

MINUTES OF THE **ORDINARY** MEETING OF THE THIRTEENTH COUNCIL HELD ON MONDAY
24 FEBRUARY 2020 AT 6:00PM IN COUNCIL CHAMBER, CIVIC CENTRE, ALICE SPRINGS

1. ATTENDANCE

1.1 Opening of the Meeting by the Mayor (Chair)

The Mayor Damien Ryan declared the meeting open at **6.01pm** and welcomed all present to the meeting.

Mayor Ryan acknowledged the Central Arrernte people who are the traditional owners and custodians of Alice Springs.

Mayor Ryan welcomed Sabine Taylor, the new Director of Corporate Services

PRESENT

Mayor D. Ryan (Chair)
Deputy Mayor M Paterson
Councillor G. Auricht
Councillor M. Banks
Councillor J. Cocking
Councillor E. Melky
Councillor J. Price (Phone)
Councillor C. Satour
Councillor de Brenni (Phone)

OFFICERS IN ATTENDANCE

Mr R. Jennings – Chief Executive Officer (CEO)
Mr S. Allen – Director Technical Services
Mr S. Duke – Acting Director Community Development
Ms S. Taylor – Director Corporate Services
Mrs E. Williams – Executive Assistant (Minutes)

2. PRAYER

Captain Dean Clutterbuck of the Salvation Army in Alice Springs presented the prayer preceding the meeting.

3. APOLOGIES

Nil

CARRIED (20800)

4. WELCOME TO THE GALLERY AND PUBLIC QUESTION TIME

- 4.1 Samuel Auld asked why Alice Springs Town Council is supporting the FABalice Festival and asked for reasoning behind this support.

The Mayor explained that Alice Springs Town Council supports various events around town but took the concerns on board and Elected Members will take this into consideration for the future.

- 4.2 Sharon Bird asked why is the Alice Springs Town Council using her rates money to expose young children to drag queens and very highly sexualised performances as part of the FABalice Festival.

- 4.3 Jerry Fitzsimmons posed a question regarding human rights as both a rate payer and as a member of the Julie Assange Supporters Alice Springs, can the Elected Members please reconsider the remarks made at the February Committee meeting to support the Motion 13.2.5 to be presented later this evening asking *“that the Alice Springs Town Council calls on the Australian Federal Government to demand the release of Julian Assange and to arrange for his repatriation to Australia”* under the Council Policy 114 “Universal Declaration of Human Rights”. Are any other policies in the Council restricted to human rights?

The Mayor explained that decisions are not made at Committee meetings but rather the matter comes to the Ordinary meeting for decision. We are unable to pre-empt what will happen but as it's on the agenda, it will be dealt with this evening.

- 4.4 Katalina Mindszenty asked as a Member of the Julie Assange Supporters Alice Springs, that the Alice Springs Town Council please consider the situation from concerned residents of Alice Springs living so close to Pine Gap and what it means for the rest of the world.

The Mayor explained that all Councillors go away and do their own research and that Council are constrained with what they can do and work with what they are presented.

- 4.5 Andy (unknown surname) from Utopia asked why the Rangers are picking up the homeless people's blankets and belongings and taking them away? Andy stated that the Rangers are wrong doing this and that Aboriginal people and white people live together in Alice Springs on Traditional people's land and white people's land.

The Mayor asked Andy if he would like to have a meeting with the CEO to discuss this concern outside the meeting. A meeting will be arranged.

3 -- CNCL 24/02/2020

- 4.6 Tom Bird asked a question regarding Part 3.3 Offensive Behaviour (Alice Springs – Management of Public Place By-Laws 20019) and asked that the Alice Springs Town Council confirm with FABalice Item 51 Indecent Behaviour and Item 52 Obscene and Offensive Material that this event is not contravening these By-Laws. Mr Bird asked Alice Springs Town Council to consider that this is a highly sexualised event and its portrayal of women in an offensive and over-sexualised way.

The Mayor took this question on notice.

- 4.7 Malcolm Auld asked whether there is any commitment made to having the drag queen readers into the library for the FABalice event.

Simon Duke responded that no one has been invited to read but as part of the Festival they did make a request.

The CEO took the question on notice.

The Mayor advised that if there has been an approach by FABalice then Council rejects that request.

- 4.8 Penny McDonald asked that consideration be given to support the petition being discussed this evening.

- 4.9 Margaret Richardson asked that the Free Julian Assange petition be carefully considered this evening.

The Mayor thanked those present who asked questions for their participation.

5. DISCLOSURE OF INTEREST

- 5.1 Councillor Melky – Agenda Item 14.4.1

- 5.2 Mayor Ryan – Agenda Item 14.1.2

6. MINUTES OF PREVIOUS MEETING

6.1 Minutes of the Ordinary Open Meeting of the Council held on Monday 28 January 2020

Moved – Councillor Auricht
Seconded – Councillor Cocking

That the minutes of the Ordinary Meeting of the Council held Monday 28 January 2020 be confirmed as a true and correct record of the proceedings of those meetings.

CARRIED (20801)

6.2 Business Arising from the Minutes

6.2.1 Councillor Banks – Item 9.4 Support for the Redtails/Pinktails Right Tracks program updated on the MOU.

The Director Technical Services advised that the process is progressing but that he would take the question on notice.

6.2.2 Mayor Ryan asked about the Alice Springs Sports Facilities Master Plan – Item 14.4.3 and the basketball figures for 2012

Director Technical Services advised that these figures had been updated.

Mayor Ryan asked about the suggestion that Albrecht Oval is a closed facility.

Director Technical Services advised that this has been changed.

Mayor Ryan asked about the second oval at Traeger Park to take place of the current carpark. Mayor Ryan also stated that there are issues with carparking and that there are no extra carparks.

Director Technical Services was not aware of this.

7. MAYORAL REPORTS AND MINUTES

7.1 Mayor's Report
Report No. 28/20cncl

Moved – Councillor Paterson
Seconded – Councillor Auricht

That the Mayor's Report be received.

CARRIED (20802)

7.2 Business arising from the Report

7.2.1 Councillor Cocking – Item 1.4, Item 1.23, Item 1.35 and Item 1.37

Councillor Cocking requested clarification regarding the following meetings:

- Meeting with Leith Phillips (Item 1.4)
- Alice Springs Masterplan Process and Discussion with Alice Springs Town Council CEO Robert Jennings, Deputy Mayor Matt Paterson, Councillor de Brenni and Councillor Price (Item 1.23)
- Cliff Weeks, Executive Director, Department of the Chief Minister regular meeting (Item 1.35)
- Meeting with ALGA Vice-President, Councillor Linda Scott re. Community Concerns (Item 1.37)

Mayor Ryan explained the nature of these meetings:

- Item 1.4 Leith Phillips brought similar concerns to those in the gallery this evening regarding drag queen readings at the Library as part of the FABalice event.
- Item 1.23 was a briefing for the Elected Members that were unable to attend the initial meeting on 28 January 2020
- Item 1.35 regular meeting with Cliff Weeks. This meeting was regarding the heightened community police patrols in the CBD.
- Item 1.37 this followed a briefing by Major General Hosking who is second in charge of the resilience package on the East Coast. Discussion was had around Mental Health and the issues in communities in New South Wales following a disaster and also in small pockets in Queensland and South Australia.

7.2.2 Councillor Banks – Item 1.23

Councillor Banks requested clarification on the purpose of the meeting Alice Springs Masterplan Process and Discussion with Alice Springs Town Council CEO Robert Jennings, Deputy Mayor Matt Paterson, Councillor de Brenni and Councillor Price (Item 1.23)

Mayor Ryan advised that this meeting was for those that were unable to attend the initial meeting on 28 January 2020 and that it wasn't an additional meeting.

7.2.3 Councillor Auricht – Item 1.29

Councillor Auricht asked whether the Alice Springs Childcare Centre is Council owned and whether there have been any expansion or upgrades of the facilities.

Mayor Ryan advised that it is one of three Centres owned by Alice Springs Town Council. The Director of Technical Services has sent an invitation to all Elected Members to visit each of the Centres with only the Deputy Mayor taking up this invite so far. The Mayor encouraged all Elected Members to attend especially the Alice Springs Childcare Centre who have recently invested \$130,000 into upgrades.

8. ORDERS OF THE DAY

- 8.1 That Elected Members and Officers provide notification of matters to be raised in General Business.
- 8.2 Councillor Cocking – Proposed LGANT motion regarding Shale Gas Fracking
- 8.3 Councillor Melky – By-Laws that were discussed at the Youth and Community Safety Forum on 20 February 2020.
- 8.4 Councillor Melky – National Aboriginal Art Gallery and comments made by the Chief Minister
- 8.5 Councillor Melky – Proposal around Forum's and alternate use of the Forum's with a proposal for the Elected Member's to consider
- 8.6 Councillor Banks - Forum's format and minuting of these meetings.
- 8.7 Councillor Banks – Designing Better Policy to be tabled.

9. DEPUTATIONS

9.1 CAAFLU Aboriginal Corporation – CEO Phynea Clarke
Not in attendance.

9.2 International Legends of League
Mr Troy Byer as the representative of the International Legends of League (ILOL) gave an overview of this event.

The main focus of the event is a game of rugby league played between Australian Legends and a local Alice Springs Allstars Legends team. ILOL players are ex State of Origin and Australian representative players with very high public profiles. ILOL uses very high-profile players across the four-day event for greater impact in the community when delivering messages and also to engage a bigger audience so each community can maximise their income potential.

These players include players like Matt Bowen, Scott Prince, Ben Hannant, Willie Tonga, Terry Matterson, Kevin Campion, Cliff Lyons, Nathan Blacklock, Noel Goldthorpe, Scott Hill, Chris Walker and Bryan Niebling to name a few.

In each area the ILOL attend, it is a policy to include local heroes who have made good in the NRL and this provides them with an opportunity to come back and play in their home town. This generates enormous goodwill and interest from the local community.

The local Allstars team will feature local players who developed their rugby league in the chosen area and went on to represent QLD or Australia along with local “identities” who were prominent local players or coaches who have contributed to the development of rugby league in their respective region.

The lead up to the game brings a strong sense of community and educational involvement utilising some of the key players and highest profile indigenous players. In each area, an invitation is extended to one of the local women’s rugby league players to join our players in delivering key messages. One of the key messages is “Dream, Believe, Achieve” and this applies to both boys and girls.

Wednesday and Thursday, a select group of 4 - 6 players will travel to the region to participate in school coaching clinics, school assembly speeches & hospital visits. Our players include past high profile indigenous “greats” and we attend various community venues to educate the children on anti-bullying, health, exercise, the perils of social media, goals and to “dream, believe, achieve”. Several references from many schools and charities acknowledging the messages provided.

A Bowls Day and Dinner is held on the Friday with each player allocated to a sponsors group and special guests including the local Mayor and invited guests. Signage at these events is prominent.

Saturday includes visits and appearances by all players to a shopping centre and/or a key sponsors business for promotional purposes. The main game is held between Australia and the Local Allstars team. Generally, there are five lead up games played by out of town and local teams, school teams with a women's league game. This is to maximize the crowd figures and also to allow sponsors a greater return for investment.

Out of town teams will be invited to play in the lead up games to increase patronage for local accommodation and local shops, clubs and restaurants with past crowd sizes ranging from 3,500 to 10,000.

There are significant benefits to the community from outcomes of this event. In past centres, we have seen increased out of town support from supporters who patronise the local accommodation and hospitality outlets. The shopping centre signing session sees increased attendances to the centre on this day which, in turn, helps local businesses especially those in the sporting goods area as merchandise items are readily purchased for signing purposes.

ILOL policy on game days is to allow local sporting organisations to control the food and beverage outlets and this becomes a great fundraising event for them. In the past we have seen hockey clubs, rugby league clubs, fishing clubs and various schools become beneficiaries from these outlets. Typically, local clubs and associated entities bank in excess of \$30,000 (some as high as \$60,000) on game day from food and beverage receipts and raffles.

In some instances, selected players will attend some local businesses for an appearance which also gives added profile to same.

There is considerable branding, signage and community recognition for all corporate partners involved in these events and especially to Council as Presenting Sponsor.

ILOL will always engage the radio, television and newspaper organisations to be involved in the event. As such there is great recognition through logo placement and acknowledgment, "tags" on television and radio and logo recognition in newspapers for our key partners. Jersey, apparel and corporate merchandise will also recognise our corporate partners.

These events cannot be held without the support of locals Councils as the presenting sponsor, therefore ILOL is seeking financial support for the value of \$25,000

ILOL is planning to run this program in Alice Springs from 3-10 May 2020.

The Mayor thanked Mr Byer for his presentation and explained that this is on the agenda (Item 14.3.2) for further discussion regarding funding.

Councillor Banks also thanked Mr Byer for his presentation and asked whether the event hinges on Alice Springs Town Council participation and if the Council were to support in a different way and not with the full financial amount would the event still go ahead?

Mr Byer responded that the support from Alice Springs Town Council is vital for the event to go ahead and that the full amount is required.

Councillor Banks thanked Mr Byer for his deputation and asked how the discussion with the Right Tracks program is proceeding and asked what this looks like.

Mr Byer advised that the discussions are in their early stages and both parties are looking at how they can partner and develop the learning between the two groups but even in this early stage it's looking like a perfect fit for both groups.

Councillor Paterson advised Councillor Banks that he had spoken with Ms Donna Ah-Chee, Central Australian Aboriginal Congress CEO and they are happy to come onboard through their Health Promotions team.

Councillor Cocking asked Mr Byer about the corporate structure of the International League of Legends. Is it an Organisation, Pty? I ask this because of an incident that occurred in June 2018 around a fraud charge.

Mr Byer advised that it was an issue around invoicing and that the charges should never have been progressed to a hearing stage and that all charges were dismissed without any further action.

Councillor Satour asked about the players running clinics in schools but what about those who aren't in school? Councillor Satour also recommended that it would be a good idea to speak with Central Australian Aboriginal Congress and also Tangentyere and their relevant after-hours services.

Mr Byer advised that these children would still be engaged as will those in juvenile detention.

Councillor Paterson asked what happens with the funds, do they stay in community? There is scope for the Health Promotion Unit of Congress to be at the ground.

Mr Byer advised that the funds stay here and that ILOL are open to any in kind support that Congress would like to provide.

Councillor Cocking asked for an overview of the budget and asked where the \$25,000 will fit into this budget. How can the No More campaign be present as the Council supports this campaign and it could be widely promoted as part of this event.

Mr Byer advised that a budget has been sent because this is part of the application. This shows where the money goes and also following the event as to how the money has been spent. He also advised that Charlie King (founder of the No More campaign) is a big supporter of this event and that the logo will appear on all promotional material including uniforms.

10. PETITIONS

10.1 Free Julian Assange Petition as tabled in the January 28 2020 meeting

Moved – Councillor Cocking
Seconded – Councillor Banks

That the Alice Springs Town Council write to the Federal Government, urging them to demand the release of Assange and arrange his repatriation to Australia.

LOST

Councillor Cocking asked for clarification as the motion has been listed in both 10.1 and also the Community Development Committee report 13.2.

Mayor Ryan confirmed that as it is a petition that's being presented that it would be discussed now.

Councillor Cocking thanked the members of the Free Julian Assange Group Alice Springs for bringing this matter to his attention and asked that Elected Members consider this motion.

Councillor Price stated that she is more concerned with the immediate community especially around domestic violence and addressing the issues relevant to the local community and therefore cannot support this motion.

Councillor Banks spoke in support of the motion and thanked the public for taking the time to utilise the meeting resources and democracy of Local Government behind issues that are really important and concurred with Councillor Cocking. Councillor Banks also stated that everyone is entitled to due process and a fair trial and is understanding of the situation and that Mr Assange is not being allowed an unbiased and fair trial.

Councillor Auricht also couldn't support the motion due to it being a Federal government issue and not an Alice Springs Town Council issue but thanked those present for bringing their petition and voicing their issues.

*Councillor Melky left the chamber due to a conflict of interest at 7.08pm
Councillor Melky returned to the chamber at 7.25pm*

*Councillor Paterson left the chamber at 7.17pm
Councillor Paterson returned to the chamber at 7.19pm*

*Director Technical Services left the chamber at 7.15pm
Director Technical Services returned to the chamber at 7.16pm*

*Councillor Banks left the chamber at 7.25pm
Councillor Banks returned to the chamber at 7.27pm*

11. MEMORIALS

Nil

12. NOTICE OF MOTIONS

12.1 Councillor Cocking – Proposed LGANT motion regarding Shale Gas Fracking

Moved – Councillor Cocking
Seconded – Councillor Banks

That LGANT recognises that development of the shale gas industry in the NT poses some significant risks for local communities and that local government be engaged fully in the process to minimise the impact and maximise the opportunities on Territory communities. That LGANT create a representative body to ensure that Local Government is part of the Strategic Regional Environmental and Baseline Assessment (SREBA).

CARRIED (20803)

Mayor Ryan cannot support the motion due it being a duplication of process and that the process that has been set down via the Pepper Enquiry (Enquiry into Hydraulic Fracturing in the Northern Territory 27 March 2018) is being followed very strongly by all the Councils involved. The Mayor of Barkly, Katherine and Roper Gulf are entrenched and make up the committee of the Strategic Regional Environmental and Baseline Assessment (SREBA) group. Therefore, asking LGANT to create and support a group goes against the process that is already in place through SREBA.

Councillor Cocking clarified that his understanding of the SREBA process is that there isn't representation for Local Government to provide support for the local Councils that are having to advocate for these issues. There is an opportunity for LGANT to be across this process and support the entire sector rather than leaving it for local Councils to do it on their own.

Councillor Price stated that she could not comment as she had not received the supporting documentation.

Councillor Banks encouraged Councillor Cocking to find a way forward in this process and wants to ensure that the voices of the community are heard.

Councillor Satour praised Councillor Cocking on his work and passion for fracking and encouraged him to continue the process.

Moved – Councillor Melky
Second – Councillor Auricht

That standing orders be removed.

CARRIED (20804)

Councillor Melky applauded Councillor Cocking on the research and work he has put into this motion and also the Mayor in his role as President of LGANT.

Councillor Cocking requested that an amendment be made to the Motion.

Moved – Councillor Melky

Seconded – Councillor Paterson

That standing orders be resumed.

CARRIED (20805)

Cr Auricht stated that done properly, there are many benefits to this process (gas fracking). It is good for the NT and the development of the NT and provides sufficient safeguarding. Risks are carefully studied and well managed therefore this proposal doesn't need to be presented.

Councillor Banks thanked Councillor Cocking for carrying out the important work of this motion and the motions that were presented to Council on the subject (Resolution 19650 and 19651 Ordinary Council meeting 30 April 2018). Both these were carried and that is the position of Council. Councillor Banks stated that she finds it concerning that she is not hearing Council advocating strongly on this.

Councillor Satour applauded Councillor Cocking in the work done and the continuance of speaking up about fracking.

1. → Proposed motion¶

¶ That LGANT recognises that development of the shale gas industry in the NT poses some significant risks for local communities, especially in relation to social, cultural and economic elements. ¶

¶

¶ That LGANT move to create and support a representative group to ensure local government concerns are fully addressed in the Strategic Regional Environmental and Baseline Assessment (SREBA) process that is part of the NT Government's response to the Pepper inquiry recommendations. ¶

¶

Moved: Councillor Cocking¶

Seconded: Councillor Banks¶

¶

2. → How is the motion relevant to Northern Territory Local Government?¶

¶ Local government bodies in regions where fracking industry operates are likely to see a range of negative social, environmental, cultural and economic impacts and these local government bodies will be expected to deal with these issues or manage the consequences in their communities. ¶

¶

3. → What are your key points in support of your motion?¶

¶

¶ There are likely to be a range of impacts that changes aspects of local conditions. ¶

¶

¶ There are very strong examples in other locations in QLD and other parts of the world where significant negative impacts have occurred including what is termed 'boomtown syndrome', which reflects the impacts of unplanned rapid growth and associated social and economic issues including distorted housing and living costs, increased drugs, alcohol and prostitution. ¶

¶

¶ Some examples include the loss of jobs from existing businesses leading to net job losses in a region and conventional businesses closing and people leaving the region because of this and housing price increases. ¶

¶

¶ <https://www.goondiwindiargus.com.au/story/5324431/a-tale-of-two-queensland-towns-and-onshore-gas-mining/>¶

¶ <https://www.news.com.au/finance/business/mining/miles-the-coal-seam-ghost-town/news-story/3923c38654f0ab9e3e4ed703d1de2d52>¶

¶

¶ The nature of the Boom-Bust cycle is currently impacting Darwin but is reasonably well documented around the world as the short-term construction boom associated with big fossil fuel projects have medium and long-term negative impacts on local areas. ¶

¶

¶ The supposed economic benefits of these projects, and research suggests these are quite limited, do not accrue to local communities or regional authorities, not even to state governments. The reality is that most of the jobs are short-term 'fly-in-fly-out' jobs and the revenue stream largely flows to multinational companies. ¶

¶

4. → Is there a Council Resolution in support of this motion?¶

¶

5. → Should the motion be LGANT policy?¶

Yes¶

¶

6. → Contact Information¶

Council: Alice Springs Town Council¶

Name: Councillor Jimmy Cocking¶

Telephone: 0423-511-931¶

Email: jcocking@alicesprings.nt.gov.au¶

13. REPORTS OF STANDING COMMITTEES – RECOMMENDATIONS

13.1 Corporate Services Committee

13.1.1 Minutes from the Corporate and Community Services Committee meeting held 11 November 2019 (Agenda Item 4.1)

Moved – Councillor Auricht
Seconded – Councillor Melky

That the minutes of the Open Section of the Finance Committee meeting held on 11 November 2019 be taken as read and confirmed as a true and correct record of the proceedings of those meetings.

(1 cs)
CARRIED (20806)

13.1.2 Corporate Services Directorate Update (Agenda Item 9.1)
Report No. 20/20 cs (DCS)

This report provides an update of current Corporate Services projects, programs and events.

Moved – Councillor Auricht
Seconded – Councillor Melky

That the February 2020 Corporate Services Committee Directorate report be received and noted.

(2 cs)
CARRIED (20807)

13.1.3 Cemeteries Advisory Committee (Agenda Item 9.2)
Report No. 21/20 cs (GM)

This report presents a revised Cemeteries Advisory Committee Terms of Reference for Council's consideration and endorsement.

Moved – Councillor Auricht
Seconded – Councillor Melky

That Council adopt the revised Cemeteries Advisory Committee Terms of Reference.

(3 cs)
CARRIED (20808)

13.1.4 Sports Facilities Fund and Advisory Committee (Agenda Item 9.3)
Report No. 22/20 cs (GM)

This report presents revised governance documents for the Sports Facilities Fund and Advisory Committee for Council's consideration and endorsement.

Moved – Councillor Auricht
Seconded – Councillor Melky

That Council adopt the revised Sports Facilities Fund Guidelines and Advisory Committee Terms of Reference.

(4 cs)
CARRIED (20809)

13.1.5 Mid-Year Budget Review 2019-20 (Agenda Item 9.4)
Report No. 24/20 cs (FM)

Moved – Councillor Auricht
Seconded – Councillor Melky

That the mid-year budget review for the period ending 31 December 2019 be received and that the amount of \$201,457 be approved for reallocation to the recommended budget lines.

(5 cs)
CARRIED (20810)

A broader review of the mid-year budget is to be presented by Officers at the March Council Forum.

Councillor Banks left the chamber at 8.18pm
Councillor Banks returned to the chamber at 8.21pm

Councillor Melky asked for this Motion to be removed as the discussion had in the February Forum conflicts with what is presented at this meeting and asked the CEO to clarify/rectify. Councillor Melky advised that in the past, there has been a mid-year budget review in October therefore this is not a mid-year budget review. Do we need another item to be identified that is a mid-year budget review separate to this?

The CEO stated that he thinks there is use in having a mid-year budget review as it allows the Elected Members a chance to know what is happening with the budget.

The Deputy Mayor confirmed that there will still be a mid-year budget review in March.

The CEO took the question on notice.

13.2 Community Development Committee

13.2.1 Minutes from the Corporate and Community Services Committee meeting held 11 November 2019 (Agenda Item 4.1)

Moved – Councillor Cocking
Seconded – Councillor Auricht

That the minutes of the open section of the Corporate and Community Services Committee meeting held on 11 November 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.

(1 cd)
CARRIED (20811)

13.2.2 Community Development Directorate Update (Agenda Item 9.1) Report No. 19/20cd (A/DCCD)

This report provides an update of current Community Development projects, programs and events.

Moved – Councillor Cocking
Seconded – Councillor Paterson

That the Community Development Directorate report 19/20cd be received and noted.

(2 cd)
CARRIED (20812)

13.2.3 Minutes – Public Art Advisory Committee – 5 February 2020 (Agenda Item 10.1)

Moved – Councillor Cocking
Seconded – Councillor Paterson

That the minutes from the Public Art Advisory Committee held 5 February 2020 be received and noted.

(3 cd)
CARRIED (20813)

13.2.4 Alison Hittmann – Traeger Oval Wall Concept Proposal (Agenda Item 10.1.3)

Moved – Councillor Cocking
Seconded – Councillor Paterson

The Mayor asked for this item to be withdrawn as he is concerned that there is no budget line for this project.

The Director Community Development advised that there is a budget line for this item of \$30,000 GST exclusive.

- A. **That the concept proposal from Hayden Williams and Gap Youth Centre be accepted and advanced to the next stage of design development for the Traeger Oval Wall.**
- B. **That Hayden Williams and Gap Youth Centre follow appropriate processes for approval to use images relating to Dreaming stories, keep sports depicted relevant to Traeger precinct, that sports figures reflect diversity of age, gender and background, and make sports figures more prominent.**

(4 cd)
CARRIED (20814)

13.2.5. Julian Assange Petition (Agenda Item 11.1)

Moved – Councillor Cocking
Seconded – Councillor Banks

Councillor Melky having declared an interest in Item 11.1, left the Chamber at 6:10pm prior to discussion of this matter.

Councillor Melky returned to the Chamber at 6:15pm.

That the Alice Springs Town Council calls on the Australian Federal Government to demand the release of Julian Assange and to arrange for his repatriation to Australia.

Councillor Banks asked about the Council process relating to petitions.

The CEO referred to Section 9 (Petitions) of the Alice Springs Town Council (Council Meetings and Procedures) By-Laws. A petition may be presented to a meeting of the council by a member who identifies the subject matter of the petition. The petition has been referred to this Committee for consideration. Alternatively, Elected Members may ask Council officers to submit a report to Council. The CEO asked for it to be noted that this item was discussed in Item 10 – Petitions.

Elected Members felt that this matter is a direct conflict of interest for Council to be involved in any way.

(5 cd)

13.3 Technical Services Committee

13.3.1 Minutes of Open Technical Services meeting held 11 November 2019 (Agenda Item 4.1)

Moved – Councillor Melky
Seconded – Councillor Banks

That the minutes of the open section of the Technical Services Committee meeting held on 11 November 2019 be taken as read and confirmed as a true and correct record of the proceedings of that meeting.

(4641 ts)
CARRIED (20815)

13.3.2 Technical Services Directorate Update (Agenda Item 9.1) Report No. 17/20ts (DTS)

This report provides an update of current Technical Services projects, programs and events.

Moved – Councillor Melky
Seconded – Councillor Banks

That the February 2020 Technical Services Directorate report be received and noted.

(4642 ts)
CARRIED (20816)

13.3.3 Climate Action Plan 2018-2021 (Agenda Item 9.2) Report No. 18/20 ts (DTS)

This report provides an update of current Technical Services projects, programs and events.

Moved – Councillor Melky
Seconded – Councillor Banks

That the Climate Action Plan report 18/20ts be received and noted.

(4643 ts)
CARRIED (20817)

13.3.4. Minutes - Special Meeting of the Regional Waste Management Facility Committee - 30 January 2020 (Agenda Item 10.1)

Moved – Councillor Melky
Seconded – Councillor Banks

That the minutes from the Special Meeting of the Regional Waste Management Facility Committee held 30 January 2020 be received and noted.

(4644 ts)
CARRIED (20818)

13.3.5 Minutes - Development Committee - 3 February 2020 (Agenda Item 10.2)

Moved – Councillor Melky
Seconded – Councillor Banks

That the minutes of the Development Committee Meeting held on 3 February 2020 be received and noted.

(4645 ts)
CARRIED (20819)

13.3.6 Minutes - Cemeteries Advisory Committee - 4 February 2020 (Agenda Item 10.3)

Moved – Councillor Melky
Seconded – Councillor Banks

That the minutes of the Cemeteries Advisory Committee Meeting held on 4 February 2020 be received and noted.

(4646 ts)
CARRIED (20820)

14. REPORTS OF OFFICERS

14.1 CHIEF EXECUTIVE OFFICER

14.1.1 CEO Report
Report No. 29/20cncI

Moved – Councillor Melky
Seconded – Councillor Paterson

That the CEO report be received and noted.

CARRIED (20821)

Councillor Price left the meeting at 8.28pm
Councillor Price returned to the meeting at 9.27pm

Councillor Melky asked the CEO for an explanation on Item 2 of his report (National Aboriginal Art Gallery – NAAG) and the regular meetings being held with Cliff Weeks. Also, whether any advice from the Traditional Owners is expected, proof and/or evidence of support, or not.

The CEO advised that himself and Cliff Weeks are meeting fortnightly but that they are early in the process. This process has been identified and it's something everyone can fulfil.

Councillor Cocking asked whether the Media and Communications survey can be shared on Social Media (Item 6).

The CEO advised that the exact process is still being worked on but if it can be tied to a similar process from 2016 then it can be used to benchmark against.

Councillor Auricht left the chamber at 8.31pm
Councillor Auricht returned to the chamber at 8.32pm

Councillor Paterson left the chamber at 8.33pm
Councillor Paterson returned to the chamber at 8.34pm

14.1.2 Member's Conflicts of Interest – A Misapprehension?
Report No. 32/20 cncl

Moved – Cr Cocking
Second – Cr de Brenni

That Council write to the Chief Minister and other Minister's to inform them of its position as a result of legal advice received that states that the Mayor does not have a Conflict of Interest due to his running in the NT Election as a CLP candidate. In response to the perception risk, Council is developing a protocol to manage perceived Conflicts of Interests for the Mayor and all Elected Members in line with the legal advice received.

CARRIED (20822)

*Mayor Ryan declared an interest and left the Chamber at 8.34pm.
Cr Paterson as Deputy Mayor took the role of Chair.*

That standing orders be removed.

Moved - Councillor Melky
Seconded - Councillor Cocking

CARRIED (20823)

Councillor Melky asked the CEO what he was recommending as next steps for this process.

The CEO advised that subject to Council providing feedback, correspondence in line with these items is to be sent to the relevant parties.

Councillor Melky asked the CEO if Council needed to have a purposeful position on this?

The CEO stated that the Elected Members had a number of options in this process. If the questions coming from the Northern Territory Government are asking if a conflict exists and the reports from legal parties say that there isn't at this stage, then the correspondence would be related to that.

Councillor Melky responded that the second external legal advice does not mention a conflict of interest and asked the CEO if he shared that view and asked for clarification around this.

The CEO responded that the second external legal advice obtained from Clayton Utz, being *"We do not consider that the Mayor's preselection as a candidate for the CLP in the upcoming General Election will, of itself, create a conflict of interest for the purposes of the relevant provisions of the current LG Act, nor the incoming provisions of the LG Bill"* are the findings that the Elected Members should be looking at.

Councillor Melky advised that the advice further states *"However, whether there may be a risk of a perception that the Mayor has a conflict of interest arising from his preselection for the CLP is an ongoing matter that will need to be adequately managed on a case-by-case basis"*. The risk of perceived Conflict of Interest is as much a risk as a real Conflict of Interest and the recommendation is for the Mayor to be conservative. Councillor Melky stated that he isn't in a position to accept the initial statement on its own and must represent the whole piece of advice.

Councillor Melky stated that the response from the CEO clarified his questions.

Councillor Cocking, regarding the second point in the Summary of Advice, on the perception issue, stated that the lawyers provided advice drawn from from experience elsewhere and identified three points in how to manage Conflict of Interest.

If we were to respond to the Northern Territory Government that there is no Conflict of Interest then it may make it difficult to work with Elected representatives of the Northern Territory Government. Councillor Cocking then went on to highlight the specific items as advised by Clayton Utz around measures to be considered *"taking steps to proactively identify, declare and record any relevant conflicts of interest - whether potential or perceived, at all times carefully handling any confidential information of Council and understanding how these confidentiality obligations should be managed in practice, and appropriately documenting the strategy for handling the potential or perceived conflicts (e.g. by some form of protocol)"*.

Councillor Cocking advised that questions have been asked around the Mayor parking his personal vehicle with the CLP signage in the Council carpark and there are concerns within the community that his vehicle is receiving special treatment.

Councillor Cocking went on further to ask whether the Council were providing material support to the Mayor's election campaign which goes to the heart of the issue that caused some of the Elected Members to request Council obtain the second external legal advice. The items that have come from this advice have provided a way forward and how best to manage this issue.

Councillor Paterson advised the Chamber that this is the Mayor's personal car with CLP signage and that it has the required Council sticker that allows it to park in Council permit parking. Also, that the Mayor is well across handling Conflicts of Interest and documents appropriately any conflicts whether actual or perceived. Conflicts of Interest are already being managed through the Local Government Act. Councillor Paterson also advised that the findings will be provided to the Northern Territory Government in the Council's response.

Councillor Cocking stated that it is one thing to have information but that it's another to act on it. Now that we have the information, we need to act on it and develop a strategy around both perceived and real conflicts. He also thanked Councillor Paterson for clarifying that the Mayor's personal vehicle has the relevant permit because his fear was that it was receiving preferential treatment.

The CEO advised that there has been research done around protocols and nothing like this at this level has been done before. It would be all Elected Members included in the protocols, not just the Mayor.

Councillor Auricht stated that rulings from two independent, reputable lawyers have been received and that both are clear in their responses. We need to include a summary from the Council to the Northern Territory Government. I support the CEO moving ahead in providing the information to the relevant parties.

Councillor Banks thanked the CEO for supplying the report and that this second opinion mitigates the concerns she raised. The question is around the perception of the Conflict of Interest and that perception needs to be managed strongly. As a Council it's up to us to set the bar to set best practice. There has been a change in the Electoral Act around the use of vehicle log books which could be utilised as a way of mitigating concerns on vehicle usage. This could be a protocol adopted. Councillor Banks also advised that she would want the same treatment if this was her in the same situation. Protocols give a clear delineation of how Council does business. What will our protocols look like?

Councillor Satour Conflicts of Interest either real or perceived aren't obvious, there are many grey areas for discussion and the development of a plan is a wise one and is something she supports.

Councillor de Brenni asked the CEO if he was comfortable with the procedures etc. in place to manage and deal with Conflicts of Interest with the Mayor?

The CEO advised that to date he has found no issues.

Councillor de Brenni asked the CEO if he was confident, that if he found anything going on that could be perceived as a Conflict of Interest, that he could approach the Mayor and ask about any real or perceived conflict?

CEO respond saying that it was an odd question to answer in terms of a test.

Councillor de Brenni stated these are the accusations being put forward. Councillor de Brenni also asked how much the second external report cost and why the Elected Members went against what was already supplied by in-house counsel.

Councillor de Brenni stated that he has every confidence that if there was a perceived Conflict of Interest that everyone in this room would walk away.

The CEO advised that the current protocols of Council are in line with the Act and that it is considered best practice. Reaching for another protocol is beyond best practice at this stage.

Councillor Melky advised that it's all about perception and that he has on four occasions called out a Conflict of Interest and that this is not about Damien Ryan the person but rather the position of Mayor and Elected Members. There is nothing wrong with having a Conflict of Interest rather how it is managed. It falls on us as Council and Elected Members to develop a protocol to move forward and that all Elected Members be on the same page on this issue.

The role of Mayor as Principal is the first point of call for media and speaks to the public on behalf of Council and carries out civil and ceremonial duties and meets regularly with members of the public. His other role is to Chair meetings. There is a precedence set from when Fran Kilgariff ran for Government, she took a step back from being the first point of contact in responding to media. His personal vehicle with CLP signage is not parked in the Mayoral carpark, rather the general permit carpark and he believes that this does not bring a Conflict of Interest.

Councillor Paterson asked if using the three dot points included in the letter from Clayton Utz be satisfactory in the response to the Chief Minister?

Councillor Melky stated that the very first point only clears the conflict on the Mayor becoming a candidate for the CLP in response to the letter from the Chief Minister as a real Conflict of Interest. Following that, the perceived Conflict of Interest needs to be dealt with separately and protocols put in place.

Cr de Brenni agreed with Councillor Melky and asked the Council CEO if this is something that he can take up with LGANT as this won't be the only electorate this can potentially happen to.

The CEO advised that he is bound by the decisions of Council and that there are pros and cons of involving LGANT.

Councillor de Brenni asked if we as a Council want to set the example, is there value in including LGANT?

The CEO advised that there is value in including LGANT in some processes to develop a NT wide protocol but there are also negatives in the time this will take in having another party involved.

Councillor de Brenni asked to put forward a motion that the Elected Members allow the CEO to respond to the other questions asked by the Chief Minister, with the resources the CEO has at his disposal.

Councillor Paterson advised Councillor de Brenni that the meeting was still in Standing Orders and to hold off on his motion until the meeting was out of Standing Orders.

Councillor Satour responded to a statement made by Councillor de Brenni and stated that these items need to be discussed without being accused of accusing someone. That was not the intention. Councillor Melky, we are not witch-hunting Mayor Damien Ryan, it's not personal but the Mayor is Damien Ryan. These discussions need to be had.

Councillor Paterson stated that from the advice we got from Clayton Utz we can provide a response to the Chief Minister on item 1 and the other two we can ask the CEO and Officers to address.

Councillor Cocking stated that a response can be made back to the Chief Minister that Council is developing protocols.

Councillor Price supports Councillor de Brenni's suggestions in responding to the correspondence received from the Chief Minister.

Councillor Banks left the chamber at 9.30pm

Councillor Banks returned to the chamber at 9.32pm

Councillor Banks left the chamber at 9.42pm

Councillor Banks returned to the chamber at 9.45pm

That standing orders be resumed.

Moved – Councillor Melky

Seconded – Councillor Auricht

CARRIED (20824)

26 -- CNCL 24/02/2020

*Councillor Paterson left the chamber at 9.45pm
Councillor Paterson returned to the chamber at 9.48pm*

Mayor Ryan returned to the chamber at 9.45pm and resumed his role as Chair

*Councillor Banks left the chamber at 9.46pm
Councillor Banks returned to the chamber at 10.03pm*

Councillor Price left the meeting 9.48pm

14.2 DIRECTOR CORPORATE SERVICES

Nil

14.3 DIRECTOR COMMUNITY DEVELOPMENT

14.3.1 Library Youth Hub Update
Report No. 33/20 cncI

Moved – Councillor Melky
Seconded – Councillor Cocking

That the Library Youth Hub Pilot update report be received and noted.

CARRIED (20825)

14.3.2 International Legends of League
Report No. 34/20 cncI

Moved – Councillor Paterson
Seconded – Councillor de Brenni

That Council approve the sponsorship proposal from the International Legends of League to the value of \$25,000.00 excluding GST.

CARRIED (20826)

Director Technical Services advised that the Income and Expenditure will be \$97,600.00 and that this information will be circulated to all Elected Members.

Councillor Paterson stated that he is happy to support the sponsorship request of \$25,000

Councillor de Brenni said that it shows that we are being proactive in the community especially with the No More campaign being included.

Councillor Cocking stated that it's a great concept with great benefit with the power of sport being able to convey a social message. The message of the No More campaign is stronger than the message of Council supporting the event.

*Councillor Melky left the chamber at 9.56pm
Councillor Melky returned to the chamber at 9.57pm*

14.4 DIRECTOR TECHNICAL SERVICES

14.4.1 Football in Central Australia Sponsorship Deal
Report No. 25/20 cncl

Moved – Councillor Cocking
Seconded – Councillor Paterson

1. **That Council endorse the sponsorship proposal deal from MGA Insurance Brokers for Football in Central Australia.**
2. **That Council approve sponsorship signage at Ross Park as per proposed signage locations list.**

CARRIED (20827)

14.4.2 Laneway Closure - Fogarty Street
Report No. 26/20 cncl

Moved – Councillor Auricht
Seconded – Councillor Cocking

1. **That Council approves the closure of the Fogarty Street laneway adjacent to Lot 1601 Fogarty Street.**
2. **That all costs associated with the construction and maintenance of the gates is born by the applicants.**
3. **That the laneway remains under the control of the Alice Springs Town Council.**

CARRIED (20828)

14.4.3 UNCONFIRMED Minutes - Environment Advisory Committee - 3 February 2020

Moved – Councillor Melky
Seconded – Councillor Satour

CARRIED (20829)

14.4.4 ASALC Kiosk and Change room Refurbishment
Report No. 27/20 cncl

Moved – Councillor Paterson
Seconded – Councillor Auricht

Council approve the Technical Service department go to Tender for the upgrade of the ASALC change rooms, entry and offices of the main entry building.

CARRIED (20830)

15. QUESTIONS WITHOUT NOTICE

15.1 Water efficiency for ASALC

Councillor Cocking raised concerns about the water efficiency at ASALC. In the last three weeks especially, he has seen taps running and showers left on. This has been reported but they still have not been fixed. He asked whether during the upgrades that push buttons for the showers be installed.

The Mayor advised that this is definitely something that can be looked at and that if Councillor Cocking is not getting any response from the ASALC team to contact the Director Technical Services personally. That way it can actioned immediately.

Councillor Cocking left the chamber at 10.01pm

Councillor Cocking returned to the chamber at 10.04pm

Mayor Ryan left the chamber at 10.03pm

16. GENERAL BUSINESS

16.1 Councillor Melky advised that he will pursue the by-law on youth issues through other means and not the Council.

16.2 Councillor Melky proposed a change to the format of meetings. Make the Forums a more formal meeting which would then make space in the Ordinary and Standing Committee meetings and the meetings would then not run so long. Officers time could also then be used better. Utilise the second to last Monday of the month when forum's normally take place and it be Elected Member driven with the public and media invited.

Councillor Paterson also advised that he has raised similar issues with the CEO and looks forward to receiving the review from the CEO.

The CEO stated that a review of how business is conducted has already been identified and that review once completed will be provided to the Elected Members. This will also include comments made during this meeting.

Councillor de Brenni stated that he thought that the CEO had already advised the Elected Members of this process being undertaken and that it is operational

Councillor Melky in response stated that he didn't believe it was operational and that was about all of Council having the discussion and responding accordingly and agreed that the meeting formats need to be changed.

Councillor Cocking stated that the Executive Development Committee meetings may provide a way for Elected Members to action operational matters but is also looking forward to seeing what concept the CEO comes up with.

16.3 Councillor Banks is looking forward to seeing the review and believes that Forums should be minuted and held in a formal setting such as the Chamber. Councillor Banks also raised concerns around the protection of both Officers and Elected Members in the Forums due to them not being minuted and that she has raised this concern previously but that it wasn't supported. That under the Local Government Act that Forums are considered a meeting and therefore proper minutes are kept especially when needing to reflect back on proper processes are being followed and that business is directed at Officers and Elected Members formally and taken from formal meetings. In informal meetings best practice around the Code of Conduct is not always followed.

16.4 Councillor Banks, as a member of the Development Consent Authority, tabled the Designing Better report from the NT Planning Commission and asked for it to be distributed.

The CEO advised that he too has a copy and will distribute accordingly.

Councillor de Brenni left the meeting 10.17pm

CARRIED (20831)

17. MATTERS FOR MEDIA ATTENTION

Media matters will be covered via the media attendance at this meeting.

18. NEXT MEETING:

Monday 30 March 2020 at 6.00pm

19. ADJOURNMENT OF OPEN MEETING

Deputy Mayor Paterson declared the meeting adjourned at **10.20pm**

Moved – Councillor Melky

Seconded – Councillor Cocking

The Council stands adjourned and resumes in the Confidential Section.

CARRIED (20832)

Confirmed on _____

CHAIRPERSON _____

Date _____

