

ORDINARY COUNCIL MEETING 19 December 2022



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 11am.

Dave Ferguson - CEO

AGENDA

ORDINARY COUNCIL MEETING

19 December 2022

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1 OPEN MEETING

The meeting will be declared open at 11:00am.

2 APOLOGIES AND LEAVE OF ABSENCE

Report Number	2.1.12.22
Author	Dave Ferguson - 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 this or future Ordinary General Meetings.

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 2019* s.47 a person ceases to hold office as a member of a Council if the person is absent, without permission of the council in accordance with the regulations, from 2 consecutive ordinary meetings of the Council.

Financial Implications

Not applicable.

Recommendation

- 1. That Council accepts the apology of Cr. for the Ordinary Council
28 November 2022; or,***
- 2. That the Council notes the absence without apology of Cr.***

Moved:

Seconded:

3 DECLARATION OF INTEREST

Report Number	3.1.12.22
Author	Dave Ferguson - 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 delegated 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 2019* Section 114 (Elected Members)
- *Local Government Act 2019* Section 179 (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 28 November 2022.

Moved:

Seconded:

4 DEPUTATIONS AND PRESENTATIONS

NIL

5 CONFIRMATION OF PREVIOUS MINUTES

Report Number	5.1.12.22
Author	Dave Ferguson - CEO
Attachments	Unconfirmed Minutes of the Meeting 28 November 2022

Summary

Minutes of the Ordinary General Meeting and the Confidential Minutes from the meeting of the 28 November 2022 are submitted to Council for confirmation that those Minutes are a true and correct record of the meeting.

MINUTES OF THE ORDINARY MEETING OF THE BELYUEN COMMUNITY GOVERNMENT COUNCIL MEETING HELD 28th November 2022

1 OPEN MEETING

Meeting opened 12:11 pm

PRESENT AT MEETING:

Elected Members:

- *Cr Edmunds*
- *Cr Timber*
- *Cr Sing*
- *Cr Holtze*

Staff:

- *Dave Ferguson – CEO*
- *Jasmine Brar – Finance Manager*

Visitors:

- *NIL*

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

- 3. That the Council notes the absence without apology of Cr. Moreen**
- 4. That the CEO write to Cr. Moreen advising of his obligations as an elected member of Belyuen Council**

Moved: Cr. Edmunds

Seconded: Cr. Sing

3 DECLARATIONS OF INTEREST

<3.1.11.28> That Council receives and notes that there were no declarations of interest for the Ordinary General Meeting 28th November 2022

Moved: Cr. Sing

Seconded: Cr. Timber

4 DEPUTATIONS AND PRESENTATIONS

- *NIL*

5 CONFIRMATIONS OF PREVIOUS MINUTES

<5.1.11.28> That the Minutes of the Ordinary General Meeting held on 31st October 2022 are confirmed by Council as a true and correct record of the meeting.

Moved: Cr. Timber

Seconded: Cr. Edmunds

<5.2.11.28> That the Minutes of the Special Meeting held on 14th November 2022 are confirmed by Council as a true and correct record of the meeting.

Moved: Cr. Sing
Seconded: Cr. Edmunds

6 PRESIDENT'S REPORT

The President discussed events and activities in the community, including:

- Noise in the Community is noticeably less than previously.
- Concern regarding housing repairs and maintenance. CEO to write to territory housing.
- Grass needs mowing weekly.
- Oval looking good.
- Any problem trees – mahogany near school, one drain blockage near Tony Richards house.
- Drainage requires clearing.
- Clean up day early next week – remove hard items.

<6.1.11.28> That Council receives and notes the President's Report.

Moved: Cr. Holtze
Seconded: Cr. Sing

7 CEO REPORTS

7.1 Stakeholder Meeting

<7.1.11.28> That Council receives and notes the Report on Stakeholder Meeting tabled at the Council meeting 28th November 2022. The following discussion took place:

- Split the meeting up.
- People were not confident to speak up at community meetings.
- Section of community meeting for locals only to discuss their issues.

Moved: Cr. Edmunds
Seconded: Cr. Holtze

7.2 Community Meeting

Recommendation

<7.2.11.28> That Council receives and notes the CEO report on the November Community meeting as tabled

Moved: Cr. Sing
Seconded: Cr. Edmunds

7.3 2023 Council Meeting Dates

Recommendation

<7.3.11.28> That Council:

Endorses the ordinary Council meeting dates for 2023 as the last Tuesday of every month commencing at 11am.

Moved: Cr. Sing
Seconded: Cr. Edmunds

7.4 Sorry Business/Compassionate Leave

- *Training session for all staff regarding sorry business/compassionate leave and the BCGC leave policy*

Recommendation

<7.4.11.28> That Council instruct the CEO to draft a leave policy to include compassionate leave provision for discussion and endorsement at December meeting.

Moved: Cr. Edmunds
Seconded: Cr. Timber

7.5 Belyuen Oval Upgrade

Recommendation

<7.5.11.28> That Council:

- 1. *Note the report on the Belyuen Oval Upgrade as tabled.***
- 2. *Endorse the new proposed date for Official Opening as January 25th 2023.***

Moved: Cr. Sing
Seconded: Cr. Holtze

7.6 Funding Opportunities

Recommendation

<7.6.11.28> That Council:

- 1. *Note the report on Funding Opportunities as tabled.***
- 2. *Instruct the CEO to apply for funding of the community Oval - stage 2. through the Immediate Priority Grant Program to install:***
 - ***Internal fence around oval perimeter.***
 - ***Change rooms/toilets & showers,***
 - ***Parks & gardens shed for storing machinery and equipment.***

- *Street lighting – a priority request from numerous sections of the community.*
3. *Endorse the funding application submitted by the CEO regarding Immediate Priority Grant Program 2022-23 up to \$250,000.*

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.7 Working with Children - OCHRE card

Recommendation

<7.7.11.28> That Council:

1. *Note the report on Working with Children – Ochre Cards as tabled,*
2. *Instruct the CEO to create a Working with Children Policy that requires all relevant employees to obtain an Ochre Card prior to commencement of work with Council*

Moved: Cr. Sing

Seconded: Cr. Edmunds

7.8 Internal Audit and Risk Management Committee

Recommendation

<7.8.11.28> That Council:

Note the Internal Audit and Risk Management Committee report as tabled.

Moved: Cr. Edmunds

Seconded: Cr. Timber

7.9 Belyuen Store – Christmas Trading Hours

Recommendation

<7.9.11.28> That Council:

1. *Note and endorse the CEO report on Belyuen Store – Christmas trading hours as tabled*

Moved: Cr. Edmunds

Seconded: Cr. Sing

7.10 Store Pricing

Recommendation

<7.10.11.28> That Council:

1. **Note the CEO report on Store Pricing as tabled.**
2. **Instruct the CEO to perform a cost benefit analysis on essential food items at the Belyuen Store.**

Moved: Cr. Sing
Seconded: Cr. Holtze

8 FINANCIAL REPORTS

8.1 Financial Report

<8.1.11.28> That Council

1. **Acknowledges that the financial report for the period October 2022.**

Moved: Cr. Edmunds
Seconded: Cr. Sing

9 QUESTIONS BY MEMBERS

Nil

10 GENERAL BUSINESS-

Nil

11 CONFIDENTIAL ITEMS

<11.1.11.28> That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1) of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the agenda.

Moved: Cr. Edmunds
Seconded: Cr. Sing

Return to open session: 3.15pm

12 NEXT COUNCIL MEETING

The meeting closed at 3:36pm

*The next Ordinary Meeting of Council be held on **19th December 2022** at the Belyuen Council Offices, Belyuen commencing at **11:00am**.*

Statutory Environment

The Agendas and Minutes as submitted must comply with part Chapter 6 of the *Local Government Act 2019*.

Policy Implications

Not applicable

Financial Implications

Not applicable

Recommendation

That the Minutes of the Ordinary General Meeting held on 28 November 2022 and the Confidential section of the meeting be confirmed by Council as a true and correct record of the meeting.

Moved:

Seconded:

6 PRESIDENT'S REPORT

Report Number	6.1.12.22
Author	President Rex Edmunds
Attachments	Nil

Summary

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

Comment

The President gives a verbal report of 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 Report from the CEO – Incoming and Outgoing Correspondence

Report Number	7.1.12.22
Author	Dave Ferguson - CEO
Attachments	various documents

Background

Council is provided with items of correspondence both received and sent since the last Council meeting.

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

Comment

Correspondence In

Ref	Date	From	Regarding
A.	29 November 2022	FRRR	Successful funding submission
B.	29 November 2022	DLG	Elected Member Handbook

Ref	Date	From	Regarding
C.	1 December 2022	NT Police	Firearm licence
D.	2 December 2022	DIPL	Delissaville Airstrip upgrade estimate
E.	5 December 2022	NLC	Letter of Endorsement
F.	6 December 2022	Minister Burney	Successful funding submission
G.	8 December 2022	NIAA	Unsuccessful funding submission

Correspondence Out

Ref	Date	To	Regarding
A.	30 November 2022	NLC	Letter of Endorsement

Recommendation

That Council receives and notes the report from the CEO – Incoming and Outgoing Correspondence as tabled.

Moved:

Seconded:

7.2 Report from the CEO – Leave Policy

Report Number 7.2.12.22
Author Dave Ferguson - CEO
Attachments Nil

Summary

Request for Belyuen Council draft leave policy

Comment

Due to end of year workload request to defer this action item to be included in the Ordinary Council meeting January 2023

Recommendation

That Council:

- 1. Defers the Belyuen Leave Policy until January 2023*
- 2. receives and notes the CEO report as tabled.*

Moved:

Seconded:

BELYUEN COMMUNITY GOVERNMENT COUNCIL

7.3 Report from the CEO – Working With Children Policy

Report Number 7.3.12.22
Author Dave Ferguson - CEO
Attachments Nil

Summary

Request for Belyuen Council draft Working With Children policy

Comment

Due to end of year workload request to defer this action item to be included in the Ordinary Council meeting January 2023

Recommendation

That Council:

- 1. Defers the Belyuen Working With Children Policy until January 2023***
- 2. receives and notes the CEO report as tabled.***

Moved:

Seconded:

7.4 Report from the CEO – Belyuen Store

Report Number 7.4.12.22
Author Dave Ferguson - CEO
Attachments NIL

Summary

To provide Council with an update of the Belyuen Store.

Comment

At November's Council meeting, the CEO was instructed to provide Council with a Cost Benefit Analysis report for the Belyuen Store. Gathering the required information is a work in progress. Extension of time is required to provide Council with accurate information to enable an informed decision to be made.

Consultation

Discussion

Statutory Environment

Not applicable

Policy Implications

NIL

Financial Implications

Reduced shelf prices in the Belyuen Store may impact the profit/loss figures for the store.

Recommendation

That Council defer the Cost Benefit Analysis report for the Belyuen Store to be tabled at the Ordinary Council Meeting in February 2023.

Moved:

Seconded:

7.5 Report from the CEO - Belyuen Oval Upgrade

Report Number	7.5.12.22
Author	Dave Ferguson - CEO
Attachments	NIL

Summary

BCGC received funding through NTG - priority infrastructure grant to upgrade the community oval.

Comment

Works are almost complete on the oval project. HD pumps & irrigation have installed irrigation to the perimeter as well as the centre square of the oval. All irrigation works have now been commissioned. The turf has now been laid and is coming along well. According to the turf contractor; Turf NT, the grass will take approximately 2-3 months to be established enough before we are able to use the oval. If we access the oval before the grass is ready the grass will be destroyed and we will not achieve the desired result.

The steel benches have been completed by Ironbark Aboriginal Corporation utilizing local Belyuen residents and are ready for delivery. Some landscaping around the oval has also been completed. The spectator mounds are due to be completed early in the new year. 100 tons of road base is due to be delivered next week, this will be used for the mounds as well as various works in and around the oval.

Council, in collaboration with Ironbark Aboriginal Corporation have already provided training and activity generated income for approximately 12 local Indigenous residents who have expressed interest in the Belyuen Oval project.

Accredited civil works training has now commenced and is being delivered by Northern Territory Training Services. The training is spread over 2 months with the first two weeks already completed. Trainers will return to Belyuen to continue with the training in early January.

Power & Water have gifted Bore No.1 over to Council. We have transferred the bore over into our name and it is now operational. This is an important resource that is required to maintain water storage levels during the establishment of the oval.

The official opening of the community oval has been deferred until next year to allow for the turf to become established. This event is planned to coincide with Belyuen Cultural celebrations on January 25th.

Consultation

Project was discussed at stakeholder and community meetings held in September and October.

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

Expenditure is in line with the grant agreement and budgetary guidelines.

Recommendation

That Council note the CEO report Belyuen Oval Upgrade as tabled

Moved:

Seconded:

7.6 Report from the CEO - Funding Opportunities

Report Number	7.6.11.22
Author	Dave Ferguson - CEO
Attachments	Nil

Summary

Belyuen Council have numerous grant funded projects currently in progress. Council have also submitted several funding applications and are awaiting the results of those applications.

Comment

ABA:

In October, Council applied to the National Indigenous Australians Agency (NIAA) under the Aboriginals Benefit Account (ABA) for various grant funded projects. Correspondence from the Minister for Indigenous Australians, the Hon. Linda Burney was received on the 6th December detailing the outcome of the submissions.

<u>PROJECT</u>	<u>AMOUNT</u>	<u>OUTCOME</u>
1. Grounds Maintenance Program	\$416,411.70	Approved in-principle
2. Solar Street Lighting	\$42,727.27	Approved in-principle
3. Belyuen Store Upgrade	\$93,758.00	Approved in-principle
4. Indigenous Liaison Officer – Cultural Awareness Program	\$247,801.39	Unsuccessful

While our submissions have been agreed in-principle only, it is a good result for Belyuen Council and the community. Negotiations will continue with NIAA to progress these projects in the new year.

FRRR:

In October, Council applied for funding through the Foundation for Rural & Regional Renewal - Strengthening Rural Communities to address food security issues currently experienced in the Belyuen Store. On the 29th November, we received correspondence advising that we were successful in the amount of \$20,000.

This project will commence in January next year and is estimated to be completed in February.

Community Benefit Fund:

In November, Council submitted a Vehicle Gift Application to the Northern Territory Government through the Community Benefit Fund to assist the Belyuen Culture program with service delivery. We received a response from the NTG on 23rd November stating that the funding round doesn't open until 1st January 2023, after which time Council will re-submit.

Celebrating Aboriginal Culture Day:

In October, Council received advice of a small grant funding opportunity: Celebrating Aboriginal Culture 2023. With support from Top End Women's Legal Service, (TEWLS) Council submitted an application to the value of \$5000. TEWLS have advised that Belyuen were successful to the amount of \$2,500.

This will still be sufficient funds to hold a cultural event on January 25th 2023.

International Womens Day:

In October, Council received correspondence from Member for Daly: Dheran Young regarding a funding opportunity for International Womens Day. The information was forwarded to the Belyuen Culture Coordinator and an application was submitted for \$3000 on the 10th November.

International Women's Day is held on 8 March each year, and is a global celebration of the social, economic, cultural, and political achievements of women. It also marks a call to action for accelerating women's equality.

Recommendation

That Council note the report from the CEO - Funding Opportunities as tabled

Moved:

Seconded:

7.7 Report from the CEO – Telstra Visit

Report Number 7.7.11.22

Author Dave Ferguson - CEO

Attachments NIL

Summary

Visit from Telstra officers – information only

Comment

In November, Belyuen received a visit from Telstra to provide Belyuen residents with training and information regarding mobile phone usage.

Telstra provided attendees with phone credit and food vouchers for the Belyuen store for participating.

Recommendation

That Council note the Report from the CEO – Telstra Visit as tabled

Moved:

Seconded:

7.8 Report from the CEO – Aged and Disability Program

Report Number	7.8.11.22
Author	Dave Ferguson - CEO
Attachments	NIL

Summary

Consultancy support for Belyuen Council Aged Care and Disability program via the Service Development Assistance Panel (SDAP)

Comment

Earlier this year Council applied for assistance with the Imabulk Aged Care and Disability program via the Service Development Assistance Panel (SDAP) funding. Council have secured the services of a consultancy based company: Aged Care Management Australia (ACMA) to provide support services to our aged care program. A project plan has been drafted and approved. Over the next 12 months, ACMA will assist Belyuen Council in various areas of the aged care service including:

- Service delivery
- Finance & budgeting
- Mentoring
- Quality standards
- Strategic planning
- Governance & compliance
- Risk management
- Facilities
- HR & personnel structure

ACMA will provide the support services to Belyuen Council through scheduled site visits as well as remote video conferencing over the coming year.

Recommendation

That Council notes the Report from the CEO – Aged and Disability Program as tabled

Moved:

Seconded:

7.9 Report from the CEO – Vehicle theft

Report Number 7.9.11.22
Author Dave Ferguson - CEO
Attachments NIL

Summary

Council vehicle stolen from workshop compound.

Comment

On 7th December, it was identified that a Council vehicle was missing from the Belyuen Workshop compound. Overnight, two youths had stolen the keys to the vehicle from the Belyuen residence they were staying in and broke into the workshop compound before driving the vehicle out. The vehicle was found in Daly River and seized by police.

This is an unfortunate incident and a timely reminder to secure all valuables appropriately.

Recommendation

That Council note the report from the CEO – Vehicle theft as tabled.

Moved:

Seconded:

8 FINANCIAL REPORTS

8.1 Monthly Financial Report

Report Number	8.1.11.22
Author	Dave Ferguson - CEO
Attachments	

Summary

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

Background

Not applicable.

Comment

Please refer attached financial report.

Statutory Environment

Section 17 of the *Local Government (General) Regulations 2021* refers.

17 Monthly financial reports to council

- 1) The CEO must, in each month, give the council a report 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 most recently adopted annual budget; and
 - c) details of any material variances between the most recent actual income and expenditure of the council and the most recently adopted annual budget.
- 2) The report must also include:
 - a) details of all cash and investments held by the council (including money held in trust); and
 - b) the closing cash at bank balance split between tied and untied funds; and
 - c) a statement on trade debtors and a general indication of the age of the debts owed to the council; and
 - d) a statement on trade creditors and a general indication of the age of the debts owed by the council; and
 - e) a statement in relation to the council's payment and reporting obligations for GST, fringe benefits tax, PAYG withholding tax, superannuation and insurance; and
 - f) other information required by the council.

Policy Implications

Not applicable

Financial Implications

See the body of this report.

Recommendation

That Council defers the November Financial Report until January 2023. The financial reports for November and December will be tabled in January's Ordinary Council Meeting.

Moved:

Seconded:

8.2 Six-monthly Budget Review

Report Number	8.1.11.22
Author	Dave Ferguson - CEO
Attachments	Budget Review Spreadsheet

Summary

The Council is provided with a budget review within the first six months of the financial year.

Background

Not applicable.

Comment

Please refer attached Budget Review Spreadsheet.

Recommendation

That Council endorses the six-monthly budget review as tabled.

Moved:

Seconded:

9 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

10 GENERAL BUSINESS

Call for any other general business.

11 CONFIDENTIAL ITEMS

Recommendation

THAT pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1) of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the agenda.

Moved:

Seconded:

Return to open session:

12 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on January 31st at the Belyuen Council Offices, Belyuen commencing at 11:00am.