

CITY OF DARWIN

THIRD ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 15 MAY 2012

MEMBERS: The Right Worshipful, Lord Mayor, Ms Katrina Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member R Lesley; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Mr J Banks; Executive Manager, Mr M Blackburn; Committee Administrator, Ms L Elmer.

Enquiries and/or Apologies: Linda Elmer
E-mail: l.elmer@darwin.nt.gov.au PH: 89300 670



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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

- A. THAT it be noted that Member G Lambrinidis is an apology due to a Leave of Absence being previously granted on 16 April 2012 for the period 13 – 16 May 2012.
- B. THAT it be noted that Member R Lesley is an apology due to a Leave of Absence being previously granted on 16 April 2012 for the period 12 – 19 May 2012.

DECISION NO.21\() (15/05/12)

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

7.1 Confirmation of the Previous Ordinary Council Meeting Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Monday, 30 April 2012, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\() (15/05/12)

8 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

8.1 Business Arising

9 MATTERS OF PUBLIC IMPORTANCE

10 DEPUTATIONS AND BRIEFINGS

11 CONFIDENTIAL ITEMS**11.1 Closure to the Public for Confidential Items**
Common No. 1944604

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 matters referred from Committees including Confidential Committee Items, and the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C22.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C24.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
C26.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.
C26.2	8(c)(i)	Information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

DECISION NO.21\() (15/05/12)

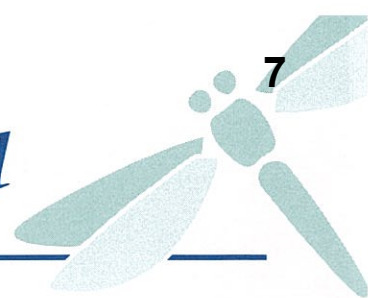
11.2 Moving Open Items Into Confidential**11.3 Moving Confidential Items Into Open****12 PETITIONS**

Nil

13 NOTICES OF MOTION

13.1 Non Commercial Wash Bay Area at the Shoal Bay Management Facility

Notice of Motion raised by Alderman GA Lambert is attached



10 May 2012

NOTICE OF MOTION

SUBJECT: Non Commercial Wash Bay Area at the Shoal Bay Waste Management Facility

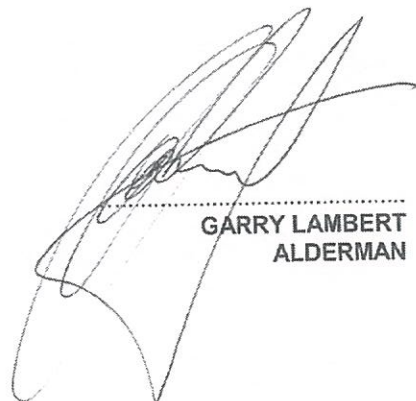
I give notice that at the First Ordinary Council Meeting on 15 May 2012, I will be moving the following motion:-

THAT a report be prepared on the provision of a non commercial wash bay area at the Shoal Bay Waste Management Facility.

REASON:

The provision of a wash bay area for non commercial users would provide a range of environmental benefits including the reduction of pollutants into Darwin Harbour.

Signed by me at Darwin this Tenth day, May 2012



GARRY LAMBERT
ALDERMAN

14 OFFICERS REPORTS

14.1 Enterprise Agreement Update

Report No. 12A0069 (24/04/12) Common No. 2228816

Report Number 12A0069 attached.

1st ORDINARY COUNCIL MEETING / OPEN**AGENDA ITEM: 14.1****ENTERPRISE AGREEMENT UPDATE****REPORT No. 12A0069****COMMON No. 2228816****Date: 24/04/2012****Presenter: Manager Employee Relations, Kelly Hoffmann****Approved: General Manager Corporate Services, Frank Crawley****PURPOSE**

The purpose of this report is to provide Council with details of the results of the recent Enterprise Bargaining negotiations.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal 7. Demonstrate effective, open and responsible governance

Outcome 7.2 Display strong and effective leadership within Council and across Government

Key Strategies 7.2.2 Invest in our people so that they can perform at their best

KEY ISSUES

Whilst it has taken some time to get agreement between all parties to the enterprise agreement the negotiations have been conducted in good faith and amicably between all parties. Since the negotiation of the last agreement there have been changes of union officials and union representatives so new working relationships had to be formed. This should stand Council is good stead when further negotiation is required over the life of the agreement.

A formal vote for the proposed Enterprise Agreement was conducted and closed on 1 May 2012. There were 187 votes cast for the agreement, with 175 votes in favour. The agreement will now be lodged with Fair Work Australia.

RECOMMENDATIONS

THAT it be a recommendation to Council:-

- A. THAT report number 12A0069 entitled Enterprise Bargaining Update, be received and noted.

PAGE: 2
 REPORT NUMBER: 12A0069
 SUBJECT: ENTERPRISE AGREEMENT UPDATE

BACKGROUND

The Councils current enterprise agreement expired on the 31 August 2011. It took some time to receive the logs of claims from everyone involved so negotiations did not commence until August 2011. Also because there were a lot of new members on the committee we held a workshop first up and negotiations started off slowly.

DISCUSSION

The Management Representatives for the Enterprise Bargaining Committee were Frank Crawley and Kelly Hoffmann. The Unions involved were United Voice, Australian Services Union and the Australian Manufacturers Workers Union. A non union staff member elected to represent themselves during the process.

The main areas of change are highlighted below:

Anti Discrimination / Anti Bullying Clause

A comprehensive clause has been included in the agreement.

Period of Operation and Wage Increase

The period of operation for the agreement is 1 September 2012 – 31 August 2014. A 4% or \$36 wage increase for each year of the agreement, for the next three years has been negotiated.

Flexible Working Arrangements

A working party in conjunction with an independent consultant will be put in place to investigate flexible working arrangements. The committee will look at the feasibility of a 19 day month, 9 day fortnight and programs such as working from home, flexitime and winding down to retirement. A recommendation by the working party will be made to the Chief Executive Officer, who will make the final determination.

Payment of Airfares

The removal of the payment of airfares was negotiated as part of the 2008 agreement. As a result this will be removed from the new agreement.

Ordinary Hours & Spread of Hours

We have retained the same terms and conditions that were in place under the previous Awards in terms of the 'ordinary hours' and 'spread of hours' for employees.

Superannuation

We have included the choice of funds for all employees. Under the previous agreement, all employees were with Local Super.

Carpooling and Public Transport

There is an incentive in terms of car pooling for 2 or more employees based at the Civic Centre, where Council will provide a 50% reduced rate of parking. Council will reimburse the cost of public transport for those employees who use public transport to get to and from work.

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 REPORT NUMBER: 12A0069
 SUBJECT: ENTERPRISE AGREEMENT UPDATE

Family Violence

This was a request from the Australian Services Union, as part of the National campaign against family violence. This amended clause provides support for employees that may find themselves victims of family violence.

Time Off In Lieu

This clause formalises informal arrangements that are already in place across some sections of Council.

On Call and Return to Work

This clause allows for employees who are in a dedicated 'on call' position to be paid a retainer whilst providing that service to Council.

Union Representatives

Under the previous agreement, a clause in relation to union representatives was non allowable. Given the changes to the Fair Work Act, this clause is similar to clauses that have been in agreements in the past, outlining the role of union representatives in the workplace.

Sick Leave

There has been some changes to the sick leave provisions. Employees are still entitled to 15 days sick/personal leave each year. The change being that a statutory declaration will now only be allowed for absences up to 2 days, and absences longer than this will require a medical certificate.

Long Service Leave & Annual Leave

The new agreement does not allow for the cashing out of long service leave, but as per the National Standards of Employment does allow for the cashing out of annual leave. Council will continue to pay a leave loading on annual leave.

A clause has also been put in place, where there is the ability to call employees to return back to work, when on annual leave. This for example could be utilised if a cyclone was to cause damage, and additional employees were required for the clean up.

Maternity Leave

There is now the ability to commence paid maternity leave, within 6 weeks of the expected due date. In the current agreement, the person had to wait until the baby was born to be paid maternity leave.

Prescription Safety Glasses

For employees who are required to wear safety glasses at least 80% of the time, Council will subsidise the cost up to \$300 every two year period.

CONSULTATION PROCESS

Negotiations for a new enterprise agreement commenced in August 2011. The parties that have been involved are a mix of union officials, union representatives, employee representatives and management. In total nine meetings took place.

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 REPORT NUMBER: 12A0069
 SUBJECT: ENTERPRISE AGREEMENT UPDATE

Staff have been provided information on the negotiations through Councils intranet site, updated at staff meetings and by their union officials.

The proposed agreement was given to all employees as part of the process. Staff Information Sessions have been conducted at Casuarina Library, the Operations Centre and the Civic Centre.

BUDGET AND RESOURCE IMPLICATIONS

A 4% pay increase for this year, has been factored into the budget for 2012/13. A 12% increase over the next three years has been factored into Councils long term financial plan.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The enterprise agreement will be made under the Fair Work Act 2009, and the proposed agreement is in accordance with the Fair Work Act 2009.

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

KELLY HOFFMANN
MANAGER EMPLOYEE
RELATIONS

FRANK CRAWLEY
GENERAL MANAGER CORPORATE SERVICES

Any queries on this report may be directed to Kelly Hoffmann on 8930 0527 or email k.hoffmann@darwin.nt.gov.au

14 OFFICERS REPORTS

14.2 Elected Members Information Technology Support Policy Report No. 12A0067 (18/04/12) Common No. 2221432

Report Number 12A0067 attached.

ELECTED MEMBERS INFORMATION TECHNOLOGY SUPPORT POLICY

REPORT No. 12A0067

COMMON No. 2221432

Date: 18/04/2012

Presenter: Manager Information Technology, Richard Iap

Approved: General Manager Corporate Services, Frank Crawley

PURPOSE

The purpose of this report is to provide the 21st Council with a suggested proposal for IT Support, taking into account feedback received.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal

7 Demonstrate Effective, Open and Responsible Governance

Outcome

7.2 Display strong and effective leadership, within Council and across Government

Key Strategies

7.2.2 Invest in our people so that they can perform at their best

KEY ISSUES

Management is suggesting that consideration be given to the following package for IT Support for Elected Members:

- Allowance for Information Technology equipment;
- Allowance for mobile phone purchase and use;
- Allowance to purchase service from an Internet Service Provider; and
- Allowance for IT Support.

A suggested policy is contained in **Attachment A**.

RECOMMENDATIONS

THAT it be a recommendation to Council:

- A. THAT Report Number 12A0067 entitled Elected Members Information Technology Support Policy, be received and noted.
- B. THAT the Elected Members Information Technology Support Policy be adopted.

PAGE: 2
 REPORT NUMBER: 12A0067
 SUBJECT: ELECTED MEMBERS INFORMATION TECHNOLOGY SUPPORT POLICY

BACKGROUND

Council has provided IT packages to the last two (2) Councils.

To ensure that the support offered to Elected Members is transparent and accountable, it is recommended that it be included in a separate policy rather than a general policy which is now the case.

DISCUSSION

A number of Councils were contacted and details of their Elected Member IT Support were attained.

After reviewing the level of support offered by some other Councils, and taking into account past experience and feedback from Elected Members the following proposal is suggested:

1. An Information Technology Capital Allowance:

An allowance of \$2400 per Elected Member for the purchase of IT hardware and software. The Elected Member may draw upon their allowance at any time over their four (4) year term. IT hardware and software purchased will need to be of a business nature to support the Elected Member in their official duties, as described in Section 35 of the Local Government Act 2009.

The purchase of the IT hardware and software must first be paid for by the Elected Member and then reimbursement for the equipment will occur from Council once a paid Tax Invoice has been received.

2. A communication and Internet allowance for two items:

\$1200.00 per annum to purchase an ADSL2+ and/or associated internet account, of the elected members choice. This is equivalent to Telstra Bigpond 200GB ADSL2+ Plan with line rental.

\$770.00 per annum to purchase a mobile phone and appropriate paid plan, of the elected members choice. This is equivalent to a iPhone 4s 16GB plan on both the Telstra and Optus Networks.

The allowances for the Elected Members Internet access and mobile phone provides choice and flexibility. Elected Members can choose what hardware and provider best suits their needs. Having an account in the Elected Member's name (previously it was under Council's Business account) allows access and plan changes without the need to contact Council or seek Council's permission and consent. Issues around IT staff access to an Elected Member's home are also avoided.

The Communication and Internet allowances will be paid to Elected Members on a monthly basis as part of their normal monthly payment.

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 REPORT NUMBER: 12A0067
 SUBJECT: ELECTED MEMBERS INFORMATION TECHNOLOGY SUPPORT POLICY

3. IT Support and maintenance allowance:

\$1200 per annum for the support and maintenance of Elected Members IT hardware and software. This allowance is for the Elected Member to seek assistance when their IT equipment requires support and/or installation. This will also be paid monthly as part of the normal monthly payment.

The backup and maintenance of data and software are the responsibility of the Elected Member. The IT section can assist in providing “best practice” guidance if required on backup methods and procedures.

4. A choice of email addresses:

A personal email address (Google Gmail is recommended) for the conduct of Council related business activities.

OR

A City of Darwin email address. The mailbox size will be 2GB. Where a Council email address is provided, the Elected Member will be bound by Council's Information Security Management Policies and require the signing of Council's current Computer Usage forms.

This mailbox like a Google Gmail account will allow emails to be accessed via the Apple iPad mail app, and via the webmail interface through an Interbrowser like Microsoft IE, Firefox and Google Chrome.

Unavailability of this mailbox may occur from time to time as system upgrades, patching and changes are conducted by the IT Section. This is usually conducted outside of business hours.

The emails to and from a darwin.nt.gov.au domain are subject to Council's Information Management Policies and Territory and Federal Freedom of Information legislation. In the past there has been concerns expressed about downtime and staff recommend a private email address.

5. Non-Completion of Term

If an Elected Member does not complete at least 75% of their term it is suggested that the hardware and software components of the Information Technology package be offered to the Elected Member to purchase at the current written down value.

6. Ownership after Term

At the end of the term of the 21st Council, ownership will pass to the Elected Member, along with all responsibility for support and maintenance.

Any unused annual allowance will rollover to the following year. Any unspent funds at the end of the term of Council will revert back to Council.

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 REPORT NUMBER: 12A0067
 SUBJECT: ELECTED MEMBERS INFORMATION TECHNOLOGY SUPPORT POLICY

In summary, the allowances suggested are:

	12/13	13/14	14/15	15/16
Capital	\$2,400			
Internet	\$1,200	\$1,200	\$1,200	\$1,200
Phone	\$ 770	\$ 770	\$ 770	\$ 770
Support & Maintenance	<u>\$1,200</u>	<u>\$1,200</u>	<u>\$1,200</u>	<u>\$1,200</u>
TOTAL	\$5,570	\$3,170	\$3,170	\$3,170

CONSULTATION PROCESS

Various Australian Local Government Organisations

POLICY IMPLICATIONS

A suggested policy is contained in **Attachment A**.

BUDGET AND RESOURCE IMPLICATIONS

The initial up front capital cost to Council per Alderman is \$2400.00.
 Annual IT allowance costs to Council per Alderman is \$3000.00

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We declare that we do not have a Conflict of Interest in regards to the subject of this report.

RICHARD IAP
MANAGER INFORMATION
TECHNOLOGY

FRANK CRAWLEY
GENERAL MANAGER CORPORATE
SERVICES

Any queries on this report may be directed to Richard Iap on 8930 0611 or r.iap@darwin.nt.gov.au

Attachment A Elected Members Information Technology Support Policy

Title Elected Members Information Technology Support Policy

Policy Number :

Adopted By :

Review Date :

Responsibility : General Manager Corporate Services

Document Number :

Version	Decision Number	Adoption Date	History

1. Policy Summary

This policy outlines the Information Technology package for City of Darwin's 21st Council's Elected Members. The policy details the Information Technology package's hardware equipment, software and technical support provided by Council.

2. Policy Objectives

The Council seeks to provide IT support to Elected Members to assist in the performance of their functions and duties pursuant to Section 35 of Local Government Act 2009.

3. Background

The City of Darwin has provided IT packages to the last two (2) Councils.

4. Policy Statement

The support provided to Elected Members as follows:

4.1 Information Technology Capital Allowance

- \$2400 per Elected Member for the purchase of IT hardware and software. The Elected Member may draw upon their allowance over their four (4) year term.
- IT hardware and software must be paid for by the Elected Member and reimbursement will occur from Council once a paid Tax Invoice has been received

4.2 Communication and Internet Allowances

- \$1200.00 per annum to purchase an ADSL2+ and associated internet account, of the elected members choice. (equivalent to Telstra Bigpond 200GB plan).

- \$770.00 per annum to purchase a mobile phone and appropriate paid plan, of the elected members choice.
- Both Communication and Internet Allowances will be paid to Elected Members on a monthly basis as part of their normal monthly payment.

4.3 IT Services Support Allowance

- \$1200 per annum for the support and maintenance of Elected Members IT hardware and software. This allowance is for the Elected Member to seek assistance when their IT equipment requires support and/or installation. This will also be paid monthly as part of the normal monthly payment.

4.4 Email

- A City of Darwin email address will be provided if required.
- The mailbox size will be 2GB.
- Email addresses and mailboxes provided by Council are subject to Councils IT policies.

4.5 Transfer of ownership

- If an Elected Member does not complete at least 75% of their term then the components of the Information Technology package will be offered to the Elected Member to purchase at the current written down value.
- Any unused annual allowance will rollover to the following year. Any unspent funds at the end of the term of Council will revert back to Council.

5. Legislation, terminology and references.

1. Related Policies

City of Darwin Information Security Management Policies

2. Terminology

COD: Means the City of Darwin

Council: Means the City of Darwin Managers, Staff and Elected Members

Information Technology (IT): Means the Network Systems, Computer Systems, Electronic Communications and all applications, software and peripherals used in connection with the provision of information technology services by Council.

Users: Means any person who uses the Information Technology support services such as all persons employed by Council and consultants engaged by the City of Darwin.

Policy: Means all of the matters contained in this Policy document.

6. Implementation and delegation**7. Evaluation and review**

The General Manager of Corporate Services will review this policy at the completion of the Elected Members term of office.

15 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

16 REPORTS OF REPRESENTATIVES

17 QUESTIONS BY MEMBERS

18 GENERAL BUSINESS

19 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 29 May 2012, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\() (15/05/12)

20 CLOSURE OF MEETING TO THE PUBLIC

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.

DECISION NO.21\() (15/05/12)

21 ADJOURNMENT OF MEETING AND MEDIA LIAISON