ORDINARY COUNCIL MEETING 28 March 2023



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 10am.

Dave Ferguson - CEO

AGENDA ORDINARY COUNCIL MEETING 28 March 2023

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1 OPEN MEETING

The meeting will be declared open at 10:00am.

President welcome the councillors, staff and visitors to the March meeting of 2023.

Councillors agree that all matters presented at this meeting will be administered on the principle of fair and equitable treatment. The President acknowledges that we each bring our own views to the table and on all matters unresolved, councillors right to agree and disagree is respected.

Councillors are reminded to fulfil their administrative requirements and sign the attendance sheet associated with this meeting.

Acknowledgement is made to members not present and respect is paid to the Traditional Owners of the land on which we meet, to the elders past and present and to the councillors and employees present for the meeting.

2 APOLOGIES AND LEAVE OF ABSENCE

2.1.03.23 Dave Ferguson - CEO 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

- That Council accepts the apology of Cr. for the Ordinary Council 28 March 2023; or,
- 2. That the Council notes the absence without apology of Cr.

Moved:

Seconded:

3 DECLARATION OF INTEREST

3.1.03.23 Dave Ferguson - CEO NIL

Summary

Elected members and staff are required to declare any conflicts of interest arising from the matters contained in this agenda. The President reminds everyone about their roles and responsibilities as an elected official and particularly of their obligations to declare their interest (material or personal) on matters presented today – that may have a perceived or real conflict of interest.

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 March 2023.

Moved:

Seconded:

4 DEPUTATIONS AND PRESENTATIONS

Presentation

Northern Land Council – Section 19 Land Use Agreement Proposal

Summary

Correspondence received from the Northern Land Council on February 22nd addressed to the Belyuen Council CEO and the Minister for Local Government; the Hon. Chanston Paech.

The correspondence states that Belyuen Council owe the NLC rent for several lots occupied by the Council in Belyuen. The amount of rent requested by the NLC is \$110,300.00 plus interest per year backdated to 2012.

To resolve the issue, the NLC have requested a meeting with the Minister of Local Government and BCGC to discuss any amount owed plus interest and a commitment from BCGC to enter into section 19 land use agreements for 11 lots that BCGC occupy.

In the event that BCGC are unable to pay the amount of rent requested by the NLC, the NLC demand that BCGC vacate all lots that it currently occupies in Belyuen.

Belyuen Council responded to the correspondence from the NLC on March 3rd and again on March 6th inviting the Chair of the NLC; Mr. Samuel Bush-Blanasi and CEO Joe Martin-Jard to meet with Belyuen Council on either the 9th March or 28th March to resolve the matter.

Correspondence from the NLC and BCGC is included as separate attachments to the meeting agenda.

Discussion

5 CONFIRMATION OF PREVIOUS MINUTES

5.1.03.23Dave Ferguson - CEOUnconfirmed Minutes of the February Meeting (09 March) 2023

Summary

Minutes of the Ordinary General Meeting and the Confidential Minutes from the meeting of the 09 March 2023 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 February 2023 (HELD 9th March 2023)

1 OPEN MEETING

Meeting opened 11.16am

PRESENT AT MEETING:

Elected Members:

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

Staff:

• Dave Ferguson – CEO

Visitors:

Nil

Apologies:

Nil

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation:

<2.1.02.28> That the Council notes Cr. Moreen as absent without notice

Moved: Cr. Sing Seconded: Cr. Edmunds

3 DECLARATIONS OF INTEREST

Elected members were reminded of their roles and responsibilities and particularly their obligations to declare any interest (material or personal) on any matters presented before Council today that may have a perceived or real conflict of interest.

Nil

<3.1.02.28> That Council receives and notes that there were no declarations of interest for the Ordinary General Meeting

4 DEPUTATIONS AND PRESENTATIONS

<4.1.02.28> That Council note the presentation from the NLC is deferred to March 28th.

Presentation: Northern Land Council – Section 19 Land Use Agreement Proposal

Presentation deferred to March Ordinary Council Meeting

5 CONFIRMATION OF PREVIOUS MINUTES

Recommendation:

<5.1.02.28> That the Minutes of the Ordinary General Meeting held on 7th February are confirmed by Council as a true and correct record of the meeting.

Moved: Cr. Edmunds

Seconded: Cr. Sing

6 PRESIDENT'S REPORT

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

- Mowing of grass
- chemical spraying
- slashing of gamba and mission grass
- Potholes requiring repair

• School children not going to middle school, community and families to meet with President, school and families to assist with the issues.

President instructed CEO to explore opportunities for translator services for Belyuen.

Recommendation:

<6.1.02.28> That Council:

Receives and notes the President's Report for February.

Moved: Cr. Holtze Seconded: Cr. Sing

7 CEO REPORTS

7.1 Incoming & Outgoing Correspondence

Recommendation:

<7.1.02.28> That Council receive and note the incoming and outgoing correspondence as tabled:

Moved: Cr. Timber Seconded: Cr. Sing

7.2 Changes to Legislation in the NT

Recommendation:

- <7.2.02.28> That Council:
 - 1. Instruct the CEO to facilitate the formation of a Community Alcohol Reference Group for Belyuen;
 - 2. Note the CEO report Changes to Legislation in the NT.

Moved: Cr. Sing

Seconded: Cr. Edmunds

7.3 Belyuen Oval Upgrade

Recommendation:

<7.3.02.28> That Council note the CEO report Belyuen Oval Upgrade as tabled

Moved: Cr. Edmunds

Seconded: Cr. Timber

7.4 Funding Opportunities

Recommendation:

<7.4.02.28> That Council:

- 1. Endorse the Disaster Ready Fund grant application for construction of Belyuen Community Emergency Shelter (CES) and Belyuen Emergency Waste Management Facility (EWMF);
- 2. Instruct the CEO to allocate part of the 2023 WARM funding (\$75,000) to be used as contribution towards the Recycling Modernisation Funding proposal;
- 3. Endorse the Recycling Modernisation Funding application for improvements to infrastructure and EPA approvals for Food Organic Garden Organic (FOGO) compost products;
- 4. Endorse the 3-month temporary appointment of an administration officer to assist with governance, funding and compliance deliverables;
- 5. Note the report from the CEO Funding Opportunities as tabled

Moved: Cr. Sing

Seconded: Cr. Edmunds

7.5 Aged and Disability Program

Recommendation:

<7.5.02.28> That Council notes the Report from the CEO – Aged and Disability Program as tabled

Moved: Cr. Edmunds

Seconded: Cr. Timber

7.6 Community/Stakeholder Meetings 2023

Recommendation:

<7.6.02.28> That Council:

Note the report from the CEO – Community/Stakeholder Meetings 2023 and endorses the Community Meeting Dates and Stakeholder Meeting Dates for 2023.

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.7 Ironbark Aboriginal Corporation Proposal

Recommendation:

<7.7.02.28> That Council notes and endorses Ironbark Aboriginal Corporation as a contingency to deliver Grounds Maintenance Services in Belyuen as required.

Moved: Cr. Sing

Seconded: Cr. Holtze

7.8 General Business Operations

Recommendation:

<7.8.02.28> That Council:

- 1. Instruct the CEO to implement monthly clean-up days throughout the calendar year;
- 2. Note the CEO report General Business Operations

Moved: Cr. Sing

Seconded: Cr. Edmunds

8 FINANCIAL REPORT

8.1 Financial Report

Recommendation:

<8.1.02.28> That Council:

Notes and endorses the financial report for February 2023.

Moved: Cr. Sing

Seconded: Cr. Holtze

9 QUESTIONS BY MEMBERS

9.1 Yard Maintenance

Council enquired whether or not there was consideration for the introduction of an aged pensioner discount for yard maintenance.

Discussion followed.

Recommendation:

<9.1.02.28> That Council: Instruct the CEO to provide a pensioner discount for aged pensioners at the discount rate of \$35 per yard.

Moved: Cr. Sing

Seconded: Cr. Edmunds

10 GENERAL BUSINESS

Nil

11 CONFIDENTIAL ITEMS

Recommendation:

<11.1.02.28> 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. Sing
Seconded: Cr. Timber

Return to open session: 2.58pm

12 NEXT COUNCIL MEETING

The meeting closed at 3.07 pm

The next Ordinary Meeting of Council be held on **28**th **March 2023** at the Belyuen Council Offices, Belyuen commencing at **10:00am**.

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 February Ordinary General Meeting held on 09 March 2023 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 6.1.03.23

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 7.1.03.23

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

Nil

Correspondence In

Ref	Date	From	Regarding
A.	March 8 th	Government House	NT Administrator Community Visit
B.	March 8 th	NT Health	Mental Health Awareness
C.	March 9 th	NLC	Work Permits
D.	March 10 th	NTG	Mens Places Grant Funding
E.	March 10 th	DLG	Community Places for People
F.	March 16 th	NTG	Top Tourism Town Awards
G.	March 21st	Aerodrome	Annual Inspection Report
		Management Services	

Correspondence Out

Ref	Date	То	Regarding
A.	March 3 rd	n 3 rd Northern Land Council Meeting Invite 1.	
B.	March 6 th	Northern Land Council	Meeting Invite 2.
C.	March 7 th Northern Land Council Mee		Meeting Invite 3.
D.	March 14 th	Northern Land Council	Meeting Invite 4.

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 – Delissaville Aerodrome

Report Number 7.2.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

Aerodrome Management Services provide an Annual Inspection Report each year.

Comment

As tabled in correspondence, an Annual Inspection Report was received from Aerodrome Management Services. Various recommendations highlighted in the report advising of the condition of Delissaville Aerodrome.

Consultation

Nil

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

The deteriorating condition of the Delissaville Aerodrome could potentially impact Belyuen Council financially.

Recommendation:

That Council note the report from the CEO – Delissaville Aerodrome

Moved:

Seconded:

7.3 Report from the CEO - Belyuen Culture Program

Report Number 7.3.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

Belyuen Community Government Council have oversight of the Belyuen Culture Program funded through the National Indigenous Australians Agency (NIAA). This program runs in collaboration with the Belyuen School to pass Indigenous knowledge and culture on to the younger generations of Belyuen. The current contract ends on June 30th this year. A new contract after June 30th is yet to be negotiated with NIAA.

Comment

Negotiations are expected to commence in April for a new Culture program funding agreement for Belyuen.

Consultation

Item to be added to the agenda and raised at the community meeting scheduled for Wednesday 29th March. Opportunity for local residents to have input to the outcomes achievable through the Culture Program.

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

Program to be 100% funded.

Recommendation:

That Council instruct the CEO to negotiate a new contract to facilitate a Culture program in Belyuen post June 30th 2023

Moved:

Seconded:

7.4 Report from the CEO - Funding Opportunities

Report Number 7.4.03.23

Author Dave Ferguson - CEO

Attachments Nil

Summary

Belyuen Council apply for and receive numerous grant funded programs and projects on an ongoing basis.

Comment

Northern Territory Men's Places Grant

A grant of up to \$10,000 is available that can assist with improvement of the health and emotional wellbeing of men and forming community connections and support networks.

The purpose of the grant is to assist a range of activities such as information sessions, skills development, health and wellbeing programs, education and peer-to-peer support programs, parenting programs, and equipment. The application period has been extended and will close on 31 March 2023.

Community Place for People Grant

Community Place for People (CPP) grant program is an application based grant that enables regional and shire councils to apply for funding to establish more liveable spaces in their communities, and deliver initiatives that make public places attractive, comfortable, family-friendly and peaceful places to live and work.

Under the 2022-23 CPP program, \$2.8 million in total funding is available. There is only one funding round and applications should be for projects that are designed to create more liveable spaces in remote and regional communities which are consistent with council's annual/business plan. The total amount of funding requested in any single application cannot exceed \$415 000, and is to exclude administrative and management costs.

The closing date for CPP submissions is close of business 14 April 2023.

Recommendation

That Council:

- 6. Instruct the CEO to submit an application for the Northern Territory Men's Places Grant;
- 7. Instruct the CEO to submit an application for the Community Place for People Grant;
- 8. note the report from the CEO Funding Opportunities as tabled.

Moved:

Seconded:

7.5 Report from the CEO - Mandorah Jetty Project

Report Number 7.5.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

Council were approached earlier this month by a private civil works company: Quality Construction & Maintenance (QCM) enquiring whether Belyuen Council were able to provide plant & equipment as well as workforce labour to assist with the demolition of an old derelict shed on the Mandorah jetty.

Comment

Council were able to assist Quality Construction & Maintenance with 6 of our local staff plus the use of the Council Backhoe and tip truck for 1 week. This provided employment and upskilling of local Indigenous Belyuen residents to remove the building and clear the site safely. QCM have advised there is a possibility of future employment for Belyuen residents on similar projects.

Recommendation

That Council notes the Report from the CEO – Mandorah Jetty Project

Moved:

Seconded:

7.6 Report from the CEO – Leave Policy

Report Number 7.6.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

To provide Belyuen Council with a leave policy for operational and compliance purposes.

Comment

In January, a draft leave policy was tabled for Council endorsement.

The policy was endorsed as noted in the recommendation below from that ordinary Council meeting.

Recommendation:

<7.2.02.07> that Council:

Endorse the Belyuen Community Government Council Leave Policy

Moved: Cr. Holtze
Seconded: Cr. Edmunds

Recommendation

That Council notes the report from the CEO - Leave Policy

Moved:

Seconded:

7.7 Report from the CEO - Kenbi Land Archive Project

Report Number 7.7.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

Belyuen Council have been approached by anthropologists and legal experts involved with the Kenbi Land Claim.

Comment

Earlier in March, Belyuen Council were contacted by Mrs. Kathryn Wells from the Australian National University regarding the storage and safekeeping of large volumes of archived material associated with the Kenbi Land case. Anthropologist Michael Walsh, Barrister David Parsons and Dean of Law Patrick Keyzer visited Belyuen on Wednesday 22nd March to meet with traditional owners and Belyuen family members to discuss the return of large quantities of archival material including recordings, video footage, photographs, transcripts and genealogy of Belyuen people.

The process of digitally cataloguing over 60,000 pieces of information is going to be an arduous task and it may be some time before the information is made available for cultural safekeeping here in Belyuen.

Recommendation

That Council:

- Instruct the CEO to maintain communication with the Anthropologist and legal team and assist with the safe return of archival material associated with the Kenbi Land Archive Project back to Belyuen.
- 2. Notes the report from the CEO Kenbi Land Archive Project.

Moved:

Seconded:

7.8 Report from the CEO – Recruitment

Report Number 7.8.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

The CEO reports to Council regarding employment opportunities, on both local and external recruitment.

Comment

March has been a busy month for recruitment of local residents and engagement of new staff and contractors to assist with Belyuen Councils operational obligations.

Council have recruited numerous people in both temporary and permanent roles to assist with workload in various and numerous programs. Below is a list of new employees and their respective roles:

Frederick Moreen: Truck driver (casual)
 Regina Morgan: Store assistant (casual)
 Dion Woodie: Labourer (casual)

4. Joshua Nilco: Groundsman (casual)

5. Rita Duncan: Administration Officer (temporary full-time)

6. Jayden Bil Bil: Labourer (casual)

There is also an opportunity to recruit locally to the Belyuen store via the school nutrition program and also in aged care to fill the vacant groundsman position.

As advised in the February meeting, Council have also engaged the services of Ironbark CDP participants to assist with grounds maintenance and community beautification projects throughout the community and surrounding area. The main tasks involve gamba and mission grass control as well as assisting with the development of the community oval.

Council have also identified a gap in the Aged & Disability program and have advertised for an Aged Care Team Leader to assist the Manager and existing staff with workload. The advertisement runs until the 17th April and is being advertised locally in community as well as on SEEK.

Once the advertisement closes, a panel will be nominated to shortlist applicants and conduct interviews. The recruitment process should be finalised by the end of April.

Number of Employees	<u>Males</u>	<u>Females</u>	Indigenous	Non-Indigenous
58	15	43	64%	36%
Elected Members	4	1	100%	-

Recommendation

That Council notes the CEO report – Recruitment for March 2023.

Moved:

Seconded:

7.9 Report from the CEO - Administrator of the NT Visit

Report Number 7.09.03.23

Author Dave Ferguson - CEO

Attachments NIL

Summary

Request from Government House for the Administrator of the Northern Territory to visit Belyuen.

Comment

Correspondence received from Government House Program Officer: Kelly Peterson requesting His Honour Professor the Honourable Hugh Heggie PSM, Administrator of the Northern Territory and Ms Ruth Jones participate in a guided tour of Belyuen on Tuesday 18th April 2023.

His honour is scheduled to arrive in Belyuen at approximately 11.45am to meet with Council and Traditional Owners.

Recommendation

That Council notes the request for the Administrator of the Northern Territory to visit Belyuen on 18th April 2023.

Moved:

Seconded:

7.10 Report from the CEO – General Business Operations

Report Number 7.10.03.23

Author Dave Ferguson - CEO

Attachments NIL

Sport & Recreation

The community oval is nearing completion with the new turf establishing well. The oval has been fertilized and mowed and is in good enough condition for limited access. Locals have commenced participating in various activities on the oval including softball and AFL training.

The sport and recreation program continues to grow with more engagement from the community participating in meaningful activities. A monthly S&R planner has been created which will inform the community of what activities will be available.

S&R will also be working closely with the Belyuen School to deliver a 6 week Auskick program. This is due to commence shortly once enough resources are acquired.

Council have also received funding for Belyuen to attend the 2023 Barunga Festival. The intention is to field a softball, AFL, Mens basketball and Womens basketball side at the festival. Expressions of interest from community residents will be sought at the next community meeting.

Church Services

Belyuen has received numerous requests from various church groups to facilitate church services in Belyuen. Church groups have been able to conduct church services from the community hall.

Clean-up day

The next community clean up day is scheduled for Monday 3rd April. Posters and information will be made public via community noticeboards and social media. Encouraging everyone to get involved.

2023 World Community Development Conference "FROM the EDGE"

Council have received an opportunity to deliver a presentation on Belyuen at the 2023 World Community Development Conference "FROM the EDGE".

This international forum is being held in Darwin this year at the Darwin Convention Centre in June. It will be a fantastic opportunity to showcase Belyuen to an international audience. The benefits of this are far ranging and could potentially be a stepping stone to the formation of a tourism venture for the region. CEO is currently consulting with the School, Culture Program and Traditional Owners to gain approval and develop the concept of the presentation.

Recommendation

That Council:

- 1. Instruct the CEO to progress with developing a presentation for the 2023 World Community Development Conference "FROM the EDGE"
- 2. Note the CEO report General Business Operations

Moved:

Seconded:

8 FINANCIAL REPORTS

8.1 Monthly Financial Report

Report Number 8.1.03.23

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:
Notes and endorses the financial report for March 2023
Moved:
Seconded:

Financial report included as separate attachment to this agenda.

9 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

10 GENERAL BUSINESS

Call for any other general business.

Discussion

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 April 25^{th} at the Belyuen Council Offices, Belyuen commencing at 11:00am.