

MacDonnell Shire Transition Committee Meeting

DRAFT Minutes and Actions – 29 March 2007

No.	Agenda Item	Action
	<p>Present:</p> <p><u>Community Representatives</u> Lisa Sharman (Tapatjatjaka), Roxanne Kenny (Tjuwanpa), David Evans (Amoonguna), Raymond Keirnan (Ltyentye Apurte), Tanya Luckey (Imanpa), Kristy Richards (Ntaria), Valerie Miller (Ngurratjuta), Bundie Row (Mt Liebig), Syd Anderson (Papunya), Lance Abbot (Kintore), Barry Abbott (Wallace Rockhole), Theresa Nipper (Areyonga), Harry Wilson (Mutitjulu), Fran Kilgariff (ASTC).</p> <p><u>CEOs:</u> Les Smith (CEO Ntaria), Tom Phillips (CEO Wallace Rockhole), Neville Mitchell (CEO Aputula), Skye Thompson (Staff Ingerkerke), Graham Murnik(Mt Liebig), Walter Litvensky (Ltyentye Apurte), Brian Watts (Docke River), Jane Rosalski (Tjuwanpa)</p> <p><u>NTG & Other Agencies:</u> Wayne Hoban (DLGHS), Bruce Fyfe (DLGHS), David Wilson (DLGHS), Anthony Pilkington (DLGHS), Louise Atherton (DLGHS), Laurence Wilson (DLGHS), Jill Kleiner (DLGHS), Cynthia Lang (DLGHS), Karina Dron (DLGHS), Brian Sturt (DLGHS), Andre Burgess (ICC), Richard Morris (ICC), Sue Davies (LGANT)</p>	
1	<ul style="list-style-type: none"> • Welcome By Regional Director Department Local Government Housing And Sport • House Keeping <p>Wayne Hoban welcomed attendees to the meeting. He also acknowledged the Arrernte traditional owners of Alice Springs.</p> <p>Attendees briefly introduced themselves to the group.</p> <p>It was emphasised that the focus of the meeting was to provide information to attendees on the local government reform process.</p>	
	<p>Overview Of Local Government Reform –</p> <p>David Wilson presented an overview of the local government reform process. Refer to “Local Government Reform – Overview” presentation document. This included information on local government framework, indicative Shire boundaries, reform process, planning framework, the Advisory Board and the role of Transition Committees</p> <p>The Advisory Board was mentioned during the presentation. It was pointed out that Irene Nangala (Kintore) and Leo Abbott (Wallace Rockhole) are on the Advisory Board. Fran Kilgariff is also a member of the Advisory Board.</p> <p>Transition committees will be relied upon in the planning and</p>	

<p>communication surrounding the creation of each Shire. Council CEOs and other staff will also play a critical role.</p> <p>DLGHS staff will be carrying out community consultations over the coming weeks to discuss local government reform with each community. Transition committee members will have a role in supporting these meetings.</p> <p>A query was raised about why CEOs and community representatives were sitting separately.</p> <p>A question was raised about the future of the three local governing bodies that are registered under <i>Aboriginal Councils & Associations Act 1976</i> which is a Commonwealth Act. The meeting was informed that DLGHS are seeking to resolve this issue through discussions with the Australian Government.</p> <p>The issue of whether there would be a loss of jobs within individual communities was raised. DLGHS responded by saying that government will be continuing to fund services in each community, in fact there was potential for an expansion of services on a regional basis.</p> <p>A query was raised about the future of good CEOs who are currently working for Council. Whilst book keeping and administrative activities will be centralised within the Shire, there is an intention to maintain Community Managers in each community for at least the first five years of the Shire. Community Managers will be in a better position to focus on service provision. It will be critical that there is no reduction in services in communities.</p> <p>CEOs are currently supporting a whole range of services that lie outside of local government funding. How will these services be managed in the absence of CEO? This question links to a later discussion that took place around “core” and “non-core” services.</p> <p>DLGHS indicated an appreciation that CEOs have many different roles. Capacity to deliver the range of programs will be “transferred” but not withdrawn. Negotiations are taking place with a variety of agencies concerning a broader scope of services that the Shire may take on. However, there will be some activities that the Shire will be unlikely to take on (i.e. community stores). The Shire will work with each community to ensure that other entities are in place to support these activities.</p> <p>The Minister has announced the new Shires will be in place by July 2008. There was a question about what “in place by July 2008” means in practice. The response given was that this means the legislative framework will be operational, Shire plans will be completed and the necessary staff, administrative infrastructure and systems will be in place.</p> <p>The Registrar of Aboriginal Corporations (Cth) has a requirement that all organisations under the <i>Aboriginal Councils & Associations Act 1976</i> conduct a review of the constitutions. Given local government reform, is it worth doing this? The response was that those organisations are required to complete that review by law, so they should aim to meet this obligation.</p>	
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<p>3</p>	<p>Formalisation Of Representation On The Transitional Committee –</p> <p>Wayne Hoban referred to the “What is a Shire Transition Committee” document and spoke to this document about the role of the TC.</p> <p>Department staff will be supporting TC members in having community meetings/consultations over the next few weeks.</p> <p>The importance of attendance and participation in TC meetings was emphasised. Reference was made to earlier comments made by Patrick Dodson about the unique opportunity people will have to shape local government in the Northern Territory.</p> <p>The issue of representation for pastoral and other interests on the Transition Committee was discussed. The role of the TC is to prepare plans for the delivery of services in communities. Cattlemen and business interests are represented on Advisory Board. The NT Government has provided the Cattlemen’s Association with funding to develop their position and to assess needs etc. TC members are welcome to liaise and talk with pastoralists and others in their region about the local government reform.</p> <p>There was a discussion about mechanisms for the TC to communicate with the Advisory Board. The TC can formally communicate with the Advisory Board by lodging an “Advice” document with the Board. There is also a representative from the Advisory Board present at the meeting (Fran Kilgariff).</p> <p>The TC requested that the following question be put to the Advisory Board.</p> <p><i>What guarantees will communities have that services will actually be provided through the Shire?</i></p> <p>This relates to the mechanisms that will be in place to stipulate service levels and monitor compliance.</p>	<p>Seek advice from the Advisory Board on the question:</p> <p><i>What guarantees will communities have that services will actually be provided through the Shire?</i></p>
<p>4</p>	<p>Governance Arrangements –</p> <p>Wayne Hoban led a discussion of governance arrangements for the TC.</p> <p>The next two TC meetings will be held in Andy McNeil Room, commencing at 9am. The next meeting will be on Thurs 10 May 2007. There will be additional TC meetings. The dates will be set at a later date.</p> <p>The TC should appoint a Chairperson from nominated representatives at this meeting. Several models are available for a Chair (rotation etc.).</p> <p>The importance of directing questions through the Chair was emphasised.</p> <p>A draft Code of Conduct was presented to the meeting. Clarification was provided on the wording of “<i>real perceived</i>” conflict of interest which should read “<i>real or perceived</i>”. As members of the TC</p>	

	<p>wanted to discuss the detail of the Code of Conduct further, discussion was deferred until later in the meeting.</p> <p>The meeting was informed that comments from all attendees will be noted in the minutes however individuals will not necessarily be identified within the minutes.</p> <p>Councils should ensure they identify one representative who will attend all TC meetings.</p> <p>Representatives can seek advice from CEOs during meeting and between sessions.</p> <p>Anthony Pilkington explained the Governance Manual project. He sought permission to film McDonnell TC meetings and do interviews with people. This decision was deferred until later in the meeting.</p>	
<p>5</p>	<p>Terms Of Reference And Role Of Committee – Wayne Hoban spoke to the <i>Transition Committee – Terms of Reference</i> document.</p> <p>TC representatives are encouraged to liaise with a range of stakeholders in their area, including communities, pastoralists, roadhouses, mines etc. DLGHS will support TC reps in doing this work.</p>	
<p>6</p>	<p>Minister’s Advisory Board Meeting –</p> <p>Fran Kilgariff is a member of the Advisory Board – Southern. She explained the structure and membership of the Advisory Board and clarified the differing role of the Transition Committees.</p> <p>Fran Kilgariff is also the Alice Springs Town Council representative on the MacDonnell Shire TC.</p> <p>Fran discussed issues raised at the most recent meeting of the Advisory Board. These included:</p> <ul style="list-style-type: none"> • Board governance • Ward structure (how will representation be organised) – principle of one person-one vote may not work everywhere. • Electoral processes. • Title of Shire Chair (President, Mayor) • Selection process of Shire Chair (option) • Discussion of indicative boundaries (Katherine wanted to be part of a Shire, not a donut municipality. Daly River area wanted to be Shire in own right. Lajamanu placement) • Review of Local Government Act – handling Assoc. Councils. • Core services and non-core services. (Schedule 2 of current Act) • Policy development for governance of TC committees. • Mutitjulu, Yulara, Nhulunbuy – discussion around whether these places would become part of Shires. (A meeting has happened at Mutitjulu to discuss. Discussions taking place with ICC). • Communication between AB and TCs. 	<p>That the minutes from</p>

	<ul style="list-style-type: none"> • Argument for increased roads funding going to Australian Government. • Ward structure and number of elected members. Role for TC in making recommendations. • Model organisational structure for Shires. <p>A question was asked regarding the availability and source of funding to cover the cost of the Shire CEO and Shire establishment costs? DLGHS response indicated that existing funding will continue to be provided. Shire structure will be worked out in Plans through the work of TC.</p> <p>Fran Kilgariff indicated that the NT Grants Commission is working out a new formula for allocation of funds to new Shires on a “needs” basis (horizontal fiscal equalisation).</p> <p>There was a discussion about the expected life of the TC and the level of funding available to sustain this process. It was pointed out that the NSW local government reform process has already taken longer than planned.</p> <p>It is expected the TC will need to exist beyond the inception of the Shire in order to manage the first phase Shire operation. DLGHS will confirm funding arrangements and period for the TC. The Department has funding to run the transition process including meetings and setting up organisations.</p> <p>There was also discussion about the nature of the relationship between Alice Springs Town Council and the Shires. Alice Springs Town Council will continue to exist in its present form. There may be opportunities for resource sharing between ASTC and the Shires however Alice Springs will not be in a Shire. There will be a Regional Management Plan that will outline the relationship between ASTC and the two Shires in Central Australia.</p> <p>Fran Kilgariff (Mayor – ASTC) indicated that ASTC is entering the process with a sense of goodwill to cooperate with the Shires.</p> <p>There was discussion about the recruitment of Shire CEO and other staff prior to the inception of the Shire. This process is being developed. One option could be for municipal councils to assist by acting as an auspice organisation. There will be a transition / secession plan.</p>	<p>each Advisory Board meeting be provided to MacDonnell Shire Transition Committee members.</p> <p>Clarify the period for which the TC is budgeted and the amount of the “start up” budget?</p>
7	Consideration And Discussion Of Key Issues	
a.	<p><i>Planning processes/timelines for Shire development and implementation – Louise Atherton & David Wilson.</i></p> <p>The “<i>Planning for the Shires – MacDonnell</i>” presentation was delivered to the TC.</p> <p>It was pointed out that Local Service Delivery Plans can include strategies to coordinate activities with other stakeholders in a community (clinic, school, police etc.)</p> <p>There was discussion about the level of planning detail available within the Interplan planning software package. The software drills</p>	<p>DLGHS to send out copies of all presentations to delegates</p>

	<p>down to the task level and includes the ability to monitor progress toward task completion.</p> <p>A question was raised regarding the process for integrating Council budgets into the creation of a Shire budget prior to 1 July 2008. The data collection process currently underway allows DLGHS to monitor what funding arrangements are currently in place. It is likely the Shire will take on most of what Councils are doing at the transition. It will take a further year or so to “bed down” the Shire.</p> <p>There was discussion around the future of health services auspiced through local governing bodies. Both Amoonguna and Ltyentye Apurte Councils operate health services. Reference was made to a statement attributed to Minister for Local Government that health services would not be within the scope of Shires.</p> <p>There are discussions taking place between DLGHS, DHCS and OATSIH to make arrangements for this. Negotiations will probably take place on a community by community basis. There was a request for health agency representative to be present at the next TC meeting to discuss this issue.</p> <p>There was discussion about whether the Shires will be involved in administering CDEP projects. The TC expressed a view that it was very important that CDEP is part of the Shire process. CDEP workers are heavily involved in the delivery of local government services.</p> <p>At present DEWR employ a competitive tender process to select CDEP operators. ICC-DEWR is involved in negotiating how the CDEP program will relate to the Shires. DLGHS has presented to ICC at local and cross-government level. There is a lot of discussion between governments.</p> <p>It was pointed out that CDEP planning for 2008-2009 needs to be in by Feb 2008.</p> <p>There was a query regarding when draft planning documents would be available for comment. The draft plans are expected to be ready for consideration later in 2007.</p>	<p>Provide update on transition of Council health services (invite reps from OATSIH, DHCS etc.)</p>
<p>b.</p>	<p><i>Boundaries and Wards – Bruce Fyfe</i></p> <p>Bruce referred to map showing Local Government Indicative boundaries and the map showing the proposed MacDonnell Shire. The indicative boundary for MacDonnell Shire was described.</p> <p>People may choose a different name for the Shire if they have an acceptable alternative.</p> <p>The meeting had little comment regarding the indicative boundaries for the McDonnell Shire. A question was raised regarding the level of consultation with community members concerning the boundaries. A comment was also made regarding some members of Arltarlpilta Council initially expressing some disappointment about not being included in the McDonnell Shire.</p>	

	<p>There was a discussion relating to how the diverse groups of people (Indigenous, pastoral, business etc.) within the Shire would be represented. It was pointed out that any person living within the Shire would be entitled to stand for election and will be required to pay rates. This will include pastoralists, road house operators etc. Outstations, currently serviced by resource agencies such as Tjuwanpa, Ngurratjuta etc, will also be part of the Shire.</p> <p>A question was raised regarding why pastoral and other non-Indigenous interests were not represented on the Transition Committee. The people that will be most affected by the regional Shires will be people living within the larger communities. If all individual stakeholders (pastoral, roadhouses) were to be involved then the TC would be too cumbersome. These groups will become involved in the process over time. Socom Pty Ltd have been engaged by DLGHS to develop a communication strategy to engage these groups.</p> <p>The Ministers preferred view is that each Shire has no more than 12 Councillors. A smaller Council would mean that Councillors will be expected to take a regional perspective rather than a narrower community/family interest. Don't be stuck on 12 Councillors, can be fewer. It was indicated that if the TC desired more than 12 Councillors they could make a recommendation to the Advisory Board.</p> <p>Bruce Fyfe explained ward system in general terms. Wards are established to ensure each part of the Shire receives adequate representation. This guarantees that each ward will have at least one representative. Note this does not guarantee that each community will have their own representative. Wards usually represented by Councillors who are resident in ward.</p> <p>Wards don't have to be geographically similar in size. It is useful to have approximately the same population in each shire. Having said this, wards will not necessarily have the same number of Councillors, this will depend on populations. Wards will likely comprise of communities with similar interest (language groups, road access, people already working together).</p> <p>The Transition Committee is to provide guidance regarding wards for the McDonnell Shire. The TC will need to develop a recommendation at the next TC meeting, on 10 May.</p> <p>DLGHS presented a couple of ward options for the McDonnell Shire to begin discussion:</p> <ol style="list-style-type: none"> 1) Four ward Shire <ol style="list-style-type: none"> a. West Mac's ward, including the communities of Kintore, Mt Liebig, Papunya and Haasts Bluff; b. South western ward, including the communities of Docker River, Mutitjulu and Imanpa; c. Central ward, including the communities of Areyonga, Hermannsburg, Wallace Rockhole, Ngurratjuta homelands, Tjuwanpa outstations, Ingkerreke homelands & Amoojuna; 	
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	<p>d. Eastern ward, including the communities of Titjikala, Santa Teresa and Finke.</p> <p>2) Three ward Shire</p> <p>a. West Macs ward, including the communities of Kintore, Mt Liebig, Papunya and Haasts Bluff;</p> <p>b. Southern ward, including the communities of Docker River, Mutitjulu, Imanpa & Finke;</p> <p>c. Central ward, including the communities of Areyonga, Hermannsburg, Wallace Rockhole, Amoonguna, Titjikala, Santa Teresa, Ingkerreke homelands and Tjuwanpa outstations.</p> <p>Ngurratjuta homelands could easily fit into almost any possible wards.</p> <p>Comment came from Amoonguna community regarding their closer alignment with the communities of Santa Teresa and Titjikala. The three communities have been working together in relation to health services. It would be sensible for these communities to be in the same ward.</p> <p>A question was raised in relation to remuneration of Shire Councillors. It was suggested that the Advisory Board currently hold the view that some payment of Shire Councillors will be necessary. It is likely that the office of Mayor will be a fulltime paid position.</p> <p>A question was raised regarding the Section 9A of the Act which requires Councillors to seek Ministerial approval before becoming employees of the Shire. Clarification will be sought on this issue.</p> <p>It was agreed that each TC member would go back to their communities and discuss ward options and preferences with people. TC members were encouraged to discuss the issue with other stakeholders in their area (pastoralists, roadhouses etc.)</p>	<p>Seek clarity on Section 9a of LG Act in terms of new Shires.</p> <p>Each rep will seek advice from their Councils and community on what other communities they would like to have in their ward.</p> <p>Department to produce indicative maps based on this information. Will aim to produce maps for the next meeting. (Bruce)</p>
c.	<p><i>Local Boards / Local Decision Making Processes - Laurence Wilson</i></p> <p>Laurence spoke to the presentation <i>McDonnell Shire TC Meeting – Local Boards</i>.</p> <p>Comment was made within the meeting suggesting a need for further clarity to emerge on exactly how local boards will be appointed/selected in the Shire and how they will operate. It was pointed out that the Transition Committee could formulate a position on Local Boards and put this to the Advisory Board.</p>	

	<p>Several representatives expressed concern that the Shire seemed to be taking control and power away from people in communities.</p>	
<p>d.</p>	<p><i>Services in Common Across the Shire, eg housing, roads, waste management, sport & recreation/core and non-core services – David Wilson.</i></p> <p>David delivered the presentation on service delivery discussing the concepts of core and non-core services within the Shire.</p> <p>There was discussion about the future of service delivery in communities where that delivery exceeds the minimum standard. DLGHS responded that, assuming resources were available, there would be no reason why that service shouldn't continue to be delivered at the same high standard. The reform process is about raising standards, not diminishing them.</p> <p>Concerns were raised about the issue of Shires being required to run services which were revenue positive. A comment was made that Alice Springs Town Council continues to run a range of revenue negative services as they are seen as delivering a community good? Where do such services fit within the Shire? DLGHS commented that a Shire would need to seek Departmental approval to run a revenue negative service. The Shire would need to clearly show how that service would be resourced from within the Shire.</p> <p>Questions were raised on the issue of rates. Who is paying? How much? There was a call for answers to be provided before the next TC meeting as communities would want answers to these questions.</p> <p>Concerns were expressed about the possible loss of services in the human services area. The CEO from Aputula indicated that advice received from Health & Ageing suggests that service would be withdrawn if administrative resources are not available at a local level through the Shire. It was pointed out that high level discussions about the Shires roll in such services are at an early stage.</p> <p>Both Santa Teresa and Amoonguna run their health services through local government. They have received advice through Minister McAdam that <i>"the Shire will not touch health services"</i>. Both Councils want to see a position from DHCS and OATSIH regarding Council run health services. It was requested that John Patterson (Exec Officer of AMSANT) be invited to the next TC meeting to discuss the future of such health services in relation to the Shires.</p> <p>Local government can play an important advocacy role in working with other levels of government to ensure services are delivered. Local Government is third tier of government. Strong and powerful entity to take on NTG and Australian Government. A powerful political group.</p>	<p>Invite John Patterson (Exec Officer of AMSANT) to discuss health services to next meeting. Mobile phone 0418 904 727</p>

	<p><i>Filming –</i> People agreed that Anthony and team could film the next TC meeting for use within the Governance Manual.</p>	
e.	<p><i>Data Collection – Cynthia Lang</i></p> <p>Cynthia presented “<i>Data Collection</i>” presentation. Refer to this presentation.</p> <p>There was a question regarding why the Department was gathering data on assets funded by DEWR through the CDEP program. It was pointed out that the asset assessment was concerned with what resources were available to deliver services, rather than ownership. In time there will be clarity on what role CDEP assets will have in Shire (i.e. whether Shire will have CDEP).</p> <p>A query was raised about the future of current Council employees who are working in administration. Whilst much of the administration within the Shire will be centralised, there may be other tasks that this staff member will be involved in at the community level.</p> <p>It was pointed out that the Department is not negotiating contracts etc. The Department is doing a data gathering exercise just it has a thorough knowledge of what is in place.</p> <p>In time the Department will likely carry out a similar data collection exercise with Outstation Resource Agencies (Ingkerreke, Tjuwanpa, Ngurratjuta etc)</p> <p>If Amoonguna CGC transferred asset to Amoonguna Inc, what happens? Council would need to seek permission from the Department. The Minister has made it clear that “asset stripping” would not be tolerated. Assets will have been purchased from funding, so there will be an expectation that the asset is used for a specific purpose.</p>	
	<p>Code of Conduct for Transition Committee</p> <p>There was a group discussion about amendments to the draft Code of Conduct.</p> <p>It was pointed out that TC members would not be required to sign a declaration stating agreement with the Code.</p> <p>The meaning of “<i>Conflict of Interest</i>” was clarified. A person representing the interests of their community would generally not be considered a conflict of interest. It’s more about if a person is going to make a personal (often financial) gain. There is a need to look at how other people might consider a conflict of interest – perception.</p> <p>What happens if a community has formed a company which can offer services to Shire? The attractiveness of that company to deliver services would be assessed through a competitive tender process.</p> <p>The following clauses represent agreed amendments to the draft Code of Conduct:</p>	

	<ul style="list-style-type: none"> - <i>act honestly as a Transition Committee, in the interests of a future Shire, the region and the communities.</i> - <i>attend meetings, on time and keep informed about process.</i> - <i>actively participate in meetings and carefully consider all information.</i> - <i>not use indecent or offensive language at meetings;</i> - <i>to support and enforce the decisions made.</i> 	
	<p>Appointment Chairperson</p> <p>The role of the Chairperson of the TC is to lead and manage the process of the meeting. The Chair needs make sure that the meeting is kept in order, by ensuring people are heard and that people speak through the Chair etc. DLGHS staff will provide support to the Chair.</p> <p>A suggestion was made that nominations for the Chair should be restricted to members of the committee who are "local" indigenous people.</p> <p>It was agreed to appoint a permanent chair so people know who to speak with.</p> <p>Wayne Hoban called for nominations for the position of Chairperson of the McDonnell Shire TC.</p> <p>There were nominations for Barry Abbott and Syd Anderson.</p> <p>Barry Abbott accepted his nomination. Syd Anderson declined his nomination.</p> <p>The Transition Committee agreed that Barry Abbott be appointed as the Chair of the MacDonnell Shire TC.</p>	
8.	Next Meeting	
a.	Date of Next Meeting – Thursday 10th of May	DLGHS to confirm meeting date with people
b.	<p>Develop Draft Agenda Items</p> <ul style="list-style-type: none"> o Position on boundaries and wards. o Correspondence to be addressed. <p>Committee has requested Fran Kilgariff to refer to the TC meeting during weekly radio segment on ABC radio.</p> <p>A view was expressed to change the format of the meeting so that Indigenous representatives and staff were not separated.</p>	
c.	<p>Develop Invited Guest Presenters and Invited Observer List</p> <ul style="list-style-type: none"> o John Patterson (AMSANT) o DLGHS (Darwin rep) o Pat Dodson (Advisory Board) 	

d.	<p>Respective Members and Chief Executives to Work Together to Present the Following Information at Each Meeting:</p> <ul style="list-style-type: none"> • What organisations and / or people have you spoken with about the development of the new Shire? • What are people saying in the communities about the new Shire? • Are there any problems, if so, what are they? • Any ideas that might assist in the development of the Shire? 	
e.	<p>Action List against Action Officers</p> <ul style="list-style-type: none"> • Letter from Neville Mitchell (CEO Aputula) for consideration and response at next TC meeting. • Letter from Neil Ewart (CEO Kintore) for consideration and response at next TC meeting. 	<p>Issues raised to be addressed and reported back to next TC meeting.</p>