



AGENDA

Ordinary Council Meeting Tuesday, 14 March 2023

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Tuesday, 14 March 2023

Time: 5:30pm

**Location: Council Chambers Darrandirra
Level 1, Civic Centre
Harry Chan Avenue, Darwin**

Webcasting: [MS Team Link to Webcast](#)

**Simone Saunders
Chief Executive Officer**

ORDINARY COUNCIL MEMBERS

The Right Worshipful, the Lord Mayor Kon Vatskalis (Chair)

Deputy Lord Mayor Kim Farrar

Councillor Paul Arnold

Councillor Jimmy Bouhoris

Councillor Sylvia Klonaris

Councillor Brian O'Gallagher

Councillor Mick Palmer

Councillor Peter Pangquee

Councillor Morgan Rickard

Councillor Vim Sharma

Councillor Ed Smelt

Councillor Amye Un

Councillor Rebecca Want de Rowe

OFFICERS

Chief Executive Officer, Simone Saunders

Acting General Manager Corporate, Chris Kelly

General Manager Community, Matt Grassmayr

General Manager Corporate, Steve Thacker

General Manager Innovation, Alice Percy

WEBCASTING DISCLAIMER

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1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

4.2 Leave of Absence Granted

4.3 Leave of Absence Requested

5 ELECTRONIC MEETING ATTENDANCE

5.1 Electronic Meeting Attendance Granted

5.2 Electronic Meeting Attendance Requested

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF PREVIOUS MINUTES

Ordinary Council Meeting - 28 February 2023

8 MOVING OF ITEMS

8.1 Moving Open Items into Confidential

8.2 Moving Confidential Items into Open

9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE

Nil

10 PUBLIC QUESTION TIME

11 PETITIONS

12 DEPUTATIONS AND BRIEFINGS

13 NOTICES OF MOTION**13.1 NOTICE OF MOTION - NIGHTCLIFF OVAL CHANGEROOMS****Attachments: Nil**

I, Councillor Ed Smelt, give notice that at the next Ordinary Council Meeting on 14 March 2023, I will move the following motion:-

MOTION

1. THAT Council note the desire of Nightcliff based sporting clubs to construct new, fit for purpose, player and umpire change rooms at Nightcliff Oval that will support the rapid growth in female participation, expand the availability of Council infrastructure to a wide range of community users and enable the ongoing use of the Oval by AFLNT for Premier League football matches.
2. THAT further to the in-principle support provided by Council (Resolution ORD067 /22 on 22 February 2022) for the revised Nightcliff Oval Masterplan, the CEO writes to the lead proponent (Nightcliff Football Club) outlining the detailed information required for a project proposal for new change rooms at Nightcliff Oval to be considered by Council, including consultation activities, designs and technical specifications, cost estimates and approvals.
3. THAT the project proposal is presented to Council at a future date for consideration of approval and funding (with other levels of government and organisations).
4. THAT a report is provided to Council with:
 - a) An update of the City of Darwin Sporting Oval Infrastructure Priorities document with input from peak sporting bodies on current upgrade priorities, including lighting.
 - b) Steps required to promote Nightcliff Oval from a 'District' facility to a 'Regional' facility under the Sports Field Plan 2016-2026.

REASON:

Signed by me at Darwin this 1 March 2023

**COUNCILLOR ED SMELT**

ADMINISTRATION COMMENT

In this section information is provided by officers to facilitate decision-making:

- Facts and data
- Background context and historical information relating to the NOM
- What the next steps would be if the motion is passed, for example “a council report will be prepared and presented by 28 February 2023”

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or pricing has been obtained for this motion:

Public consultation requirements	<p>3. Should this project proposal be endorsed in a future resolution of Council community consultation would be required.</p> <p>4. a) No broad public consultation requirement however consultation with key stakeholders - Peak Sporting Bodies required.</p>
External consultant advice	Nil
Legal advice / litigation	Nil
Impacts to existing projects	Nil
Impact to FTE	Staff time resource required to prepare report and to consult with Peak Sporting Bodies.
Budget reallocation	To be determined once costings for proposed facilities are approved in future motions of Council.
Capital investment	To be determined once costings for proposed facilities are approved in future motions of Council.
Officer time preparing the report requested in this motion	2-3 days
Officer time in receiving and preparing this Administration Comment	15 mins

OFFICER RECOMMENDATION FOR REPORT PROPOSED IN MOTION 4 TO BE SCHEDULED FOR MAY 2023

14 ACTION REPORTS**14.1 BORROWING ARRANGEMENTS FOR WASTE CELL 2 EXPANSION UPDATE AT SHOAL BAY WASTE MANAGEMENT FACILITY**

Author: Executive Manager Finance

Authoriser: Chief Executive Officer

Attachments: Nil

RECOMMENDATIONS

1. THAT the report entitled Borrowing Arrangements for Waste Cell 2 Expansion Update at Shoal Bay Waste Management Facility be received and noted.
2. THAT Council seek ministerial approval to borrow \$12 million for the Waste Cell 2 Expansion project at the Shoal Bay Waste Management Facility.
3. THAT the ministerial application will be submitted as two separate applications as per the project phasing:
 - \$6million Part 1: Western and Eastern expansion 2023/2024
 - \$6million Part 2: Eastern expansion 2025/2026
4. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to pursue and execute borrowing arrangements with financial institutions for the Waste Cell 2 Expansion project in accordance with the phasing of the Ministerial applications upon approval of each application.
5. THAT the total amount to be borrowed is \$12million to be executed as two separate borrowing facilities of \$6million each in accordance with the phasing of the project outlined in resolution 3 of this report.
6. THAT \$6million Part 1 proposed borrowings will be undertaken with a Major Australian Banking institution on a competitive basis for a term of 12 years and that the facility may be either fixed or variable dependent on the competitive terms offered on quotation.
7. THAT \$6million Part 2 proposed borrowings will be undertaken with a Major Australian Banking institution on a competitive basis for a term of up to 20 years and that the facility may be either fixed or variable dependent on the competitive terms offered on quotation.

PURPOSE

The purpose of this report is to update a Council resolution to reflect the phasing of the Waste Cell 2 Expansion project and to ensure all legislative requirements are met for the proposed external borrowings.

KEY ISSUES

- The \$12million Waste Cell 2 Expansion project will be phased across two stages of \$6million each and span several financial years.
- The new Local Government Act 2019 has specific additional requirements that must be included in the resolution prior to executing any external borrowings.
- This report is to ensure all legislative requirements are met for the progression of obtaining Ministerial approval and subsequently, once granted, providing the CEO with all necessary delegations to execute the borrowings.

DISCUSSION

The \$12million Waste Cell 2 Expansion project has been endorsed by Council and was included in the 2022/23 Municipal Plan and Budget. The concept design for the expansion of Stage 2 is to phase the works into 2 parts:

1. Part 1 Western and Eastern expansion 2023/24
2. Part 2 Eastern expansion 2025/2026

Based on the timing of the projects the \$12million borrowings will also be executed under 2 separate tranches of \$6million each.

The Local Government Act 2019 has additional specific requirements that must be included in the Council resolution for any external borrowings to be approved by the Minister:

Section 197

(5) A council resolution or written authorisation under subsection (3)(a) must specify the following:

- (a) the amount to be borrowed;
- (b) the proposed lender or provider of financial accommodation;
- (c) the purpose of the loan or financial accommodation;
- (d) the terms of the loan or financial accommodation.

In addition any matters that require a specific Council resolution cannot now be delegated to the CEO.

The proposed resolution in this report will satisfy all legislative requirements and enable the progression of obtaining Ministerial approval for Part 1 of the project. The resolution also enables seeking Ministerial approval for Part 2 of the project at a later stage when ready to progress.

Once Ministerial approval is obtained the resolution will also provide the necessary delegations to seek competitive quotes from the Major Banks and for the CEO to execute borrowings with the successful banking institution. Council will be updated on the specific terms as details become available.

PREVIOUS COUNCIL RESOLUTION

At the 12 July meeting Council resolved:

14.4 BORROWING ARRANGEMENTS FOR WASTE CELL 2 EXPANSION AND WASTE LEACHATE PONDS AT SHOAL BAY WASTE MANAGEMENT FACILITY

RESOLUTION ORD001/22

Moved: Councillor Rebecca Want de Rowe

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Borrowing Arrangements for Waste Cell 2 Expansion and Waste Leachate Ponds at Shoal Bay Waste Management Facility be received and noted.
2. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to seek Ministerial approval for borrowings of \$12 million for the Waste Cell 2 Expansion project at the Shoal Bay Waste Management Facility.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to seek Ministerial approval for borrowings of \$6 million for the Waste Leachate Ponds project at Shoal Bay Waste Management Facility.
4. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to pursue borrowing arrangements with financial institutions for the Waste Cell 2 Expansion and Waste Leachate Ponds projects at Shoal Bay Waste Management Facility in line with the adopted 2022/23 Budget.

CARRIED 12/0

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.3 Decision Making and Management
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	<p>Budget/Funding: \$12 million</p> <p>Is Funding identified: Yes</p> <p>External borrowings to be undertaken as 2 separate loan facilities with a Major Australian Bank in tranches of \$6 million each.</p> <p>Existing Position No: N/A</p> <p>Contractor: N/A</p>
LEGISLATION / POLICY CONTROLS OR IMPACTS	<p>Legislation: <i>Local Government Act 2019</i> Guideline 3: Borrowing</p> <p>Policy: Borrowing Policy No 0023.100.E.R</p>

CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Consult Tactics: Discuss compliance requirements in the resolution. Internal: Finance and Compliance External: Department of the Chief Minister and Cabinet
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>

14.2 REVIEW OF POLICY 094 - ELECTED MEMBERS BREACH OF CODE OF CONDUCT

Author: Councillor and Committees Support Officer
Executive Manager Corporate and Customer Services

Authoriser: Chief Executive Officer

Attachments:

1. Elected Members Breach of Code of Conduct - Tracked Changes [↓](#)
2. Elected Members Breach of Code of Conduct [↓](#)
3. Local Government Act 2019 - Part 7.4 Section 119 - Schedule 1 [↓](#)

RECOMMENDATIONS

1. THAT the report entitled Review of Policy 094 – Elected Members Breach of Code of Conduct be received and noted.
2. THAT Council adopt revised Policy 094 – Elected Members Breach of Code of Conduct.

PURPOSE

The purpose of this report is to ensure Council is compliant with Section 121 of the *Local Government Act 2019* to adopt a policy in relation to a contravention of the Code of Conduct.

The revised Policy 094 – Elected Members Breach of Code of Conduct is provided for adoption at **Attachment 2**.

KEY ISSUES

- Policy 094 Elected Member Breach of Code of Conduct is Council's policy in relation to a contravention of the Code of Conduct provided in Schedule 1 of the *Local Government Act 2019*.
- Section 121 of the *Local Government Act 2019* requires Council to adopt, by resolution, a policy in relation to an Elected Member contravention (breach) of the Code of Conduct.
- Part 7.4 Section 119 of the *Local Government Act 2019* outlines the application of the Code of Conduct and complaints processes.
- The Elected Member Breach of Code of Conduct Policy is due for review 15 March 2023.
- City of Darwin's policy schedule requires a yearly review of the Elected Members Breach of Code of Conduct policy and associated documents.

DISCUSSION

On the 11 October 2022, the Department of the Chief Minister and Cabinet conducted a review of the Elected Members Breach Code of Conduct policy.

The Chief Executive Officer was advised by the Department of a minor change of the regulation number under 3.3, required updating with a new regulation number. This change was authorised by the CEO as an administration change from regulation number 49(f) to 51(f).

Recommended changes have been included per the tracked changes version at **Attachment 1**. This also includes commentary on the escalation of matters to NTCAT, and clarification on the applicability of the policy to committee members.

The revised Policy 094 – Elected Members Breach of Code of Conduct is provided for adoption at **Attachment 2**.

City of Darwin's policy schedule requires the Elected Members Breach of Code of Conduct to be reviewed by Council yearly to ensure Council is compliant with Section 121 of the *Local Government Act 2019* in relation to a contravention of the Code of Conduct. A copy of the Code of Conduct from Schedule 1 is at **Attachment 3**.

PREVIOUS COUNCIL RESOLUTION

At the 13 July 2021 meeting Council resolved:

RESOLUTION ORD332/21

1. THAT the report entitled Policy 094 - Elected Members Breach of Code of Conduct be received and noted.
2. THAT in accordance with S121 of the *Local Government Act 2019*, Council adopts Attachment 1, Policy 094 - Elected Members Breach of Code of Conduct as its policy in relation to a contravention of the code of conduct provided in Schedule 1 of the *Local Government Act 2019*.

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.4 Accountability
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Nil
LEGISLATION / POLICY CONTROLS OR IMPACTS	Legislation: <i>Local Government Act 2019</i> Policy: Policy 094 – Elected Members Breach of Code of Conduct
CONSULTATION, ENGAGEMENT & COMMUNICATION	Engagement Level: Inform Tactics: Policy 094 and the Complaints form must be published on Council website.
DECLARATION OF INTEREST	The report author does not have a conflict of interest in relation to this matter. The report authoriser does not have a conflict of interest in relation to this matter. If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).



1 PURPOSE

This policy sets out how the Council will manage a complaint in relation to an Elected Member breach of the Code of Conduct.

2 SCOPE

This policy applies to complaints of breach of code of conduct by all Elected Members of the City of Darwin and is to be used to guide complaints made by Elected Members, council staff and members of the public regarding Elected Member Code of Conduct as outlined in Schedule 1 of the *Local Government Act 2019* (NT).

Pursuant to the *Local Government Act 2019* (NT), the Code of Conduct applies to Elected Member and committee members who are not Elected Members, however this policy only applies to Elected Members.

This policy can be applied in conjunction with processes under other legislation such as the *Independent Commissioner Against Corruption Act 2017* (NT) or the *Criminal Code Act 1983* (NT).

3 POLICY STATEMENT

3.1 POLICY PRINCIPLES

In managing complaints and breaches of the Code of Conduct, Council's guiding principles are to:

- (a) promote behaviour among all council members that meets the standards set out in the Code of Conduct, with a restorative approach that seeks to focus on constructive outcomes
- (b) emphasise a preference that disputes and allegations be identified and resolved before they escalate to the stage of a formal complaint, and
- (c) recognise the leadership role of the Lord Mayor and the responsibility of all members to work together collaboratively pursuant to their corporate responsibilities.

3.2 PROMOTING APPROPRIATE BEHAVIOUR

The Lord Mayor is to promote behaviour amongst all council members that meets the standards set out in the Code of Conduct.

Any council member aggrieved in relation to a potential Code of Conduct matter should raise the grievance in the first instance with the Lord Mayor to seek a resolution. If the grievance is in relation to the Lord Mayor, the grievance should be raised with the Deputy Lord Mayor.

In response to a potential Code of Conduct complaint matter, the Lord Mayor will engage in informal discussions with the affected parties, as appropriate, to seek to resolve the matter.

GOVERNANCE

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Responsible Officer: Chief Executive Officer		Next Review Date: 15/03/2023

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

3.3 CONFIDENTIALITY

Information regarding a complaint is confidential, including the complaint form, statements from any parties, and reports provided by the Chief Executive Officer regarding the status of a complaint.

Complaints will only be formally discussed by the Council or council panel during confidential sessions. Minutes kept by the Council or a council panel are confidential information in accordance with regulation 51(f) of the *Local Government (General) Regulations 2021* (NT).

3.4 COMPLAINT REQUIREMENTS

The Act requires that a complaint alleging a breach of a Code of Conduct must:

- (a) be in the approved form (available on the council website), and
- (b) be made within three (3) months of the alleged breach of the Code of Conduct.

A Code of Conduct complaint must be lodged with the Chief Executive Officer, who will assess whether or not the complaint complies with the above requirements. If it appears that a complaint does not comply with the above requirements, the Chief Executive Officer will notify the complainant of the issues with the form of the complaint as soon as practicable and allow the complainant the opportunity to lodge a revised complaint.

3.5 NOTIFICATION TO PARTIES

When a complaint is received, the Chief Executive Officer will provide notifications to the complainant and the respondent, in accordance with the requirements of the *Local Government Act 2019* (NT) and *Local Government (General) Regulations 2021* (NT).

The Chief Executive Officer carries out the role of secretariat in relation to a complaint and communicates with complainant, respondent, and any relevant witnesses on behalf of the Council or council panel.

3.6 REFERRAL TO LGANT

The Chief Executive Officer will refer the matter to Local Government Association of the Northern Territory (LGANT) if a complainant council member or respondent has elected to refer the complaint to LGANT under section 124(3) of the *Local Government Act 2019* (NT).

Note: A complainant who is not a council member does not have the option to request referral to LGANT.

3.7 INITIAL CONSIDERATION BY COUNCIL

The Chief Executive Officer will refer the complaint to the Council for consideration in confidential session in the next council meeting, unless the complaint has been referred to LGANT in accordance with clause 3.6 above.

Before the council meeting, the Chief Executive Officer will establish a list of suitable third parties who do not have a conflict of interest and are willing to accept a referral of the matter (if the council decides to refer the matter).

The Chief Executive Officer will provide a copy of the complaint and any response from the respondent, the list of suitable third parties and a draft terms of reference for Council's consideration.

The complainant, respondent and any council member with a conflict of interest in relation to the complaint are required to leave the meeting room during any discussion, consideration or decision relating to the complaint.

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

When considering a Code of Conduct complaint, Council has the following three options:

- (a) refer the complaint to a third party for advice – with Council to decide the complaint (see clause 3.7.1); or
- (b) refer the complaint to a council panel – for the panel to decide the complaint (see clause 3.7.2); or
- (c) decide the matters as the Council (see clause 3.8)

3.7.1 Referral to third party

Council may decide to refer the complaint to an independent third party for advice and recommendations by taking into the consideration the following:

- (a) whether the complainant or respondent requested the involvement of a third party
- (b) the costs, if any, of referring the matter to a third party
- (c) whether the advice of a third party is reasonably expected to assist in achieving constructive outcomes for the parties involved
- (d) whether advice of a third party is reasonably expected to be received and able to be considered by the Council prior to the expiry of the 90-day period.

Council will not refer the matter to a third party unless satisfied of (c) and (d).

Examples of a third party are: an alternative dispute practitioner; a mediator; a person experienced in local government matters; and a person experienced in conflict resolution.

Where the matter is referred to a third party, the terms of reference will include that the third party is to do the following:

- (a) consider the complaint and discuss with each of the parties
- (b) explore and follow up avenues for resolution between the parties
- (c) if resolution is not achievable, then the third party is to:
 - (i) ensure natural justice is provided to both parties
 - (ii) interview any witnesses, if necessary, to form a view
 - (iii) provide a written report to Council by a specified date covering the process, summary of evidence, attempts to resolve and recommendation
 - (iv) provide a draft decision notice that may be used if council decide to adopt the recommendation.

Upon receiving the advice and any recommendations from the third party, provided the Council is satisfied that each party has been able to put their case and respond to any allegations of the other party, the Council will then decide the complaint. The Council is not bound by any advice or recommendations received from the third party.

Once the written report and draft decision notice is provided to the third party, the Council must decide the complaint (see clause 10.2).

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

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3.7.2 Referral to council panel

Council may decide to refer the complaint to a council panel for decision.

In order to fulfil the secretariat role in managing the Code of Conduct complaints process, the Chief Executive Officer will be in attendance at council panel meetings.

If the Council decides to refer the complaint to a council panel, the Council will establish a council panel for the complaint.

The composition of the council panel will be the following:

- (a) the Lord Mayor, (as chair of the council panel) – unless the Lord Mayor is the complainant, respondent or has a conflict of interest
- (b) if the Lord Mayor is the complainant, respondent or has a conflict of interest – the Deputy Lord Mayor will be the chair of the council panel
- (c) if neither the Lord Mayor or Deputy Lord Mayor meet the requirements – the Council will choose a council member who is not the complainant or respondent and does not have a conflict of interest to chair the council panel
- (d) two other council members – who are not the complainant or respondent and do not have a conflict of interest.

3.8 COUNCIL OR COUNCIL PANEL PROCESS

The Council or the council panel will consider the complainant's written complaint and, if received, the respondent's written response to the complaint. In keeping with natural justice principles, the Chief Executive Officer will ensure that each party has a fair opportunity to provide comment on submissions from the other party.

3.8.1 Requests for information

If the Council or council panel requires further information to determine whether a breach of the Code of Conduct occurred, the Council or council panel may request information from the complainant, respondent, or any relevant witnesses. The request for information will specify:

- (a) the information that is being sought
- (b) that the information is to be provided as a written statement (including a statutory declaration), and
- (c) a reasonable timeframe to receive the statement (between 3 and 14 days).

Any requests for information from council staff members will be appropriately directed and facilitated through the Chief Executive Officer. The Council or council panel will not make direct requests to a council staff member.

The Council or council panel will decide the complaint after the following steps have been completed:

- (a) the members have considered the written complaint
- (b) the members have considered all written submissions and statements, and
- (c) the members have read and considered the report from the third party (if applicable).

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

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The Council can make the following decisions:

- (a) to take no action (and not make a decision about whether the respondent breached the Code of Conduct)
- (b) that the respondent did not breach the Code of Conduct, or
- (c) that the respondent breached the Code of Conduct.

If the complainant is found by the Council or council panel to have breached the Code of Conduct, the Council or council panel may decide to:

- (a) take no action (for example, if it is evident that appropriate steps have already taken place to address the conduct or the issues has been resolved between the affected parties), or
- (b) either or both of the following:
 - (i) issue a reprimand to the respondent (for example, a reprimand may be a formal expression of disapproval in writing in the decision notice)
 - (ii) recommend that the complainant, respondent, or any other person attend training, mediation, or counselling by a specified date.

In choosing from the above options, preference will be given to the option that the Council or council panel considers most likely to result in a constructive outcome.

If training, mediation, or counselling is recommended to a council member, the council member may use their professional development allowance, if available, towards the cost of the training, mediation, or counselling.

3.8.2 Decision notice

After the Council or council panel decides the complaint, the Chief Executive Officer will, as soon as practicable, draft a written decision notice that sets out the following matters:

- (a) the Council or council panel's decision and the reasons for it; and
- (b) any right the person to whom the notice is to be given has, under the *Local Government Act 2019* (NT) or another Act, to apply for a review of the decision, to apply for a consideration of the matter or to appeal the decision.

The draft decision notice is to be electronically provided to the council member who chaired the meeting in which the Council decided the complaint, or if a council panel decided the complaint, to all members of the council panel. The decision notice is to be authorised by the chair or the council panel and may be authorised remotely; if this is more practicable in the circumstances.

Within 90 days of receipt of the complaint was initially received by the Chief Executive Officer, and as soon as practicable after a decision has been authorised by the chair or council panel, the Chief Executive Officer will provide the authorised decision notice to the complainant and the respondent.

The decision notice will set out the decision and the reasons for the decision. It will also state that within 28 days of receiving the notice, either party may apply to LGANT to reconsider the complaint.

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

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3.8.3 Summary of decision

After the expiry of the 28-day appeal period, the Chief Executive Officer will seek advice from LGANT as to whether any of the parties have applied to LGANT for consideration of the complaint under section 126(3) of the *Local Government Act 2019* (NT).

If no parties have applied to LGANT for consideration of the complaint, the Chief Executive Officer will prepare a summary of the decision to be reviewed by the Council or council panel in the confidential session of the next meeting of the Council or council panel.

The summary of the decision is to set out the following information:

- (a) the names of the complainant and respondent
- (b) the date of the decision
- (c) a concise description of the conduct alleged to have been a breach of the Code of Conduct
- (d) if a Code of Conduct was found to be breached – the item(s) of the Code of Conduct that the respondent breached, or
- (e) if a Code of Conduct was not found to be breached – that no breach of the Code of Conduct was established by the Council or council panel, and
- (f) any actions or recommendations made by the Council or council panel.

The Council or council panel will consider the summary of the decision and, subject to the Council's or council panel's approval of the information that is to be included, finalise the summary.

The approved summary is to be tabled in the open section of the next ordinary council meeting as part of Council's public business papers.

3.9 SUBSEQUENT PROCESSES

If a person is subject to a recommendation of a LGANT panel and does not comply with the recommendation, then the complainant or respondent may apply to NTCAT to deal with the failure.

If the LGANT panel fails to give a decision within the required timeframe, the complainant or respondent may apply to NTCAT to make a determination.

If a person is convicted of an offence, then subject to certain criteria, a person may apply to NTCAT for an elected member to be removed from office.

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CITY FOR PEOPLE. CITY OF COLOUR.

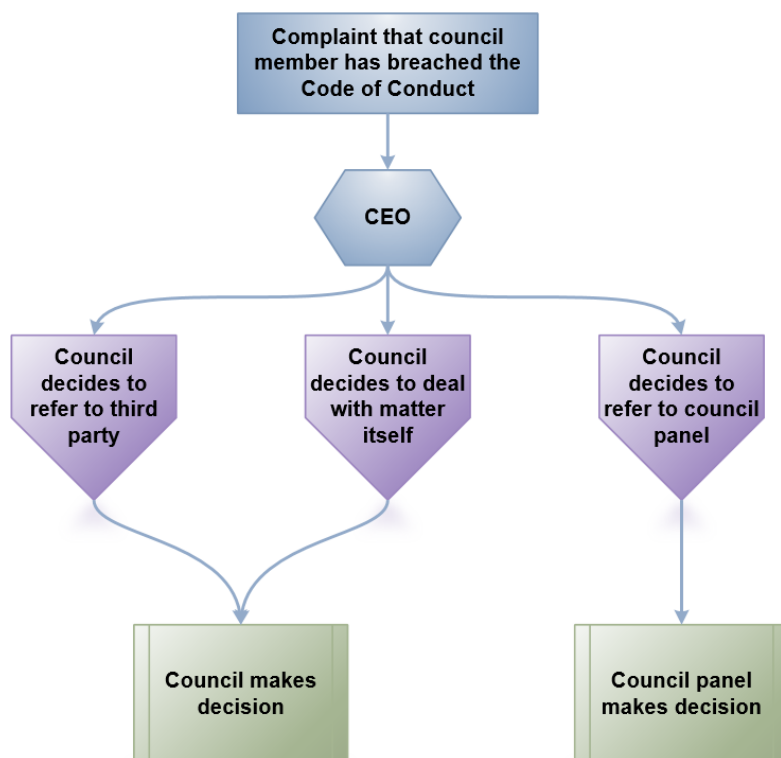
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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

3.93.10 COMPLAINTS FLOWCHART



GOVERNANCE

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

4 DEFINITIONS

Code of Conduct means the Code of Conduct set out in Schedule 1 of the *Local Government Act 2019* (NT).

Complainant means the person who lodges a Code of Conduct complaint against a council member (this person can be a council member or a member of the public).

Respondent means the council member who is alleged to have breached the Code of Conduct.

5 LEGISLATIVE REFERENCES

Local Government Act 2019 (NT)

Local Government Act 2019 (NT) Schedule 1 – Code of Conduct

6 PROCEDURES AND RELATED DOCUMENTS

Breach of Code of Conduct Complaints – Complaints Form

7 RESPONSIBILITY AND APPLICATION

Council is accountable to this community in regard to compliance with this Policy and will data relating to code of conduct complaints will be reported in Council's annual report and will include:

- The number of complaints received and resolved, and
- The nature of the breach of Code of Conduct the complaint relates to.

The Lord Mayor and Chief Executive Officer (or delegated authority) is responsible for ensuring these policies are understood, and adhered to, by Elected Members of the City of Darwin.

GOVERNANCE

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ELECTED MEMBERS – BREACH OF CODE OF CONDUCT

GOVERNANCE

1 PURPOSE

This policy sets out how the Council will manage a complaint in relation to an Elected Member breach of the Code of Conduct.

2 SCOPE

This policy applies to complaints of breach of code of conduct by all Elected Members of the City of Darwin and is to be used to guide complaints made by Elected Members, council staff and members of the public regarding Elected Member Code of Conduct as outlined in Schedule 1 of the *Local Government Act 2019* (NT).

Pursuant to the *Local Government Act 2019* (NT), the Code of Conduct applies to Elected Member and committee members who are not Elected Members, however this policy only applies to Elected Members.

This policy can be applied in conjunction with processes under other legislation such as the *Independent Commissioner Against Corruption Act 2017* (NT) or the *Criminal Code Act 1983* (NT).

3 POLICY STATEMENT

3.1 POLICY PRINCIPLES

In managing complaints and breaches of the Code of Conduct, Council's guiding principles are to:

- (a) promote behaviour among all council members that meets the standards set out in the Code of Conduct, with a restorative approach that seeks to focus on constructive outcomes
- (b) emphasise a preference that disputes and allegations be identified and resolved before they escalate to the stage of a formal complaint, and
- (c) recognise the leadership role of the Lord Mayor and the responsibility of all members to work together collaboratively pursuant to their corporate responsibilities.

3.2 PROMOTING APPROPRIATE BEHAVIOUR

The Lord Mayor is to promote behaviour amongst all council members that meets the standards set out in the Code of Conduct.

Any council member aggrieved in relation to a potential Code of Conduct matter should raise the grievance in the first instance with the Lord Mayor to seek a resolution. If the grievance is in relation to the Lord Mayor, the grievance should be raised with the Deputy Lord Mayor.

In response to a potential Code of Conduct complaint matter, the Lord Mayor will engage in informal discussions with the affected parties, as appropriate, to seek to resolve the matter.

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

GOVERNANCE

3.3 CONFIDENTIALITY

Information regarding a complaint is confidential, including the complaint form, statements from any parties, and reports provided by the Chief Executive Officer regarding the status of a complaint.

Complaints will only be formally discussed by the Council or council panel during confidential sessions. Minutes kept by the Council or a council panel are confidential information in accordance with regulation 51(f) of the *Local Government (General) Regulations 2021* (NT).

3.4 COMPLAINT REQUIREMENTS

The Act requires that a complaint alleging a breach of a Code of Conduct must:

- (a) be in the approved form (available on the council website), and
- (b) be made within three (3) months of the alleged breach of the Code of Conduct.

A Code of Conduct complaint must be lodged with the Chief Executive Officer, who will assess whether or not the complaint complies with the above requirements. If it appears that a complaint does not comply with the above requirements, the Chief Executive Officer will notify the complainant of the issues with the form of the complaint as soon as practicable and allow the complainant the opportunity to lodge a revised complaint.

3.5 NOTIFICATION TO PARTIES

When a complaint is received, the Chief Executive Officer will provide notifications to the complainant and the respondent, in accordance with the requirements of the *Local Government Act 2019* (NT) and *Local Government (General) Regulations 2021* (NT).

The Chief Executive Officer carries out the role of secretariat in relation to a complaint and communicates with complainant, respondent, and any relevant witnesses on behalf of the Council or council panel.

3.6 REFERRAL TO LGANT

The Chief Executive Officer will refer the matter to Local Government Association of the Northern Territory (LGANT) if a complainant council member or respondent has elected to refer the complaint to LGANT under section 124(3) of the *Local Government Act 2019* (NT).

Note: A complainant who is not a council member does not have the option to request referral to LGANT.

3.7 INITIAL CONSIDERATION BY COUNCIL

The Chief Executive Officer will refer the complaint to the Council for consideration in confidential session in the next council meeting unless the complaint has been referred to LGANT in accordance with clause 3.6 above.

Before the council meeting, the Chief Executive Officer will establish a list of suitable third parties who do not have a conflict of interest and are willing to accept a referral of the matter (if the council decides to refer the matter).

The Chief Executive Officer will provide a copy of the complaint and any response from the respondent, the list of suitable third parties and a draft terms of reference for Council's consideration.

The complainant, respondent and any council member with a conflict of interest in relation to the complaint are required to leave the meeting room during any discussion, consideration or decision relating to the complaint.

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

GOVERNANCE

When considering a Code of Conduct complaint, Council has the following three options:

- (a) refer the complaint to a third party for advice – with Council to decide the complaint (see clause 3.7.1); or
- (b) refer the complaint to a council panel – for the panel to decide the complaint (see clause 3.7.2); or
- (c) decide the matters as the Council (see clause 3.8)

3.7.1 Referral to third party

Council may decide to refer the complaint to an independent third party for advice and recommendations by taking into the consideration the following:

- (a) whether the complainant or respondent requested the involvement of a third party
- (b) the costs, if any, of referring the matter to a third party
- (c) whether the advice of a third party is reasonably expected to assist in achieving constructive outcomes for the parties involved
- (d) whether advice of a third party is reasonably expected to be received and able to be considered by the Council prior to the expiry of the 90-day period.

Council will not refer the matter to a third party unless satisfied of (c) and (d).

Examples of a third party are: an alternative dispute practitioner; a mediator; a person experienced in local government matters; and a person experienced in conflict resolution.

Where the matter is referred to a third party, the terms of reference will include that the third party is to do the following:

- (a) consider the complaint and discuss with each of the parties
- (b) explore and follow up avenues for resolution between the parties
- (c) if resolution is not achievable, then the third party is to:
 - (i) ensure natural justice is provided to both parties
 - (ii) interview any witnesses, if necessary to form a view
 - (iii) provide a written report to Council by a specified date covering the process, summary of evidence, attempts to resolve and recommendation
 - (iv) provide a draft decision notice that may be used if council decide to adopt the recommendation.

Upon receiving the advice and any recommendations from the third party, provided the Council is satisfied that each party has been able to put their case and respond to any allegations of the other party, the Council will then decide the complaint. The Council is not bound by any advice or recommendations received from the third party.

Once the written report and draft decision notice is provided to the third party, the Council must decide the complaint (see clause 10.2).

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GOVERNANCE

3.7.2 Referral to council panel

Council may decide to refer the complaint to a council panel for decision.

In order to fulfil the secretariat role in managing the Code of Conduct complaints process, the Chief Executive Officer will be in attendance at council panel meetings.

If the Council decides to refer the complaint to a council panel, the Council will establish a council panel for the complaint.

The composition of the council panel will be the following:

- (a) the Lord Mayor, (as chair of the council panel) – unless the Lord Mayor is the complainant, respondent or has a conflict of interest
- (b) if the Lord Mayor is the complainant, respondent or has a conflict of interest – the Deputy Lord Mayor will be the chair of the council panel
- (c) if neither the Lord Mayor or Deputy Lord Mayor meet the requirements – the Council will choose a council member who is not the complainant or respondent and does not have a conflict of interest to chair the council panel
- (d) two other council members – who are not the complainant or respondent and do not have a conflict of interest.

3.8 COUNCIL OR COUNCIL PANEL PROCESS

The Council or the council panel will consider the complainant's written complaint and, if received, the respondent's written response to the complaint. In keeping with natural justice principles, the Chief Executive Officer will ensure that each party has a fair opportunity to provide comment on submissions from the other party.

3.8.1 Requests for information

If the Council or council panel requires further information to determine whether a breach of the Code of Conduct occurred, the Council or council panel may request information from the complainant, respondent, or any relevant witnesses. The request for information will specify:

- (a) the information that is being sought
- (b) that the information is to be provided as a written statement (including a statutory declaration), and
- (c) a reasonable timeframe to receive the statement (between 3 and 14 days).

Any requests for information from council staff members will be appropriately directed and facilitated through the Chief Executive Officer. The Council or council panel will not make direct requests to a council staff member.

The Council or council panel will decide the complaint after the following steps have been completed:

- (a) the members have considered the written complaint
- (b) the members have considered all written submissions and statements, and
- (c) the members have read and considered the report from the third party (if applicable).

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ELECTED MEMBERS BREACH OF CODE OF CONDUCT 0094.100.E.R

GOVERNANCE

The Council can make the following decisions:

- (a) to take no action (and not make a decision about whether the respondent breached the Code of Conduct)
- (b) that the respondent did not breach the Code of Conduct, or
- (c) that the respondent breached the Code of Conduct.

If the complainant is found by the Council or council panel to have breached the Code of Conduct, the Council or council panel may decide to:

- (a) take no action (for example, if it is evident that appropriate steps have already taken place to address the conduct or the issues has been resolved between the affected parties), or
- (b) either or both of the following:
 - (i) issue a reprimand to the respondent (for example, a reprimand may be a formal expression of disapproval in writing in the decision notice)
 - (ii) recommend that the complainant, respondent, or any other person attend training, mediation, or counselling by a specified date.

In choosing from the above options, preference will be given to the option that the Council or council panel considers most likely to result in a constructive outcome.

If training, mediation, or counselling is recommended to a council member, the council member may use their professional development allowance, if available, towards the cost of the training, mediation, or counselling.

3.8.2 Decision notice

After the Council or council panel decides the complaint, the Chief Executive Officer will, as soon as practicable, draft a written decision notice that sets out the following matters:

- (a) the Council or council panel's decision and the reasons for it; and
- (b) any right the person to whom the notice is to be given has, under the *Local Government Act 2019* (NT) or another Act, to apply for a review of the decision, to apply for a consideration of the matter or to appeal the decision.

The draft decision notice is to be electronically provided to the council member who chaired the meeting in which the Council decided the complaint, or if a council panel decided the complaint, to all members of the council panel. The decision notice is to be authorised by the chair or the council panel and may be authorised remotely if this is more practicable in the circumstances.

Within 90 days of receipt of the complaint was initially received by the Chief Executive Officer, and as soon as practicable after a decision has been authorised by the chair or council panel, the Chief Executive Officer will provide the authorised decision notice to the complainant and the respondent.

The decision notice will set out the decision and the reasons for the decision. It will also state that within 28 days of receiving the notice, either party may apply to LGANT to reconsider the complaint.

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GOVERNANCE

3.8.3 Summary of decision

After the expiry of the 28-day appeal period, the Chief Executive Officer will seek advice from LGANT as to whether any of the parties have applied to LGANT for consideration of the complaint under section 126(3) of the *Local Government Act 2019* (NT).

If no parties have applied to LGANT for consideration of the complaint, the Chief Executive Officer will prepare a summary of the decision to be reviewed by the Council or council panel in the confidential session of the next meeting of the Council or council panel.

The summary of the decision is to set out the following information:

- (a) the names of the complainant and respondent
- (b) the date of the decision
- (c) a concise description of the conduct alleged to have been a breach of the Code of Conduct
- (d) if a Code of Conduct was found to be breached – the item(s) of the Code of Conduct that the respondent breached, or
- (e) if a Code of Conduct was not found to be breached – that no breach of the Code of Conduct was established by the Council or council panel, and
- (f) any actions or recommendations made by the Council or council panel.

The Council or council panel will consider the summary of the decision and, subject to the Council's or council panel's approval of the information that is to be included, finalise the summary.

The approved summary is to be tabled in the open section of the next ordinary council meeting as part of Council's public business papers.

3.9 SUBSEQUENT PROCESSES

If a person is subject to a recommendation of a LGANT panel and does not comply with the recommendation, then the complainant or respondent may apply to NTCAT to deal with the failure.

If the LGANT panel fails to give a decision within the required timeframe, the complainant or respondent may apply to NTCAT to make a determination.

If a person is convicted of an offence, then subject to certain criteria, a person may apply to NTCAT for an Elected Member to be removed from office.

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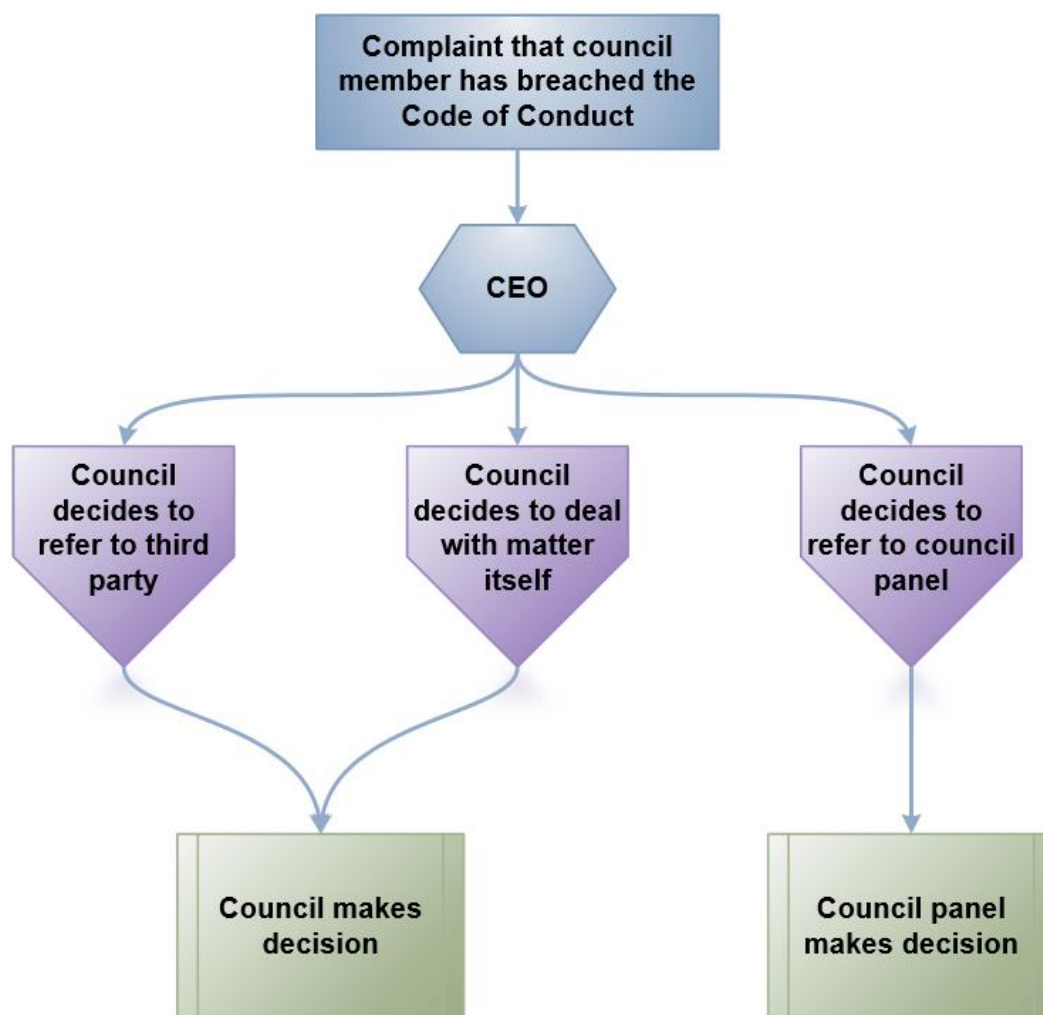
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GOVERNANCE

3.10 COMPLAINTS FLOWCHART



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GOVERNANCE

4 DEFINITIONS

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Respondent means the council member who is alleged to have breached the Code of Conduct.

5 LEGISLATIVE REFERENCES

Local Government Act 2019 (NT)

Local Government Act 2019 (NT) Schedule 1 – Code of Conduct

6 PROCEDURES AND RELATED DOCUMENTS

Breach of Code of Conduct Complaints – Complaints Form

7 RESPONSIBILITY AND APPLICATION

Council is accountable to this community in regard to compliance with this Policy and will data relating to code of conduct complaints will be reported in Council's annual report and will include:

- the number of complaints received and resolved, and
- the nature of the breach of Code of Conduct the complaint relates to.

The Lord Mayor and Chief Executive Officer (or delegated authority) is responsible for ensuring these policies are understood, and adhered to, by Elected Members of the City of Darwin.

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Local Government Act 2019

Part 7.4 Section 119

SCHEDULE 1

GOVERNANCE

1 HONESTY AND INTEGRITY

A member must act honestly and with integrity in performing official functions.

2 CARE AND DILIGENCE

A member must act with reasonable care and diligence in performing official functions.

3 COURTESY

A member must act with courtesy towards other members, council staff, electors and members of the public.

4 PROHIBITION ON BULLYING

A member must not bully another person in the course of performing official functions.

5 CONDUCT TOWARDS COUNCIL STAFF

A member must not direct, reprimand, or interfere in the management of council staff.

6 RESPECT FOR CULTURAL DIVERSITY AND CULTURE

6.1 A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.

6.2 A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors, and members of the public.

7 CONFLICT OF INTEREST

7.1 A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

7.2 If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

8 RESPECT FOR CONFIDENCES

8.1 A member must respect the confidentiality of information obtained in confidence in the member's official capacity.

7.2 A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.

CITY FOR PEOPLE. CITY OF COLOUR.



Local Government Act 2019 – Code of Conduct

GOVERNANCE

9 RESPECT FOR CONFIDENCES

9.1 A member must not solicit, encourage, or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the Council.

9.2 A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the Council.

10 ACCOUNTABILITY

A member must be prepared at all times to account for the member's performance as a member and the member's use of Council resources.

11 INTERESTS OF MUNICIPALITY, REGION, OR SHIRE TO BE PARAMOUNT

11.1 A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

11.2 In particular, a member must seek to ensure that the member's decisions and actions are based on honest, reasonable and properly informed judgement about what best advances the best interests of the municipality, region or shire.

12 TRAINING

A member must undertake relevant training in good faith.

CITY FOR PEOPLE. CITY OF COLOUR.



14.3 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY MOTIONS 2023

Author: Executive Manager Corporate and Customer Services

Authoriser: Chief Executive Officer

Attachments: Nil

RECOMMENDATIONS

1. THAT the report entitled Australian Local Government Association National General Assembly Motions 2023 be received and noted.
2. THAT Council endorse the following motion to be put to the National General Assembly 2023:
"This National General Assembly calls on the Australian Government to increase the Roads to Recovery Program funding from \$500 million to \$1 billion each year and extend the program beyond 30 June 2024."
3. THAT Council endorse the following motion to be put to the National General Assembly 2023:
"This National General Assembly calls on the Australian Government to allocate additional funding towards affordable housing and emergency crisis accommodation for people at risk and who are vulnerable to changes in social and economic circumstances."

PURPOSE

The purpose of this report is to seek Council endorsement of the proposed motions. This will enable the motions to be put to the Australian Local Government Association (ALGA) National General Assembly 2023, which will influence Australian government policy on issues of strategic importance to the future of City of Darwin.

KEY ISSUES

- The 2023 ALGA National General Assembly will be held on 13-15 June 2023 in Canberra.
- The theme for this year's conference is "Our Communities, Our Future".
- Two motions are proposed, to double the Roads to Recovery Program funding and extend the program duration, as well as providing more funding for emergency housing.

DISCUSSION

City of Darwin usually attends the annual ALGA National General Assembly held in Canberra in June. This event is the largest gathering of Local Government in Australia, including Principal Officers, Executive Leadership and Elected Members from over 250 Local Governments across Australia.

This year's event will be held from 13-15 June 2023 at the National Convention Centre in Canberra.

The theme for this year's conference is "Our Communities, Our Future", and ALGA is seeking motions from member Councils. Motions are due to ALGA by Friday 24 March 2023 and should cover one of the eight identified themes:

- Productivity
- Local Government infrastructure
- Community wellbeing
- Local Government workforce
- Data, digital technology and cyber security
- Climate change and renewable energy
- Natural disasters
- Housing

The motions at Recommendations 2 and 3 have been developed in conjunction with Elected Members.

It is noted that Recommendation 2 duplicates a motion adopted at the National General Assembly 2022, however as this is of significant national importance, it is proposed to submit this as a motion again to keep it as part of ALGA's current agenda.

Recommendation 3 recognises the lack of accommodation options in Darwin for at risk people, including those in domestic violence situations, those struggling with mental health and those displaced from other communities. Furthermore, there are vulnerable people across Australia, including in Darwin who may be susceptible to negative impacts from social and economic change. Housing affordability also impacts Darwin's ability to attract key workers in critical sectors. Further assistance to provide additional housing options is requested from the Australian Government as current activity is not meeting community need.

PREVIOUS COUNCIL RESOLUTION

At the 7 February 2023 meeting Council resolved:

THAT the report entitled Australian Local Government Association National General Assembly 2023 – Call for Motions be received and noted.

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.2 Roles and Relationships
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	N/A
LEGISLATION / POLICY CONTROLS OR IMPACTS	N/A

CONSULTATION, ENGAGEMENT & COMMUNICATION	N/A
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>

15 RECEIVE & NOTE REPORTS**15.1 UNCONFIRMED OPEN MINUTES - RISK MANAGEMENT AND AUDIT COMMITTEE (RMAC) - 24 FEBRUARY 2023**

Author: Executive Assistant

Authoriser: Executive Manager Corporate and Customer Services

Attachments: 1. Unconfirmed RMAC Minutes_Open Agenda_24 February 2023 [↓](#)

RECOMMENDATIONS

THAT the report entitled Unconfirmed Open Minutes - Risk Management & Audit Committee (RMAC) – 24 February 2023 be received and noted.

PURPOSE

The purpose of this report is to present for information the Unconfirmed Minutes of the Risk Management and Audit Committee meeting held 24 February 2023.

KEY ISSUES

Nil

DISCUSSION

The Unconfirmed Minutes of the 24 February 2023 RMAC meeting are included at **Attachment 1**.

Update reports were provided to the Committee on the following:

- Risk Review & Assessment
- Monthly Financial Reports October – December 2022

PREVIOUS COUNCIL RESOLUTION

Nil

STRATEGIC PLAN ALIGNMENT	6 Governance Framework 6.4 Accountability
BUDGET / FINANCIAL / RESOURCE IMPLICATIONS	Nil
LEGISLATION / POLICY CONTROLS OR IMPACTS	Nil
CONSULTATION, ENGAGEMENT & COMMUNICATION	Nil
DECLARATION OF INTEREST	<p>The report author does not have a conflict of interest in relation to this matter.</p> <p>The report authoriser does not have a conflict of interest in relation to this matter.</p> <p>If a conflict of interest exists, staff will not act in the matter, except as authorised by the CEO or Council (as the case requires).</p>



MINUTES

Risk Management & Audit Committee Meeting

Friday, 24 February 2023

**MINUTES OF CITY OF DARWIN
RISK MANAGEMENT & AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON FRIDAY, 24 FEBRUARY 2023 AT 9.00AM**

PRESENT: Chair Roland Chin, Councillor Jimmy Bouhoris, Councillor Brian O'Gallagher, , Member Sanja Hill, Member Ninad Sinkar

OFFICERS: Simone Saunders (Chief Executive Officer), Steve Thacker (General Manager Corporate / CFO), Chris Kelly (Executive Manager Corporate & Customer Service), Alice Percy (General Manager Innovation), Irene Frazis (Executive Manager Finance). Brooke Prince, Senior Risk & Assurance Advisor, Michael Devlin, Senior ICT Coordinator

APOLOGY: Councillor Morgan Rickard, Member Shane Smith

GUESTS: N/A

Order Of Business

1	Meeting Declared Open	3
2	Apologies and Leave of Absence	3
3	Electronic Meeting Attendance	3
4	Declaration of Interest of Members and Staff	4
5	Confirmation of Previous Minutes	5
6	Action Reports	5
6.1	Risk Review and Assessment - February 2023	5
6.2	Monthly Financial Reports: September 2022 - December 2022	5
7	Questions by Members	5
8	General Business	6
9	Closure of Meeting to the Public	6

1 MEETING DECLARED OPEN**RECOMMENDATIONS**

The Chair declared the meeting open at 9.05 am.

ACKNOWLEDGEMENT OF COUNTRY

We the members of City of Darwin acknowledge that we are meeting on Larrakia Country.

We recognise and pay our respects to all Larrakia people, Traditional Owners and Custodian Elders of the past and present.

We support emerging Larrakia leaders now and into the future.

We are committed to working together with all Larrakia to care for this land and sea for our shared future

2 APOLOGIES AND LEAVE OF ABSENCE**COMMITTEE RESOLUTION RMAC001/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Jimmy Bouhoris

THAT the following apologies be received and noted

- Councillor Morgan Rickard
- Member Shane Smith

CARRIED 5/0**3 ELECTRONIC MEETING ATTENDANCE****3.1 ELECTRONIC MEETING ATTENDANCE GRANTED****COMMITTEE RESOLUTION RMAC002/23**

Moved: Chair Roland Chin

Seconded: Member Sanja Hill

THAT the Committee note that pursuant to Section 98 (3) of the Local Government Act, the following members were granted permission for Electronic Meeting Attendance at this Risk Management and Audit Committee Meeting, 24 February 2023:

- Mr Ninad Sinkar

CARRIED 5/0**3.2 ELECTRONIC MEETING ATTENDANCE REQUESTED**

RECOMMENDATIONS

Nil

4 DECLARATION OF INTEREST OF MEMBERS AND STAFF**4.1 DECLARATION OF INTEREST BY MEMBERS****COMMITTEE RESOLUTION RMAC003/23**

Moved: Chair Roland Chin

Seconded: Member Sanja Hill

Member Shane Smith made the following Declarations

- A. Mr Shane Smith – in his role as Commercial Manager of Gold Medal Services, a Director of Territory Tarmac Rally and an Executive Director of Assurance Advisory (23/10/20)
- B. Mr Shane Smith Director of Territory Tarmac Rally, an event which will require engagement and support from City of Darwin. (27/11/20)
- C. Mr Shane Smith advised that he is no longer an Executive Director of Assurance Advisory. (27/11/20).

Member Roland Chin made the following Declarations (administratively updated 16/02/23):

- A. Treasurer of St John Ambulance Australia(NT) Inc.; Director of SJA (NT) Endowment Company Pty Ltd as trustee for The St John Ambulance (NT) Endowment Trust; Director of St John Ambulance Australia NT Holdings Pty Ltd; St John Ambulance Australia Ltd – Finance, Audit & Risk subcommittee.
- B. President of Chung Wah Society Inc.
- C. Northern Territory General Practice Education Ltd – Finance and Audit Committee
- D. Chair of Audit and Risk Committee of Venture Housing Company Limited
- E. Chair of Audit, Risk and Compliance Committee of Charles Darwin University
- F. Tiwi Land Council Audit Committee

Alderman Jimmy Bouhoris made the following Declarations (25/06/21):

- A. Any items relating to PowerWater.

Member Sanja Hill advised of the following representations (21/10/22):

- A. Currently providing advisory services to NTG, YMCA and MACC.

CARRIED 5/0

4.2 DECLARATION OF INTEREST BY STAFF**RECOMMENDATIONS**

Nil

5 CONFIRMATION OF PREVIOUS MINUTES**COMMITTEE RESOLUTION RMAC004/23**

Moved: Councillor Brian O'Gallagher

Seconded: Councillor Jimmy Bouhoris

That the minutes of the Risk Management & Audit Committee Meeting held on 21 October 2022 be confirmed.

CARRIED 5/0**6 ACTION REPORTS****6.1 RISK REVIEW AND ASSESSMENT - FEBRUARY 2023****COMMITTEE RESOLUTION RMAC005/23**

Moved: Member Sanja Hill

Seconded: Councillor Brian O'Gallagher

1. THAT the report entitled Risk Review and Assessment February 2023 be received and noted.

CARRIED 5/0**6.2 MONTHLY FINANCIAL REPORTS: SEPTEMBER 2022 - DECEMBER 2022****COMMITTEE RESOLUTION RMAC006/23**

Moved: Member Sanja Hill

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Monthly Financial Reports: September 2022 – December 2022 be received and noted.

CARRIED 5/0**7 QUESTIONS BY MEMBERS****RECOMMENDATIONS**

THAT the following Questions by Members be received and noted.

Risk Management & Audit Committee Meeting Minutes

24 February 2023

7.1 Nil

8 GENERAL BUSINESS**RECOMMENDATIONS**

8.1 Nil

9 CLOSURE OF MEETING TO THE PUBLIC**RECOMMENDATIONS**

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 Items of the Agenda.

UNCONFIRMED

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

12.1 Cybersecurity Update

This matter is considered to be confidential under Section 99(2) - 51(c)(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

12.2 Shoal Bay Waste Management Facility - Update February 2023

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

12.3 Work Health & Safety Quarterly Report: October - December 2022

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

12.4 Notification Register - February 2023

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(f) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and subject to subregulation 51(2) – information in relation to a complaint of a contravention of the code of conduct.

12.5 Corporate Services Quarterly Report: October - December 2022

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

12.6 Risk Management and Audit Committee - Reappointments

This matter is considered to be confidential under Section 99(2) - 51(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.

12.7 Update on Internal Audit Plan - February 2023

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage

Risk Management & Audit Committee Meeting Minutes

24 February 2023

on, any person.

The Meeting closed at 9.44 am.

The minutes of this meeting were confirmed at the Risk Management & Audit Committee held on 21 April 2023.

.....
CHAIR

UNCONFIRMED

16 REPORTS OF REPRESENTATIVES

17 QUESTIONS BY MEMBERS

18 GENERAL BUSINESS**18.1 INCOMING CORRESPONDENCE - NORTHERN TERRITORY ELECTORAL COMMISSION - 2022 WATERS WARD BY-ELECTION REPORT**

Author: Coordinator Councillor Governance and Support

Authoriser: Chief Executive Officer

Attachments: 1. 2022 Waters Ward By-Election Report [↓](#)

RECOMMENDATIONS

THAT the Incoming Correspondence - Northern Territory Electoral Commission - 2022 Waters Ward By-Election Report be received and noted.



City of Darwin ~ Waters Ward 2022 By-election report



NT Electoral Commission version control**2022 City of Darwin Waters Ward by-election - report**

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	K. Parker	16.12.2022
1.1	FINAL report – updated non-voter section and minor edits	K. Parker	10.02.2023

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2022 City of Darwin Waters Ward by-election - report



Northern Territory
Electoral Commission
 EVERY vote counts!

Election timetable**2022 - City of Darwin Waters Ward by-election****27 August 2022**

Date	Time	
Friday 5 August		Nominations open
Tuesday 9 August	5:00 pm	Electoral roll closes
Thursday 11 August	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 15 August		Postal vote mail-out commences
	8:00 am	Early voting commences
	9:00 am	Mobile voting commences
Tuesday 23 August	6:00 pm	Overseas postal voting despatches cease
Thursday 25 August	6:00 pm	All postal voting despatches cease
Friday 26 August	6:00 pm	Early voting ceases
Saturday 27 August		Election day
	8:00 am	Election day voting commences
	6:00 pm	Election day voting ceases
		Mobile voting ceases
		Primary counts of ordinary, postal and early votes commence
Monday 29 August	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 1 September	9:00 am	Primary counts of accepted declaration votes, further postal counts
Friday 9 September	12:00 noon	Deadline for receipt of postal votes
		Final counts of postal votes commence
		Distribution of preferences
Monday 12 September	10:00 am	Declaration of the election result

Correct as at 3 June 2022

2022 City of Darwin Waters Ward by-election - report

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2022 City of Darwin Waters Ward by-election - report

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For more information go to www.ntec.nt.gov.au

BACKGROUND

Election

The by-election for the City of Darwin's Waters Ward was caused by the resignation of Councillor Justine Glover. The NT Electoral Commission (NTEC) was advised of the vacancy on 4 May 2022 and were requested to run the by-election on behalf of the council.

Election day for the by-election was Saturday 27 August with the successful candidate declared on Monday 12 September, following a final count on Friday 9 September.

Nine days prior to nominations opening for the Waters Ward by-election, the Member for Fannie Bay in the Northern Territory Legislative Assembly announced his retirement and a by-election was immediately called. Election day for the Fannie Bay by-election was called for Saturday 20 August, which was the weekend before the Waters Ward election day. Therefore, both by-elections were run concurrently with overlapping early voting periods. There is no overlap between the electorate boundaries of Fannie Bay and Waters Ward, and no elector was required to vote in both by-elections.

Legislation

Section 54(2)(c) of the *Local Government Act 2019* (the Act) requires a by-election to be held where a casual vacancy occurs 18 months or more before the next general election. The by-election must be held within four months from notification of the vacancy.

Section 136(7) of the Act allows a council to appoint their CEO or another person (other than the Electoral Commissioner) to be the returning officer for the by-election. The process to be followed, including passing the resolution and notifying the Electoral Commissioner, is set out in section 136 of the Act. If a person is not appointed, the by-election is to be conducted by the Electoral Commissioner.

Recent legislative changes

The 2021 Local Government Elections were the first elections conducted under the new *Local Government Act 2019* and consequently updated *Local Government (Electoral) Regulations 2021*, both of which commenced on 1 July 2021.

The relevant electoral legislative changes from the new Act and updated regulations were reported in the City of Darwin report for the 2021 Local Government Elections.

New financial disclosure requirements for local government elections, although part of the new Act, did not come into effect until 1 July 2022, which means the requirements did not apply to the 2021 general elections, but did apply to the Waters Ward by-election. See financial disclosure paragraphs on pages 10 – 11 for more details.

Service level agreement

The service level agreement (SLA) between the City of Darwin and the NTEC was signed by both parties on 28 July 2022 and established the costing program for the preparation and conduct of the by-election.

The SLA stated that the NTEC will apply the requirements of the Act and regulations, and provided details of the voting services. The SLA also detailed any services provided or facilitated by the council that would offset the final costs.

For the Waters Ward by-election, the City of Darwin opted to provide or facilitate the following:

- candidate information sessions
- promotion of the by-election via City of Darwin social media accounts and front counter rolling message board
- banner space on council signage locations at no cost
- use of an electronic advertising board
- the Casuarina Library as an early voting centre at no cost.

BOUNDARY CHANGES

There were no boundary or representative reviews to the City of Darwin's wards conducted prior to the by-election. However there were changes to all four ward boundaries which were gazetted on 16 December 2020 prior to the 2021 Local Government Elections. These ward changes were reported on in the City of Darwin's individual general election report.

ENROLMENT

At the close of the electoral roll on Tuesday 9 August at 5:00pm, there were a total of 12,814 electors enrolled in the Waters Ward. This was a slight decrease in enrolment (-0.2%) from the previous local government general elections held in August 2021.

CANDIDATES

Candidate information sessions

The City of Darwin facilitated an information session for potential candidates which was held at the council's Civic Centre on Tuesday 2 August at 5:30pm. One potential candidate attended, as did the mayor, some current councillors and council staff to provide information and answer questions about what being a councillor entails. The NTEC also attended the session to provide information about the nomination process, campaigning rules, financial disclosure and information about the count process and scrutineering.

Nominations

Nominations opened Friday 5 August and closed on Friday 11 August at 12:00 noon. There were a total of 3 accepted nominations for the vacancy, with no rejected or withdrawn nominations.

The declaration of nominations and the draw for ballot position order took place at the council's Civic Centre soon after nominations closed. The event was attended by candidates, NTEC staff, council staff, the mayor and some current councillors as well as the media. The ballot paper position for each candidate were selected by a random number generator and results were uploaded onto the NTEC's website and Facebook page once the draw was completed.

Summary of accepted nominations/candidates

Position	Candidates in ballot paper order
Councillor (1 vacancy)	Kim FARRAR
	Robin LAWRENCE
	Gary HASLETT

Communication with candidates

In addition to the election newsletter, candidates were directly emailed by the NTEC with information regarding:

- invitation to attend and the results of the declaration of nominations
- authorisation of campaign material and display of material at voting centres and on the NTEC's website
- information about the various counts and scrutineering opportunities
- declaration of election result
- financial disclosure.

Information about candidates

During the 2021 Local Government Elections and during the Waters Ward by-election, the NTEC received multiple comments and complaints from voters that they did not know enough about the candidates to make an informed vote.

The NTEC has a 'list of candidates' webpage for each election event. The webpage provides candidate names, photographs, contact details (where permitted) and links to campaign Facebook pages or websites. The NTEC is considering options concerning voters' access to candidate information at election events.

While the NTEC and councils need to remain neutral in the promotion of election events and in providing information about candidates, the Local Government Association of the NT is best placed to assist and provide resources to assist candidate promotion.

VOTING SERVICES

Postal voting

All electors were able to postal vote for the by-election and all registered general postal voters enrolled in the Waters Ward were automatically issued a postal vote. Applications for postal votes officially opened on Friday 5 August, although applications that were received before this date were not rejected, but held until they could be accepted.

No postal votes were sent to overseas addresses for the 2021 Local Government Elections, due to advice from Australia Post that the delivery and return of overseas postal votes were not likely to meet the legislated timeframes due to the continued impact of COVID-19.

Overseas postal votes were issued for the Waters Ward by-election however. Although 19 postal votes were issued and sent to overseas addresses, none were returned by the cut-off date to be admitted to the count. Eventually, two postal votes were returned (one from the United States and one from Spain), and one return to sender was received.

Any voters who telephoned the NTEC on the last day of early voting (Friday 26 August) or election day (Saturday 27 August) reporting that they had tested positive to COVID-19 and therefore could not attend a voting centre, were arranged a postal vote. This postal vote was delivered by NTEC staff, rather than through the post, to ensure the voter could receive and complete their vote before the cut-off time of 6pm on election day.

Postal voting statistics

Description	Number
Number of postal vote applications received	813
Number of postal votes issued	683
Number of postal vote applications rejected	130
Number of postal votes returned	585
Number of postal votes admitted to the count	498
Number of postal votes rejected	87

The reasons for rejecting postal vote applications were:

- multiple applications received from same elector (65)
- no election (enrolled in different council area, or different ward) (52)
- application received too late (11)
- cancelled by elector (1)
- removed from roll (capacity) (1).

2022 City of Darwin Waters Ward by-election - report

The reasons for rejecting returned postal votes were:

- ordinary vote issued (i.e. elector marked off as having voted in person) (30)
- postal vote not signed (28)
- vote received too late (10)
- vote dated too late (10)
- returned to sender (7)
- signature did not match ()

Early voting

Early voting ran for two weeks from Monday 15 August to Friday 26 August with two early voting centre locations. The main early voting centre was located at Casuarina Library and was also open on Saturday 20 August. The second early voting centre was located at the NTEC office in Darwin, which for the first week of early voting was a dual early voting centre for both the Waters Ward and Fannie Bay by-elections.

Based on the number of votes counted (excluding declaration votes), the early voting centres collectively issued 2,967 votes which was 46.5% of all votes counted. Voter participation in early voting services remains high and consistent with recent trends with almost half of all voters in municipal areas engaging with early voting services.

Early voting statistics – 2022 by-election and 2021 Local Government Elections

Waters Ward	2022 by-election	2021 Local Government Elections
Casuarina early voting centre	2,691	2,760
Darwin early voting centre	276	398
Other early voting centres*	-	386
Total early votes	2,967	3,537
Total votes counted	6,379	8,442
% of early votes	46.5%	41.9%

* Not available for by-elections, only general elections.

Urban mobile voting

An urban mobile voting team visited the Darwin Correctional Centre as well as Royal Darwin Hospital, Darwin Private Hospital and the Palmerston Hospital to issue votes to Waters Ward electors. With the concurrent Fannie Bay by-election, a combined visit was made to the Correctional Centre facilitating votes for both by-elections.

The urban mobile team for the Fannie Bay by-election visited the hospitals during the first week of early voting for the Waters Ward by-election and were able to issue votes for both by-elections. The following week a Waters Ward specific urban mobile team attended all three hospitals to offer mobile voting services.

Urban mobile voting teams issue votes to eligible prisoners and patients, as well as staff members at the facilities. The total number of votes counted for Waters Ward by-election taken by urban mobile voting teams was 84 votes.

Election day voting

Election day was held on Saturday 27 August. For the by-election, there were 3 election day voting centres which were open from 8:00am to 6:00pm. Following discussions with the council, an additional election day voting centre was provided compared to the 2021 Local Government Elections. This decision to reinstate the Sanderston Middle School voting centre was in response to increased election day queuing experienced at the 2021 general elections.

Election day voting statistics – 2022 Waters Ward by-election and 2021 general election

Voting centre	Location	Votes counted 2022	Votes counted 2021
Karama	O'Loughlin Catholic College 70 Mueller Road, Karama	1,213 (43.2%)	1,827 (45.7%)
Moil	Moil Primary School Moil Crescent, Moil	705 (25.1%)	1,139 (28.5%)
Sanderson	Sanderson Middle School Matthews Road, Malak	888 (31.6%)	-
Other	Casuarina, Darwin, Leanyer, Ludmilla, Nightcliff, Parap	-	1,035 (25.9%)
TOTAL		2,806	4,001

Declaration voting

A person who cannot be found on the electoral roll but is entitled to vote, can be issued a declaration vote after completing and signing a declaration envelope. Their ballot paper is placed in the envelope and a scrutiny of all declaration envelopes commences the day after election day.

Legislative amendments passed in May 2021 created a savings provision for local government elections that allows eligible electors who are unenrolled at the close of roll date, a chance for their vote to be admitted to the count. During the declaration vote scrutiny process, all declaration envelopes are forwarded to the Australian Electoral Commission (AEC) and eligible electors are added to the roll using the envelope as an enrolment form. Where the entitlement to vote is confirmed, the vote will be admitted to the count. Where voters are unable to be enrolled, or are found to be already enrolled in a different council area in the NT, their declaration vote is rejected.

The table below provides the number of declaration votes admitted to the count and those rejected for the by-election.

Declaration voting statistics

Accepted	Rejected	Total
24	2	26

Of 26 declaration votes issued, only 2 were rejected. This is because both electors were enrolled in a different council area at the close of roll date for the by-election. While their enrolment was updated as a result of their declaration vote, they were not eligible to vote in the by-election.

Turnout and participation

Turnout for the Waters Ward by-election was 49.8% based on the number of votes counted, with 6,379 ballot papers counted from a total enrolment figure of 12,814. The turnout for the by-election was significantly lower compared with the previous general elections for the council in 2021 (65.8%) and 2017 (68.0%).

The following table details the total number of votes by vote type for those ballot papers admitted to the count.

Number of votes counted by vote type

Vote type	2022 by-election		2021 general elections	
	No. of votes counted	% of total votes	Number of votes counted	% of total votes
Election day voting centres	2,806	44.0%	4,001	47.4%
Early voting centres	2,967	46.5%	3,537	41.9%
Urban mobile voting	84	1.3%	95	1.1%
Postal voting	498	7.8%	634	7.5%
Declaration voting	24	0.4%	53	0.6%
Absent voting*	-	-	115	1.4%
TOTAL	6,379	100%	8,442	99.9%
Formal votes	6,082	95.3%	7,959	94.3%
Informal votes	297	4.7%	483	5.7%

*Absent votes were issued via early voting centres, urban mobile voting teams and election day voting centres located outside the City of Darwin area. There are no absent votes in by-elections.

#Figures used are from the 2021 councillor election

Turnout and participation statistics

Turnout	Number or percentage
Enrolment at close of roll	12,814
Total votes counted	6,379
Turnout rate – by number of votes counted	49.8%
Participation	Number or percentage
Postal vote applications rejected (voter eligible)	13
Postal votes not returned	98
Postal votes returned but rejected	87
Declaration votes rejected	2
Excuses lodged*	210
Total additional participation	410
TOTAL	6,789
Participation rate	53.0%

*Prior to receiving a non-voter infringement notice

Informality

Of the 6,379 ballot papers counted, 297 (or 4.7%) were deemed to be informal and therefore not counted. Of the informal ballot papers, 260 (or 87.5%) were assumed to be intentionally informal, while 37 (or 12.5%) were assumed to be unintentionally informal.

ELECTION OUTCOMES**Voting system**

The voting system for local government by-elections where there is just one vacancy to fill is the preferential system. This means:

- Electors must number all the boxes on their ballot paper sequentially starting with the number one as their first preference for the vote to be deemed formal.
- For a candidate to be elected they must receive more than 50% of the formal votes.
- First preference votes for each candidate on the formal ballot papers are counted. If no candidate receives more than 50% of the formal votes, a distribution of preferences is conducted until a candidate does.

Vote counting – election day

Vote counting began immediately after the close of voting at 6:00pm on election day. A count of first preference votes was undertaken at each election day voting centre and phoned through to the NTEC Darwin office which was the scrutiny centre for this by-election.

The count of first preferences of the votes cast at the Casuarina and Darwin early voting centres, postal votes received by that date and votes cast with the urban mobile team were counted at the scrutiny centre after 6:00pm on election day.

Post-election day counts

- A fresh scrutiny of all votes cast at election day voting centres, early voting centres, with the urban mobile team, and the postal votes received before election day, was conducted on the Monday morning after election day (29 August) at the scrutiny centre.
- All declaration votes were forwarded to the AEC for processing on the Monday after election day. On the Wednesday (31 August), a scrutiny of declaration envelopes began which concluded the following day.
- On the first Friday after election day (2 September), an initial count of the accepted declaration votes was conducted at the scrutiny centre, as was an initial count of the second intake of postal votes (received between election day and that morning). This was immediately followed by a fresh scrutiny of both counts.
- Following the deadline for the receipt of postal votes at 12 noon on Friday 9 September, an initial count of the third and final intake of postal votes was conducted at scrutiny centre. This was immediately followed by a fresh scrutiny of the count.

Results from all counts, on and after election day, were published on the NTEC website at the conclusion of the count.

Final result

After the count of the third and final intake of postal votes was conducted at 12:00 noon on Friday 9 September, the total first preference count for each candidate was as follows:

Candidate	First preference votes
Kim FARRAR	3,114
Robin LAWRENCE	1,481
Gary HASLETT	1,487
TOTAL	6,082

The number of votes required to be elected as per the preferential voting system (more than 50% of the formal votes) was 3,042. One candidate received more than 50% of the first preference votes.

Kim Farrar was therefore deemed the successful candidate and a distribution of preferences was not required.

Declaration of the election results

The declaration of election results took place at the council's Civic Centre at 10:00 am on Monday 12 September 2022.

Letters to the CEO of the council certifying the result of the by-election, and to the Minister for Local Government advising of the result, were also sent Monday 12 September 2022.

Non-voters

After an election all enrolled electors not marked off as having voted are compiled into a list of non-voters. This list is then cleansed to remove people who did make an effort to participate in the election, for example; those who had postal vote applications rejected, electors who updated their enrolment to indicate they are overseas, electors who updated their enrolment to a different council area after the close of roll date, and electors who provided a valid excuse for not voting during the election period, among others. The NTEC also removes electors aged over 70 and those in special category enrolment (like itinerant voters) are who likely to have a valid excuse for not voting but may be unable to communicate this easily.

The final list saw 5,584 initial infringement notices sent to non-voters on 20 October. 4,112 follow up letters for those non-voters who did not reply was sent on 24 November, with Thursday 22 December the final day for non-voters to respond.

Non-voter statistics

Non-voter action*	Number	%
First notices mailed	5,584	
Second notices mailed	4,091	
Replied – penalty paid	1,025	18.4%
Replied – valid and sufficient reason provided	1,089	19.5%
Replied – reason not valid, penalty not yet paid	9	0.2%
Returned unclaimed and endorsed RTS	423	7.6%
No reply and no RTS mail	3,038	54.4%

PUBLIC AWARENESS

Campaign overview

The NTEC developed a communications plan for the Waters Ward by-election which was shared with the council. The campaign covered various phases of the election including promoting awareness and enrolment, nominations, postal voting, early voting, election day voting and results.

The NTEC had a webpage, targeted social media campaign, direct messaging to electors, statutory advertising, newspaper advertising, banners, a letterbox drop, a stakeholder newsletter and other community activities.

Webpage

The webpage for the by-election was launched in July and provided comprehensive information for candidates and electors. The page was designed to be the primary source of information for voters about enrolment and voting options, times and locations of voting centres, as well as results.

For candidates, the page also provided information about nominating, campaigning, voting and scrutineering processes.

Social media campaign

The NTEC posted a series of paid and non-paid Facebook and Instagram posts which included engaging videos and images.

Type	Reach*	Engagement#	Timing
Get ready to vote – non paid video	187	1	12 July
Enrolment – paid video	3,738	4,411	5 August
Newsletter released – non paid image	53	3	5 August
Check enrolment – non paid video	161	0	9 August
Declaration of Nominations – non paid image	4,235	14	11 August
Newsletter 2 released – non paid image	239	3	11 August
Early voting starts – paid video	27,644	4,370	15 August
Newsletter 3 released – non paid image	21	0	24 August
Last chance to vote – non paid video	156	0	26 August
Last chance to vote – paid video	3,372	470	26 August
Election day – paid video	4,986	640	27 August
Counting finished – non paid image	369	5	27 August

*Reach is defined as the measurement of how many people were exposed to the post

Engagement is defined as the measurement of how many people have taken any type of action on the post

Direct messaging to voters

Any elector who has provided either their mobile phone number or email address (or both) are able to be contacted directly by the NTEC to provide election information. Eligible electors in the Waters Ward area received three direct messages during the election period.

The three rounds of messaging provided information about:

- **Enrolment** – electors who were, at the time, enrolled in the Waters Ward area were advised of the by-election, the important dates and their requirement to vote. Electors were encouraged to update their enrolment if it was no longer current. This round of messaging often removes more electors from the council area, as they update their address, than add to it.

- **Voting has started** – electors were provided the dates, location, and opening hours of the early voting centres, as well as a link to the list of candidates.
- **Last day to vote** – those electors who had not early voted or applied for a postal vote were sent further messaging remind them to vote, and information about election day voting centres.

Both the 'enrolment' and 'voting has started' emails also provided information and a link to apply for a postal vote, and reminded voters that voting, even in council by-elections, is compulsory.

Direct messaging statistics

Message	No. of emails sent	Date sent	No. of SMS sent	Date sent
Enrolment	4,781	4 August	6,318	4 August
Voting has started (early voting)	4,330	15 August	5,917	15 August
Last day/s to vote*	3,302	25 August	4,049	27 August
TOTALS	12,413		16,284	

*Sent only to electors who had not voted

Statutory advertising

The NTEC is required to place statutory advertisements throughout an election cycle within the relevant newspaper for the election area. Statutory advertising for the Waters Ward by-election was placed in the NT News.

Type	Timing
Statutory advertisement 1 – call for nominations and close of roll information	5 August
Statutory advertisement 2 – list of candidates and early/mobile voting centres	13 August
Statutory advertisement 3 – list of election day voting centres	27 August

Newspaper advertising

The NTEC placed two further banner newspaper advertisements in the NT News to promote voting in the by-election.

Type	Timing
Early voting opens tomorrow banner	14 August
Election day banner	25 August

Street banners

A series of 4 metre NTEC banners were placed on council owned banner displays at Gardens Oval, Stuart Highway and McMillians/Bagot Road from approximately 11 July to 28 August promoting awareness of the different stages of the by-election: check your enrolment, voting is now open (early voting) and vote Saturday.

Letterbox drop

A small DL sized flyer was developed which provided information about important election dates, voting services (early voting, election day voting and urban mobile voting), the website link, and a map of the Waters Ward area to show who was required to vote. Through Australia Post, the flyer was delivered to every household and business in the Waters Ward area, including those addresses with 'no advertising material' or similar signage. This was a total of 6,678 flyers delivered between 2 to 5 August.

Newsletter

The NTEC sent three newsletters specific to the Waters Ward by-election which provided an overview of all relevant topics of the by-election. This newsletter was sent to NTEC's email database of approximately 900 email addresses with the following reach:

Type	Opens %	Clicks %	Timing
Newsletter 1	40.2%	9.7%	5 August
Newsletter 2	39.2%	6%	11 August
Newsletter 3	40%	6.9%	24 August

Other public awareness activities

The NTEC hosted a stall at the Seniors' Expo on Saturday 30 July which is coordinated by COTA and promoted awareness of the Waters Ward by-election. The week before, the NTEC also had signage and handouts promoting the by-election at the AEC's stall at the Darwin Show.

FINANCIAL DISCLOSURE

Part 8.6 of the new *Local Government Act 2019* introduced new requirements for all candidates in local government elections, including by-elections, to submit to the NTEC campaign donation returns covering a prescribed disclosure period. Disclosure and publication of such returns aims to provide greater transparency of candidate funding during election campaigns.

Donation disclosure at the local government level in the Northern Territory requires candidates to submit information about any donations or loans (whether cash or non-cash) they receive for use in a local government election campaign. This information must be submitted to the NTEC within a legislated timeframe. The NTEC must then make this information available for public viewing by publishing the returns on its website, and having a hardcopy available in its office.

The campaign donation disclosure requirements for local government elections are much smaller and less complicated than those required for Legislative Assembly elections for example:

- only candidates are required to submit a campaign donation return
- only one campaign donation return is required (post-election)
- the return only needs to disclose donations/loans received over one disclosure period
- no return is required if donations/loans received do not meet the threshold.

These new financial disclosure requirements came into effect from 1 July 2022, and were therefore applied to the Waters Ward by-election.

The key dates of financial disclosure obligations for the by-election were:

Election day	27 August 2022
Disclosure period	1 July – 25 September 2022
Return due date	4 November 2022

No campaign donation returns were received for the Waters Ward by-election.

CORPORATE MANAGEMENT

Information and Communications Technology (ICT) support

For any local government general election or by-election, an external contractor (F1 Solutions) is procured to provide specialist IT support for the electronic mark-off system (eLAPPS) used to mark off electors when they are issued a ballot paper. For this by-election, eLAPPS was imaged to 31 devices used to mark-off of electors, across six voting teams (as well as a number of spare devices). The eLAPPS system was also used for central monitoring of vote issuing during the voting period by NTEC office staff.

An additional nine devices were also loaded with the electoral roll as look up devices for electors that could not be found on the Waters Ward elector mark off list.

Significant ICT assistance is provided by the Department of Corporate and Digital Development (DCDD) to the NTEC for most of the elections it conducts. For the Waters Ward by-election, DCDD provided ICT incident monitoring, response and escalation, as well as provision and management of IT event services including elevated support for the commission's election management system, eLAPPS services, Telstra services and the website, particularly with the timely publishing of count results.

Premises

The NTEC Darwin office was used as the Darwin early voting centre and the scrutiny centre for the conduct of counts. The use of the NTEC's office is at no cost to the council.

As part of the SLA for the by-election, the City of Darwin provided the Casuarina Library at no cost as an early voting centre. They also provided a venue within its Civic Centre for the candidate information session, the declaration of nominations and the declaration of results.

A Memorandum of Understanding with the Department of Education covers the use of school facilities for NT election events under which facilities at Moil Primary School and Sanderson Middle School were hired as election day voting centres. The venue at O'Loughlin Catholic College in Karama was hired under a private arrangement, as it is a non-government school.

Staffing

The day-to-day operations of the by-election were managed internally by the NTEC's permanent staff and was supplemented by casual staff identified from the commission's casual election staff database.

The table below shows the number of casual staff employed across a variety of positions. In total, 33 casual electoral positions were filled by 27 casual staff. In some instances, some casual staff were employed in more than one position.

Due to the concurrent Fannie Bay by-election, there was an overlap of early voting periods. While Casuarina Library was only an early voting centre for the Waters Ward by-election, the Darwin early voting centre issued votes for both by-elections. However, the casual staff employed at the Darwin early voting centre, during the overlapping week, and the following week after the Fannie Bay by-election, were at no cost to the City of Darwin.

Positions	No. of casual positions
Early voting centre staff	8 (only 6 paid for)
Election day voting centre staff	19
Urban mobile voting teams	2
Count staff	2
Other operations staff*	2

* e.g. postal voting, materials

All casual staff, with the exception of the additional operations staff, were provided face-to-face training as well as manuals for their positions. In this training, any differences between Legislative Assembly and local government elections were emphasised, in particular the rules for campaigning at voting centres and the differences in the vote counting processes.

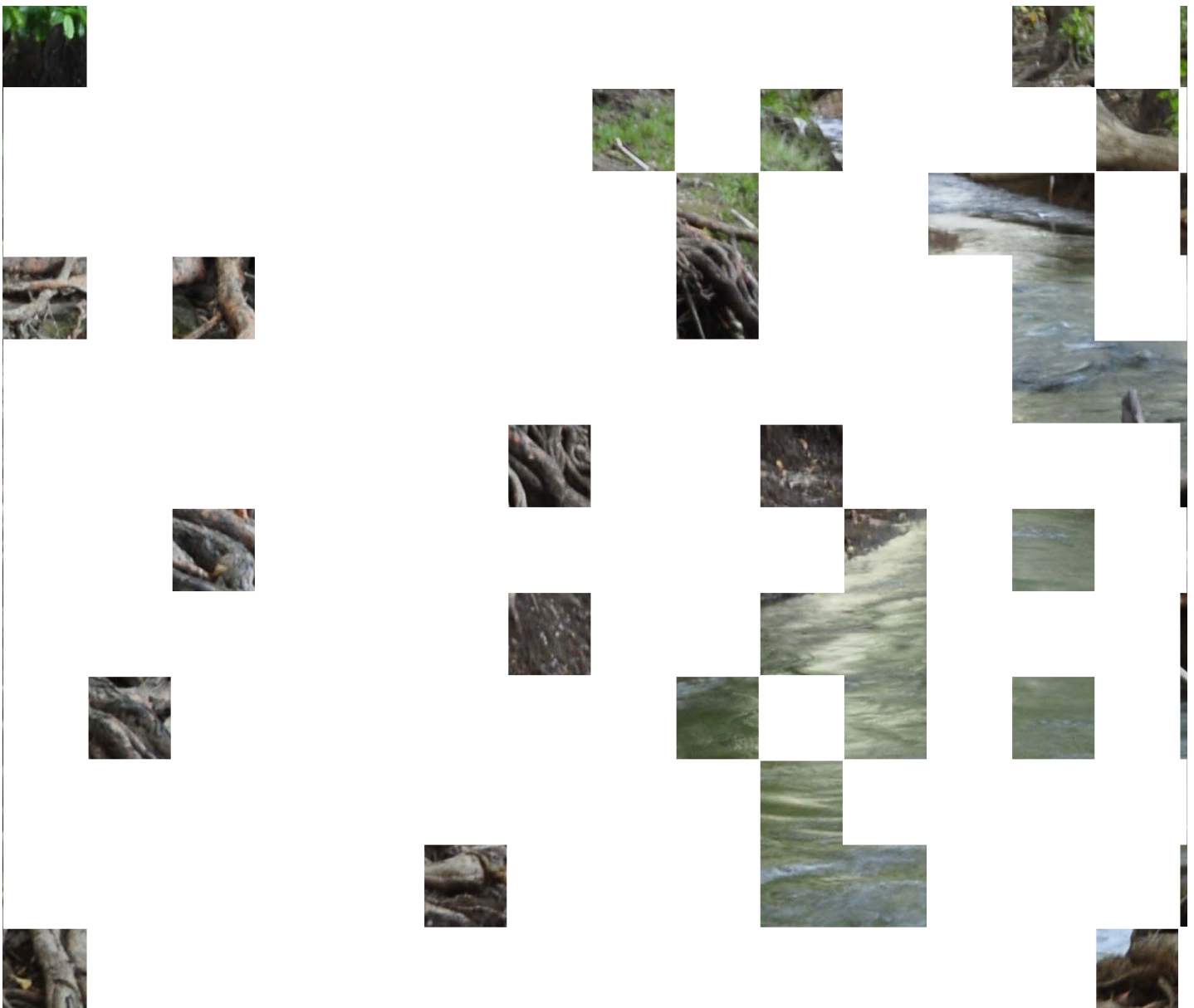
Election costs

The table below shows the final actual costs for the Waters Ward by-election. These election costs do not include the processing of non-voters. These are provided in a separate table below.

Expense category	Early voting centre	Election day voting centres	NTEC Operations	Postal voting	Urban mobile team	Total
Advertising			\$10,830			\$10,830
Information technology			\$2,981			\$2,981
Materials			\$3,055	\$220		\$3,275
Postage				\$2,364		\$2,364
Premises		\$4,227	\$636			\$4,863
Staff wages	\$29,377	\$14,748	\$9,724		\$1,407	\$55,2576
Vehicle hire			\$653			\$653
Sub-total	\$29,377	\$18,975	\$27,880	\$2,584	\$1,407	\$80,223
Corporate overhead 15%						\$12,033
Sub-total						\$92,256
GST 10%						\$9,226
TOTAL						\$101,482

Non-voter costs

Expense	Number	Cost
Cost of first notice – printing, postage and envelopes	5,584	\$12,201
Cost of second notice – printing, postage and envelopes	4,091	\$5,502
Cost of returned mail (both notices)		\$1,660
Event staff – casual	1	\$3,709
Bank fees for transactions paid through NAB		\$500
Corporate overhead 15%		\$3,536
SUB TOTAL		\$27,108
GST		\$4,066
TOTAL		\$31,174
Estimated revenue	1,025	-\$25,625
TOTAL INVOICED COST		\$5,549



18.2 INCOMING CORRESPONDENCE - MINISTER FOR VETERANS' AFFAIRS | MINISTER FOR DEFENCE PERSONNEL - BOMBING OF DARWIN COMMEMORATIVE SERVICE

Author: Council Protocols and Grants Support

Authoriser: Chief Executive Officer

Attachments: 1. Minister for Veterans' Affairs | Minister for Defence Personnel - Bombing of Darwin Commemorative Service [↓](#)

RECOMMENDATIONS

THAT the Incoming Correspondence - Minister for Veterans' Affairs | Minister for Defence Personnel - Bombing of Darwin Commemorative Service be received and noted.



THE HON MATT KEOGH MP
MINISTER FOR VETERANS' AFFAIRS
MINISTER FOR DEFENCE PERSONNEL

MB23-000031

The Hon Kon Vatskalis
The Right Worshipful the Lord Mayor of Darwin
City of Darwin
GPO Box 84
DARWIN NT 0801

Dear Lord Mayor,

BOMBING OF DARWIN COMMEMORATIVE SERVICE

Thank you for your invitation to attend the 81st anniversary of the Bombing of Darwin Commemorative Service on 19 February 2023.

The Bombing of Darwin symbolises the immense challenge confronted by our nation in 1942, when conflict landed on our doorstep and is a time that is truly a part of the nation's shared memory. It was a great honour and privilege for me to attend the commemorative service, and stand alongside veterans and members of the community to mark this important occasion.

I commend the City of Darwin for your ongoing commitment to remembering all those who suffered and paid the ultimate sacrifice in defence of our nation and acknowledge the efforts of all those involved in the planning and delivery of the service.

I sincerely thank you for your commemoration of the Bombing of Darwin.

Yours faithfully,

HON MATT KEOGH MP

28 February 2023

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 28 March 2023, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 Casuarina Aquatic and Leisure Centre 25 Metre Program Pool Shade Variation

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.2 Pool Management Contract

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

27.1 Enterprise Leadership Update

This matter is considered to be confidential under Section 99(2) - 51(a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.

27.2 Cybersecurity Update

This matter is considered to be confidential under Section 99(2) - 51(c)(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff.

27.3 YNT Quarterly Pool Management Report - October to December 2022

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

27.4 Unconfirmed Confidential Minutes - Risk Management and Audit Committee (RMAC) - 24 February 2023

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

28.1 Incoming and Outgoing Correspondence - Charles Darwin University - Education and Community Precinct Carpark Arrangement

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON



MINUTES

**Ordinary Council Meeting
Tuesday, 28 February 2023**

Reports, recommendations and supporting documentation can be accessed via the City of Darwin Council Website at www.darwin.nt.gov.au, at Council Public Libraries or contact the Committee Administrator on (08) 8930 0670.

**MINUTES OF CITY OF DARWIN
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS DARRANDIRRA, LEVEL 1, CIVIC CENTRE, HARRY
CHAN AVENUE, DARWIN
ON TUESDAY, 28 FEBRUARY 2023 AT 5:30PM**

PRESENT:	Lord Mayor Kon Vatskalis, Deputy Lord Mayor Kim Farrar, Councillor Jimmy Bouhoris, Councillor Sylvia Klonaris, Councillor Mick Palmer, Councillor Peter Pangquee, Councillor Ed Smelt, Councillor Amye Un, Councillor Rebecca Want de Rowe
OFFICERS:	Simone Saunders (Chief Executive Officer), Chris Kelly (Acting General Manager Corporate), Angela O'Donnell (Acting General Manager Community), Alice Percy (General Manager Innovation) Ruiha Maskovich (Council Protocols and Grants Support Officer), Gemma Perkins (Coordinator Councillor Governance and Support), Irene Frazis (Executive Manager Finance), Meguerditch Mikaelian (Executive Manager Regulatory Services)
APOLOGY:	Councillor Paul Arnold, Councillor Brian O'Gallagher, Councillor Morgan Rickard
NOT PRESENT	Councillor Vim Sharma
GUESTS:	Nightcliff Seabreeze Festival

WEBCASTING DISCLAIMER

The City of Darwin is live webcasting the Open Section of Ordinary Council Meetings. Audio-visual recording equipment has been configured to avoid coverage of the public gallery area and the City of Darwin will use its best endeavours to ensure images in this area are not webcast. However the City of Darwin expressly provides no assurances to this effect and in the event your image is webcast, you will by remaining in the public gallery area be taken to have given the City of Darwin a non-exclusive licence to copy and broadcast your image worldwide for no reward.

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1 ACKNOWLEDGEMENT OF COUNTRY

We the members of City of Darwin acknowledge that we are meeting on Larrakia Country.

We recognise and pay our respects to all Larrakia people, Traditional Owners and Custodian Elders of the past and present.

We support emerging Larrakia leaders now and into the future.

We are committed to working together with all Larrakia to care for this land and sea for our shared future.

2 THE LORD'S PRAYER

Our Father, who art in heaven, hallowed be thy name; thy kingdom come; thy will be done; on earth as it is in heaven.

Give us this day our daily bread. And forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation; but deliver us from evil.

For thine is the kingdom, the power, and the glory for ever and ever.

Amen

3 MEETING DECLARED OPEN

RESOLUTION ORD044/23

Moved: Councillor Amye Un

Seconded: Councillor Ed Smelt

The Chair declared the meeting open at 5.36 pm.

CARRIED 9/0

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 APOLOGIES

RESOLUTION ORD045/23

Moved: Councillor Mick Palmer

Seconded: Councillor Jimmy Bouhoris

THAT the apology from Councillor Brian O'Gallagher, Councillor Morgan Rickard and Councillor Paul Arnold, be received.

CARRIED 9/0

4.2 LEAVE OF ABSENCE GRANTED

Nil

4.3 LEAVE OF ABSENCE REQUESTED

RESOLUTION ORD046/23

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

THAT a Leave of Absence be granted for:

- The Lord Mayor Kon Vatskalis for the period 8 to 16 March 2023.
- Councillor Peter Pangquee for the period 13 to 16 March 2023.
- Councillor Ayme Un for the period 17 to 28 March 2023.
- Councillor Kim Farrar for the period 20 to 26 March 2023.

CARRIED 9/0

Following the Ordinary Council Meeting The Lord Mayor leave of absence dates were confirmed as The Lord Mayor Kon Vatskalis for the period 8 to 15 March returning on 16 March 2023.

5 ELECTRONIC MEETING ATTENDANCE

5.1 ELECTRONIC MEETING ATTENDANCE GRANTED

RESOLUTION ORD047/23

Moved: Councillor Mick Palmer

Seconded: Councillor Jimmy Bouhoris

THAT Council note that the following member was granted permission for Electronic Meeting Attendance at this Ordinary Council Meeting held on Tuesday, 28 February 2023.

- Councillor Rebecca Want De Rowe

CARRIED 9/0

5.2 ELECTRONIC MEETING ATTENDANCE REQUESTED

Nil

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

6.1 DECLARATION OF INTEREST BY MEMBERS

RESOLUTION ORD048/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Sylvia Klonaris

- A. THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act*, Councillor Kim Farrar, declared a Conflict of Interest in Item 26.2.
- B. THAT Council note that pursuant to Section 114 and 115 of the *Local Government Act*, Councillor Peter Pangquee, declared a Conflict of Interest in Item 26.3.

CARRIED 9/0

6.2 DECLARATION OF INTEREST BY STAFF

Nil

7 CONFIRMATION OF PREVIOUS MINUTES

RESOLUTION ORD049/23

Moved: Councillor Mick Palmer

Seconded: Councillor Ed Smelt

THAT the minutes of the Ordinary Council Meeting held on 7 February 2023 be confirmed.

CARRIED 9/0

8 MOVING OF ITEMS

8.1 MOVING OF OPEN ITEMS INTO CONFIDENTIAL

Nil

8.2 MOVING OF CONFIDENTIAL ITEMS INTO OPEN

Nil

8.3 MOVING CONFIDENTIAL ITEMS TO OPEN AT THE CONCLUSION OF THE MEETING**26.1 UNSOLICITED PROPOSAL - TRIAL PAVEMENT****RESOLUTION ORD064/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Unsolicited Proposal – Trial Pavement be received and noted.
2. THAT Council endorse the proposal from Hardcor Pty Ltd to trial a unique pavement at Shoal Bay Waste Management Facility.
3. THAT Council note the proponent will cover all the direct costs associated with the pavement trial.
4. THAT Council, pursuant to Section 40 (2) of the Local Government Act 2019 delegates to the Chief Executive Officer the power to negotiate an agreement with Hardcor Pty Ltd for a pavement trial at Shoal Bay Waste Management Facility.
5. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
6. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0

26.2 REQUEST FOR IN-KIND WAIVER FOR CAR PARKING SPACES FOR COTA NT**RESOLUTION ORD065/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled Request for In-Kind Waiver for Car Parking Spaces for COTA NT be received and noted.
2. THAT Council approve an agreement with COTA for the waiver of car parking fees from 31 January 2023 until June 2023 valued at \$2,470.
3. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
4. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0

26.3 REQUEST FOR IN-KIND SUPPORT FOR CRUISE SEASON TOURISM ACTIVATION**RESOLUTION ORD066/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Amye Un

1. THAT the report entitled Request for In-Kind Support for Cruise Season Tourism Activation be received and noted.
2. THAT Council approve a waiver of parking bay hire fees of up to \$27,045 for Tourism Top End for the 2023 cruise season through a permit arrangement and variation to their current sponsorship agreement until 30 June 2023.
3. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
4. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 8/0

26.4 REQUEST FOR IN-KIND WAIVER FOR DARWIN CITY RETAILERS ASSOCIATION FOR WESTLANE ARCADE RENT**RESOLUTION ORD067/23**

Moved: Councillor Mick Palmer

Seconded: Lord Mayor Kon Vatskalis

1. THAT the report entitled Request for In-Kind Waiver for Darwin City Retailers Association for Westlane Arcade Rent be received and noted.
2. THAT Council approve a peppercorn lease for Darwin City Retailers Association for Westlane Arcade Shop 16 until the end of June 2023.
3. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
4. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0

26.5 OUT OF ROUND SPONSORSHIP 2022/23**RESOLUTION ORD068/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Out of Round Sponsorship 2022/23 be received and noted.
2. THAT Council approve an allocation of \$20,000 cash and \$15,000 in-kind per annum through the out-of-round sponsorship program to Nightcliff Arts, Music and Culture Incorporated for the Nightcliff Seabreeze Festival for a period of one year.
3. THAT Council approve an allocation of \$2,000 cash and \$1,000 in-kind per annum through the out-of-round sponsorship program to Darwin City Retailers Association for the Lord Mayor's Easter Egg Hunt for one year.
4. THAT Council approve the variation of unused funding of \$12,840 from the sponsorship round and that this be used for the out-of-round sponsorship proposals.
5. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
6. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 8/1

26.6 UPDATE ON NEURON AGREEMENT**RESOLUTION ORD069/23**

Moved: Councillor Mick Palmer

Seconded: Councillor Jimmy Bouhoris

1. THAT the report entitled Update on Neuron Agreement be received and noted.
2. THAT Council endorse a six-month extension from 28 February to 31 August 2023 to operate on City of Darwin land within the current geospatial area and conditions.
3. THAT Council, pursuant to Section 40 (2) of the *Local Government Act 2019* delegates to the Chief Executive Officer the power to negotiate the terms for the provision of Neuron e-bikes and e-scooters within the City of Darwin Municipality for an additional six months.
4. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
5. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0

26.7 STRATEGIC PROPERTY PLAN**RESOLUTION ORD070/23**

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Mick Palmer

1. THAT the report entitled Strategic Property Plan be received and noted.
2. THAT Council note the draft Strategic Property Plan per **Attachment 1**.
3. THAT Council approve the establishment of a Property Reserve for the purpose of receiving and quarantining the proceeds from Council Property and to reduce the reliance on rates income.
4. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
5. THAT the documents remain confidential, and that this decision be moved into Open at the end of the meeting.

CARRIED 8/1**27.1 OUTCOMES OF BUDGET WORKSHOP 1****RESOLUTION ORD072/23**

Moved: Councillor Ed Smelt

Seconded: Councillor Mick Palmer

1. THAT the report entitled Outcomes of Budget Workshop 1 be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293 (1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**27.2 CORPORATE SERVICES QUARTERLY REPORT: OCTOBER - DECEMBER 2022****RESOLUTION ORD073/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Peter Pangquee

1. THAT the report entitled Corporate Services Quarterly Report: October-December 2022 be received and noted.
2. THAT this report and any attachments be deemed confidential documents and be treated as such in accordance with Section 293(1) of the *Local Government Act 2019*.
3. THAT the documents remain confidential and that this decision be moved into Open at the end of the meeting.

CARRIED 9/0**9 MATTERS OF PUBLIC IMPORTANCE / LORD MAYORAL MINUTE**

Nil

10 PUBLIC QUESTION TIME

Nil

11 PETITIONS

Nil

12 DEPUTATIONS AND BRIEFINGS

12.1 NIGHTCLIFF SEABREEZE FESTIVAL

RESOLUTION ORD050/23

Moved: Councillor Jimmy Bouhoris

Seconded: Councillor Ed Smelt

THAT the presentation from the Nightcliff Seabreeze Festival, be received and noted.

CARRIED 9/0

13 NOTICES OF MOTION

13.1 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE APPRAISAL COMMITTEE

I, Lord Mayor, Kon Vatskalis, give notice that at the next Ordinary Council Meeting on 28 February 2023, I will move the following motion:-

RESOLUTION ORD051/23

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

THAT Council appoint Councillor Kim Farrar to the Chief Executive Officer's Performance Appraisal Committee to 30 September 2023.

CARRIED 9/0

14 ACTION REPORTS**14.1 WEEKEND PUBLIC PLACES PATROLS UPDATE****RESOLUTION ORD052/23**

Moved: Councillor Ed Smelt

Seconded: Councillor Sylvia Klonaris

1. THAT the report entitled Weekend Public Places Patrols Update be received and noted.
2. THAT Council refer the Weekend Public Places Patrol to be considered as part of the 2023/24 budget process.

CARRIED 9/0

15 RECEIVE & NOTE REPORTS**15.1 MONTHLY FINANCIAL REPORT - JANUARY 2023****RESOLUTION ORD053/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Jimmy Bouhoris

THAT the report entitled Monthly Financial Report – January 2023 be received and noted.

CARRIED 9/0

15.2 TIER 2 BI-ANNUAL PERFORMANCE REPORT: JULY - DECEMBER 2022**RESOLUTION ORD054/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Mick Palmer

THAT the report entitled Tier 2 Bi-Annual Performance Report: July – December 2022 be received and noted.

CARRIED 9/0

16 REPORTS OF REPRESENTATIVES**RESOLUTION ORD055/23**

Moved: Councillor Sylvia Klonaris

Seconded: Councillor Amye Un

THAT the following Reports of Representatives be received and noted.

16.1

Councillor Ed Smelt reported on attending the AFL NT Local Government Forum with Councillor Peter Pangquee. Great to hear the bigger picture and vision for the game and how the AFL has partnered with Local Government on other projects. A new role has been established within AFL NT to work with Councils to be advertised as the point of contact.

16.2

Councillor Amye Un reported on attending 81st Bombing of Darwin Anniversary in Adelaide River. Also, thank you to the Lord Mayor and the staff of City of Darwin for organising the Bombing of Darwin ceremony in Darwin.

16.3

The Lord Mayor Kon Vatskalis reported on the 81st Bombing of Darwin Anniversary, which was exceptionally well organised. The Federal Minister who attended the event, expressed his sincere thanks for the invitation, and was impressed with the organisation of the event. Also thank you to the Councillors who attended the ceremony, and also the City of Darwin staff for their efforts.

16.4

Councillor Kim Farrar reported on attending the reception at Government House for the Christmas in Darwin Association on behalf of the Lord Mayor. Councillor Kim Farrar was very impressed with the amount of volunteers and how long it has been going for, and the association expressed their gratitude for Councils support. Also, the Bombing of Darwin event was fantastic, and it should be a public holiday and recognised nationally.

16.5

Councillor Jimmy Bohouris reported on attending the Risk Management and Audit Committee which was well run with great presentations for CAMMS and other work, health and safety related programs.

CARRIED 9/0

17 QUESTIONS BY MEMBERS**17.1 CONTRACT MANAGEMENT****RESOLUTION ORD056/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

The Lord Mayor Kon Vatskalis requested review of oversight mechanisms in relation to contractors and the performance of their contract obligations due to receiving complaints.

The Lord Mayor Kon Vatskalis also raised the need to review the communication being received by residents in Moil. If miscommunication is happening, this needs to be addressed.

CARRIED 9/0

17.2 REQUEST FOR MOWING AT ALAWA OVAL**RESOLUTION ORD057/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

Councillor Peter Pangquee enquired about Alawa Oval and when the grass is due to be mowed.

CARRIED 9/0

17.3 WEED SPRAYING | MALAK OVAL GATES | LEE POINT ROAD TRAFFIC ASSESSMENT**RESOLUTION ORD058/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

Councillor Sylvia Klonaris enquired about the contractors responsible for weed killing in the Waters Ward. Complaints have been received in relation to no notification of the activity occurring. Is City of Darwin able to limit spraying proximity from the fence line?

Councillor Sylvia Klonaris reported that she received information from residents regarding Malak Oval gates which were not closed. Residents were concerned that the oval would be damaged. This was reported to Council, and the resident confirmed yesterday evening that the gates have still not been locked.

Councillor Sylvia Klonaris reported information from residents regarding the car accidents on Lee Point Road and Union Terrace. In 2021 there was a traffic management assesment for Stage 1 and 2 to prevent the flow of traffic for speeding on the highway. Residents are still complaining of speeding vehicles and car accidents. What is the possibilty of conducting another traffic assessment, and placing a round about at the corner of Wulagi Crescent and Union Terrace?

Also, placed a request through click and fix to remove graffitti from a laneway because it was not considered offensive. Can Officers please review this click and fix item?

CARRIED 9/0

17.4 MALAK MARKETS**RESOLUTION ORD059/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Ed Smelt

Question:

Councillor Kim Farrar enquired about Malak Markets, and whether the City of Darwin has been notified if they will be going ahead this year. Feedback from the Community is that the stall holders are not receiving responses from the previous market operators. If Malak markets are not renewing will there be an expression of interest to see if anyone else is going to take over the markets.

Answer:

The General Manager Innovation, Alice Percy responded and advised that the Malak Markets have been contacted and have confirmed that they will not be renewing their licence. The General Manager for Innovation also confirmed that a discussion will be held with the team to see if an expression of interest to take over the markets is an option.

CARRIED 9/0**18 GENERAL BUSINESS****18.1 YELLOW LINE ROAD MARKINGS IN FANNIE BAY****RESOLUTION ORD060/23**

Moved: Lord Mayor Kon Vatskalis

Seconded: Councillor Sylvia Klonaris

Councillor Ayme Un received a complaint from a business owner in Fannie Bay complaining about the yellow line road markings at the business, and being blocked by cars.

CARRIED 9/0**19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING****RECOMMENDATIONS**

THAT the next Ordinary Meeting of Council be held on Tuesday, 14 March 2023, at 5:30pm (Open Section followed by the Confidential Section), Council Chambers Darrandirra, Level 1, Civic Centre, Harry Chan Avenue, Darwin.

20 CLOSURE OF MEETING TO THE PUBLIC**RECOMMENDATIONS**

THAT pursuant to Section 99 (2) of the Local Government Act and Regulation 51 of the Local Government (General) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

RECOMMENDATIONS

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 99(2) of the Local Government Act:

26.1 Unsolicited Proposal - Trial Pavement

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.2 Request for In-Kind Waiver for Car Parking Spaces for COTA NT

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

26.3 Request for In-Kind Support for Cruise Season Tourism Activation

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

26.4 Request for In-Kind Waiver for Darwin City Retailers Association for Westlane Arcade Rent

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

26.5 Out of Round Sponsorship 2022/23

This matter is considered to be confidential under Section 99(2) - 51(e) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with subject to subregulation 51(3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest.

26.6 Update on Neuron Agreement

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.7 Strategic Property Plan

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

26.8 Doctors Gully

This matter is considered to be confidential under Section 99(2) - 51(c)(i) of the Local Government

Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

27.1 Outcomes of Budget Workshop 1

This matter is considered to be confidential under Section 99(2) - 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

27.2 Corporate Services Quarterly Report: October - December 2022

This matter is considered to be confidential under Section 99(2) - 51(a) and 51(c)(iv) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual and information that would, if publicly disclosed, be likely to subject to subregulation 51(3) – prejudice the interests of the council or some other person.

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON

21.1 ADJOURNMENT OF MEETING AND MEDIA LIAISON

RESOLUTION ORD061/23

Moved: Councillor Ed Smelt

Seconded: Councillor Jimmy Bouhoris

THAT the open section of the meeting be adjourned at 6.36pm

CARRIED 9/0

THAT the open section of the meeting be resumed at 8.25pm.

THAT the chair declared the meeting closed at 8.25pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 March 2023.

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CHAIR