegation ends or if it has been revoked; and
- a reference to the council resolution or the written document of the President or CEO where the power was delegated.

The Register of Delegations made by the Council and the Register of Delegations made by the President will be published on the Council's website.

The Register of Delegations made by the CEO details the delegations made by CEO to Employees and Contractors, which include sections on general delegations and financial delegations.

Definitions

CEO, of a council, means the council's chief executive officer as appointed under LGA section 165(1), who is in charge of day-to-day operations of the council.

Deputy CEO, of a council, see LGA section 165(2).

Deputy President, of a council, means the member appointed by the council to be the deputy principal member under section 61(3).

guidelines mean guidelines made by the Minister under LGA section 342

member means (according to context) a member of an audit committee, a council, a council committee or a local authority.

President, of the council, means the member appointed or elected to be the principal member under LGA section 60 or 61.

LGA, means the *Local Government Act 2019* unless specified.

Reg, means the *Local Government (General) Regulations 2020*

Revision History

Policy Version	Approval Date	Resolution	Doc Ref

Appendix A - Council powers and functions that cannot be delegated

Specific delegation	Section
1. Operations outside council area	
Entering into a mutual agreement with another council to provide services in that other council's area	25(2)
Seeking approval from the Minister to provides services outside of the council's area	25(3)
2. Municipal, Regional and Shire Plans	
Adopting its municipal, regional or shire plan between 1 March and 30 June in each year	35(1)
Approving a draft municipal, regional or shire plan for public consultation	35(3)(a)
Considering the submissions made in response to the public consultation on the draft municipal, regional or shire plan and making any revisions to the draft council plan the council considers appropriate in the light of the submissions	35(3)(d)
Considering the Minister's advice on the services that the council should, as a priority, provide, when adopting and renewing its municipal, regional or shire plan	36(2)
3. Council as a body corporate	
Authorising or ratifying the affixing of the Council's common seal to a document	38(2)(a)
Determining the threshold value for a contract for which the power to enter the contract is to be delegated	40(6)
Reviewing any delegations of its functions and powers	41
4. Council members	
Adopting a policy for filling casual vacancies	54(3)
Appointing a person to fill a casual vacancy in the council that occurs less than 18 months but more than 6 months before the next general election	54(2)(a)
Appointing a person to fill a casual vacancy in the council that occurs 6 months or less before the next general election	54(2)(b)(i)
Leaving the office vacant for a casual vacancy in the council that occurs 6 months or less before the next general election	54(2)(b)(ii)
For Litchfield Council – deciding that the principal member has the title President	58(2)(b)
For regional or shire councils – deciding that the principal member has the title Mayor or President	58(3)
Appointing another member of the council to act in the principal member's position for a specified period or until the principal member resumes official duties if the principal member is absent and there is no deputy principal or the deputy is not available to act in the principal member's position	59(3)
Changing the basis of filling the office of the principal member (that is, elected or appointed)	60(3)

GOV01-REG01: Register of Delegations Made By Council

This register should be read in conjunction with [GOV01: Delegations Policy](#).

Delegation to the CEO

In relation to the council's functions and powers conferred by section 22 of the *Local Government Act 2019*, and in accordance with the council's power to delegate under section 40, the council delegates the following to the CEO as set out in table below:

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
CE01	Apply for and use Credit Cards	Individual credit limit must not exceed \$2,000 per card, cumulative value must not exceed \$10,000 In accordance with council's Credit Card Policy	S196 Guideline 3: Borrowing			
CE02	Waive fee for service	Value of fee must not exceed \$200 The waiver of the fee will provide a community benefit A report detailing all fee for service	S289(4)			
CE03	Authority to make agreements with persons for the payment of rates and service charges.	Agreements for the payment of rates and service charges must be in writing. Period of agreement must not exceed 3 years. Agreement conditions must be in accordance with policy.	Reg 25			
CE04	Write off money or assets in accordance with conditions of delegation	Value of asset (or group of assets) does not exceed \$2,000 Value of money does not exceed \$500 CEO provides certification as per Regulation 25 (1) and (2) A report of assets written off under this delegation is presented to Council that includes details of items written off and report on improvements to internal controls.	Reg 20			

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
CE05	Tenders and Quotations 1. Authority to call for request for quotations or tenders 2. Authority to evaluate request for quotations or tenders, by written evaluation, and decide which is the most advantageous 3. Authority to accept, or reject request for quotations or tenders, only within the \$value detailed as a condition on this Delegation 4. If the chosen respondent is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful respondent, so that the respondent ceases to be the chosen provider, authority to choose the next most advantageous request for quotation or tender to accept 5. Authority to exercise an extension option that	<ul style="list-style-type: none"> • The total consideration under the resulting contract for a publicly invited request for quotation is not to exceed \$50,000 and the expense must be included in the adopted annual budget. • The total consideration under the resulting contract for a publicly invited tender is not to exceed \$250,000 and the expense must be included in the adopted annual budget. • The total consideration under a resulting contract for a WALGA Preferred Supplier or LocalBuy, is not to exceed \$300,000 and the expense must be included in the adopted annual budget. • Contract variations must not exceed 10% of the contract price. Contract variations are to be reported to Council in accordance with Reg 39 • The contract period must not exceed 3 years (including extensions) • Contacts awarded under this delegated authority are to be reported to Council 	Sections 40(3)(f) and 40(6) Reg 39			

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
	<p>was included in the original request for quotation or tender specification and contract in accordance with conditions of delegation</p> <p>6. Authority to accept another request for quotation or tender where within 6-months of either accepting a request for quotation or tender, a contract has not been entered into OR the successful contractor agrees to terminate the contract</p>					
CE06	<p>Collective Procurement</p> <p>Represent the Council in Collective Procurement Panels</p> <p>Approve Collective Procurement Arrangements subject to the conditions of this delegation</p>	<ul style="list-style-type: none"> • The total consideration under the resulting collective procurement agreement is not to exceed \$250,000 and the expense must be included in the adopted annual budget. • Outcomes of the panel must be reported to Council • The contract period must not exceed 3 years (including extensions) • Contacts awarded under this delegated authority are to be reported to Council 	Reg 44 2(b)			

Delegations to Finance Committee

In relation to the council's functions and powers conferred by section 22 of the Local Government Act 2019, and in accordance with the council's power to delegate under section 40, the council delegates the Finance Committee as set out in the table below:

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
FC01	Approve the CEO's Certification of the Annual Financial Statement Approve the Annual Financial Statement for release to the public and delivery to the Minister for Local Government	The CEO's certification and the Annual Financial Statement must be laid before Council	Reg 14			
FC02	Tenders 1. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation 2. If the chosen respondent is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful respondent, so that the respondent ceases to be the chosen provider, authority to choose the next most advantageous tender to accept 3. Authority to exercise an extension option that was included in the original tender specification and	<ul style="list-style-type: none"> The total consideration under the resulting contract for a publicly invited tender is not to exceed \$500,000 and the expense must be included in the adopted annual budget. The total consideration under a resulting contract for a WALGA Preferred Supplier or LocalBuy, is not to exceed \$500,000 and the expense must be included in the adopted annual budget. Contract variations must not exceed 10% of the contract price. Contract variations are to be reported to Council in accordance with Reg 39 The contract period must not exceed 3 years (including extensions) Contracts awarded under this delegated authority are to be reported to Council 	Sections 40(3)(f) and 40(6) Reg 39			

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
	contract in accordance with conditions of delegation 4. Authority to accept another tender where within 6-months of either accepting a request for quotation or tender, a contract has not been entered into OR the successful contractor agrees to terminate the contract					
FC03	Adoption of Policies	Policies related to the financial activities of the Council				

Delegation to President

In relation to the council's functions and powers conferred by section 22 of the Local Government Act 2019, and in accordance with the council's power to delegate under section 40, the council delegates the Finance Committee as set out in the table below:

Number	Power or Duty being Delegated	Conditions of Delegation	Legislative Ref.	Commenced	Expiry	Council Res
PR01	Speak on behalf of the Council					
PR02	Approve expense claims for the CEO	In accordance with council's Travel Policy and or CEO Allowances and Other Benefits policy	S174			
PR03	Approve travel by the CEO outside the region	In accordance with the council's Travel Policy				

Other Delegations

NIL

8.2 Policy Manual

Report Number	8.4.7.20
Author	Cathy Winsley - CEO
Attachments	Various Policies see below

Summary

The Council's policy framework is being reviewed as part of the consultancy project being undertaken by Cathryn Hutton. The Council is being presented with a range of policies for their consideration and approval.

Comment

The operations and governance of the Council are managed by a range of Policies and Procedures. The policies adopted by Council establish a set of rules by which the Council operates. Many of these policies are required by legislation.

The following policies have been drafted to meet the Council's legislative requirements – both is the current Local Government Act and in the new Act that will come into effect in 2021.

This is the first set of policies being presented to Council. Further policies will be presented from time to time to ensure the full suite of policies has been developed.

Ref	Name of Policy	Legislation reference (new Act unless specified)
Finance related policies		
FIN03	Rates Concession Policy Outlines the way the Council will manage applications for rates concessions including financial hardship.	S247-s250
Policies relating to the way the Council governs		
GOV04	Casual Vacancies Policy A policy on how vacancies will be handled within 18 months of an election.	S54
GOV05	Caretaker Policy Makes it clear that no major policy decisions can be made during the caretaker period, that is the period leading up to a council election. This is an update to an existing policy.	96A (old Act) s161 (new Act)

Statutory Environment

The policies have been prepared to comply with the *Local Government Act 2019*. In accordance with the Transitional Arrangements outlined in section 365, a policy adopted "before the commencement is taken to have adopted the policy under the section of the new Act specified if the policy has been adopted in accordance with the new Act."

Please see specific policies for legislative references.

Financial Implications

Not applicable.

Recommendation

That Council adopts the following policies as tabled:

- ***FIN03 Rates Concession Policy***
- ***GOV04 Casual Vacancies Policy***
- ***GOV05 Caretaker Policy***

Moved:

Seconded:

FIN03 Rates Concessions

Type	Council	Version	2
Approval Date		Resolution	
Review Date	Prior to 2024	Doc ID	

Background

This document sets out the Belyuen Community Government Council (the Council) policy on the granting of concessions for rates.

Scope

This policy covers all ratepayers within the Council area.

Legislative References

Part 11.8 *Local Government Act 2019* (s247-250)

Policy Objectives

This policy is designed to cover the circumstances under which a rates concession may be granted, in line with the *Local Government Act 2019*.

Policy Statement

Below are the conditions and levels at which rates concessions may be granted. This policy does not guarantee that a concession will be granted; this will be determined by the Council on a case-by-case basis.

Anyone who wishes to apply for a rates concession under this policy will need to fill out the 'Application for Rates Concession' form and provide evidence to support their application.

Financial hardship

Council recognises that individuals may experience difficulty in meeting their responsibilities for the payment of rates and it may be appropriate where financial hardship has been demonstrated to grant a rates concession.

Relief from payments on the grounds of financial hardship shall only apply to persons who use the rated property as their principal place of residence.

Public benefit

Organisations that operate substantially for the benefit of encouraging cultural activities, preserving places or buildings of historical interest, protecting the environment, and/or promoting community health or welfare may be eligible for a concession on rates.

Concessions under these circumstances will not be granted to Northern Territory Government or Commonwealth Government departments.

Public benefit concessions are unlikely to be provided where the premises are used for a commercial purpose.

Levels of rates concessions

There are four levels of rates concession that may be granted by the Council. There will be no concession on charges, only rates.

- Payment of rates in instalments
- Deferment of rate payment
- Partial waiver of certain rates
- Full waiver of the requirement to pay rates

The level of concession will be decided on a case-by-case basis depending on the circumstances of the applicant.

Period of Concession

Rates concessions will be considered annually. The Council will not grant a rate concession for a financial year that does not fall wholly or partly within the current term of the council.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1	9th August 2017		NA
2			

GOV04: Filling Casual Vacancies

Type	Council Policy	Version	1
Approval Date		Resolution	
Review Date		Doc ID	

Background

If a seat on Council becomes vacant less than 18 months before the next election, the Council may choose to appoint a member, hold a by-election or, in some circumstances, leave the vacancy unfilled. This policy establishes how the Council will manage casual vacancies.

Legislative References

- Section 54 *Local Government Act 2019*
- Section 65 *Local Government Act 2019*

Scope

This policy applies to elected members.

Definitions

Casual vacancy means a vacancy in the office of a member of a council. A vacancy would occur if a member:

- (a) dies; or
- (b) is disqualified from office as a member of the council under section 47 of the *Local Government Act 2019*; or
- (c) resigns by written notice given to the CEO.

The **Principal Member** of council means the member appointed or elected to be the principal member under section 60 or 61 of the Act.

Policy

Casual Vacancy – Not President

If a casual vacancy occurs within six months of the next general election, Council shall **not** coopt a person, provided the casual vacancy has not reduced membership of Council below four members.

If a casual vacancy occurs more than six months and less than eighteen months until the next general election, Council will co-opt a person to fill the vacancy until the next general election.

To co-opt a person the Council with either:

- (a) Seek expressions of interest from eligible persons by advertising on the Council website, social media page and in hardcopy format on the council and supermarket notice boards; or
- (b) Consider eligible persons nominated by the Council.

SELECTION PROCESS

Council shall consider the list of persons, plus any further names that may be added by Council and select the person to fill the vacancy. In selecting a person Council shall give due consideration to:

- i) The eligibility for membership as per Section 46 of the Act;
- ii) The length of residence in the community
- iii) Demonstrated interest in community affairs.

Council may at its discretion ask potential persons to make a short presentation to Council as part of the selection process.

Council will elect a person by a majority vote. In the case of a tied vote the President will exercise a casting vote. Council *may* conduct the vote by secret ballot, as defined by section 9 of the Act.

ACCEPTANCE BY THE NOMINATED PERSON

The CEO will invite the nominated person to accept the role of Councillor. The person will become a Councillor on the written acceptance of the preferred nominee within 72 hours. If a person declines or does not accept the invitation in writing within 72hrs of the offer than the invitation lapses. Council may at any time during the process resolve by a vote to conduct a by-Election.

Casual Vacancy – President

If a casual vacancy occurs in the office a principal member (that is President) section 65 of the Act applies. The Act requires that, if the vacancy occurs more than 3 months before a general election, the Council appoints another President through a vote of existing members.

If the vacancy occurs within 3 months of a general election, the council:

- (i) may, by vote of existing members, appoint a member to fill the vacancy; or
- (ii) may leave the office vacant.

Appointment of the new Principal Member will occur prior to the appointment to the casual vacancy.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1			

GOV05: Caretaker Policy

Type	Council	Version	2
Approval Date		Resolution	
Review Date	Prior to 2024	Doc ID	

Background

In Australia the term ‘caretaker government’ is used to describe the status of a government during a period that starts in the lead up to an election and continues for a short period after the election - until the next government is formed.

Caretaker conventions require that:

- no major new policy decisions be taken;
- no major contracts should be entered into; and
- no significant appointments or dismissals are made.

Importantly, caretaker arrangements for local governments have been included in the *Local Government Act*. They are therefore mandatory legal requirements rather than optional political conventions.

Legislative References

- Section 96A of the *Local Government Act 2008*
- Section 161 of the *Local Government Act 2019*

Scope

This policy applies during a ‘caretaker period’ prior to Council general elections. The caretaker period commences on the last day of nominations and continues until the election results are declared.

Definition

Caretaker Period means the period during which the caretaker practices are in force prior to the declaration of a general election. The caretaker practices will apply from the close of nominations on Nomination Day until the Declaration of the Results of the election pursuant to the *Local Government (Electoral) Regulations*.

Extraordinary Circumstances means a situation that requires a major policy decision of Council due to the possibility of legal and/or financial repercussions if a decision is deferred.

Major Policy Decisions refers to any decisions: ·

- Relating to the employment or remuneration of the Chief Executive Officer; ·
- To terminate the appointment of the Chief Executive Officer; ·
- To enter into a contract to the total value of which exceeds \$50,000; ·

- Irrevocable decisions that commit Council to substantial expenditure of Council revenue on unbudgeted items; ·
- Endorse any new Policy; ·
- Irrevocable decisions that will have a significant impact on the municipality or the community.

Policy Objectives

This policy restricts the outgoing Council from making major decisions, prior to an election, which would:

- bind an incoming Council; or
- allow the use of public resources in ways that are seen as advantageous or disadvantageous to the electoral prospects of sitting Council members who are seeking re-election or new candidates.

The policy recognises the requirement for the Council administration to act impartially in relation to all candidates.

Policy

Major policy decisions that are made by the Council.

Except in extraordinary circumstances the Council will NOT make major policy decisions during a caretaker period. If an extraordinary circumstance arises the Chief Executive Officer may submit a major policy decision to Council for consideration. To assist Council to comply with its commitment to appropriate decision making during a caretaker period the Chief Executive Officer's report to Council for a major policy decision will include a statement including:

'The decision the Council may make in relation to this item constitutes a major policy decision within the context of Belyuen Community Government Council's Caretaker Period Policy and an exemption should be made because (insert the circumstances for making the exemption).'

Scheduling consideration and announcement of major policy decisions

So far as is reasonably practicable, the CEO should avoid scheduling major policy decisions for consideration during a caretaker period, and instead ensure that such decisions are either considered by the Council prior to the caretaker period or scheduled for determination by the incoming Council. Announcements of earlier decisions may be made during a caretaker period however, as far as practicable, any such announcements should be made before the caretaker period begins or after it has concluded.

Use of Council resources

The Code of Conduct and the *Local Government Act* provide that the Council's resources are only to be utilised for authorised activities (for example - use of employees for personal tasks or use of equipment or stationery for non-Council business is not permitted). This includes the use of resources for electoral purposes. It should be noted that the prohibition on the use of Council resources for electoral purposes is not restricted to the Caretaker Period.

Council staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign and must avoid assisting Council members in ways that could create a perception that they are being used for electoral purposes. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, advice is to be sought from the CEO.

Council resources, including material published by the Council, cannot be used for the advantage of a particular candidate or group of candidates. Council resources must only be used for normal Council business (which excludes the preparation or dissemination of campaign material). However, Council may allow the equal use of Council resources by all candidates preparing for the election.

This Policy does not cover material authorised by the CEO or Returning Officer to facilitate the conduct of the election or encourage voter participation.

Access to information

All candidates will have equal rights to access public information and any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

Media

No media advice or support will be provided in relation to election issues or in regard to publicity that involves specific Council members.

Web site

During the caretaker period, any new material placed on the Council website that refers to the election should only relate to the election process by way of information, education or publicity. Information about Council Members should be restricted to names, contact details, titles, membership of committees and other bodies to which they have been appointed by the Council.

Attendance and participation at Council organised activities and events

Events and/or functions organised by the Council and held during the caretaker period will be limited to only those that the CEO considers appropriate and should not in any way be associated with any issues that in the CEO's opinion, are considered relevant to, or likely to influence the outcome of, an election.

Excluding the principal member (and deputy or acting principal member) fulfilling their functions as prescribed by section 43 of the *Local Government Act*, Council members that are also candidates should not, without the prior approval of the CEO, make speeches or addresses at events/functions organised or sponsored by the Council during the caretaker period.

All known candidates are to be invited to civic events/functions organised by the Council during the caretaker period.

Public consultation during the caretaker period

The Council will not commission or approve any public consultation where it is likely that such consultation will continue into the caretaker period.

This policy does not prevent any mandatory public consultation required by the *Local Government Act* or any other relevant Act which is required to be undertaken to enable the Council to fulfil its functions.

GOV05: Caretaker Policy

The Council offers the use of Corporate Credit Cards to nominated positions deemed appropriate by the CEO. The acceptance of a credit card by staff is not compulsory.

Implementation and Delegation

The Chief Executive Officer is responsible for implementing the caretaker practices during a caretaker period. This includes that all Elected Members and employees are aware of this Policy at least thirty (30) days prior to the start of a caretaker period.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
1	9th August 2017		NA
2			

9 FINANCIAL REPORTS

9.1 Monthly Financial Report

Report Number	9.1.7.20
Author	Cathy Winsley - CEO
Attachments	Financial report May 2020

Summary

The Council is provided with a financial report at each meeting.

Background

Not applicable.

Comment

Please refer attached financial report.

Statutory Environment

Section 18 of the Local Government Accounting Regulations 2008 refers.

Financial reports to Council –

- 1) The CEO must, in each month, lay before a meeting of the Council a report, in a form approved by the Council, setting out:
 - a) the actual income and expenditure of the Council for the period from the commencement of the financial year up to the end of the previous month; and
 - b) the forecast income and expenditure for the whole of the financial year.
- 2) The report must include:
 - a) details of all cash and investments held by the Council (including money held in trust); and
 - b) a statement on the debts owed to the Council including the aggregate amount owed under each category with a general indication of the age of the debts; and
 - c) other information required by the Council.

Policy Implications

Not applicable

Financial Implications

See the body of this report.

Recommendation

That Council accept the financial reports for the period June 2020 as tabled in this report.

Moved:

Seconded:

10 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

11 GENERAL BUSINESS

Call for any other general business.

12 CONFIDENTIAL ITEMS

The following reports will be dealt with under Section 65(2) (ciii) of the Local Government Act 2008 and Regulation 8 of the Local Government (Administration) Regulations 2008. It contains information that would, if publicly disclosed, be likely to prejudice the interests of council or some other person.

12.1 Acknowledgement of Aboriginality

Recommendation

That pursuant to Section 65(2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations, the meeting be closed to the public to consider the Confidential item(s) of the Agenda.

Moved:

Seconded:

13 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on 21 September 2020 at the Belyuen Council Offices, Belyuen commencing at 5:00PM.