

BARKLY REGIONAL COUNCIL



AGENDA SPECIAL MEETING OF COUNCIL

Thursday 9 January 2025

Barkly Regional Council's Special Meeting will be held in Council Chambers, 41 Peko Road, Tennant Creek on Thursday 9 January 2025 at 11:00 am.

Chris Kelly
Chief Executive Officer

OUR VISION

We strive to be a responsive, progressive, sustainable council which respects, listens to and empowers the people to be strong.

The Way We Will Work

We will make it happen!

We will be engaged and have regular opportunities to listen.

We will have strong policies and budgets to ensure our programs and services are progressive and sustainable.

Respect is shown in everything we do, and we have acceptance of all cultures in the Barkly Region and their practices through a culturally competent Council.

We are a responsible Council. We will be a responsive Council.

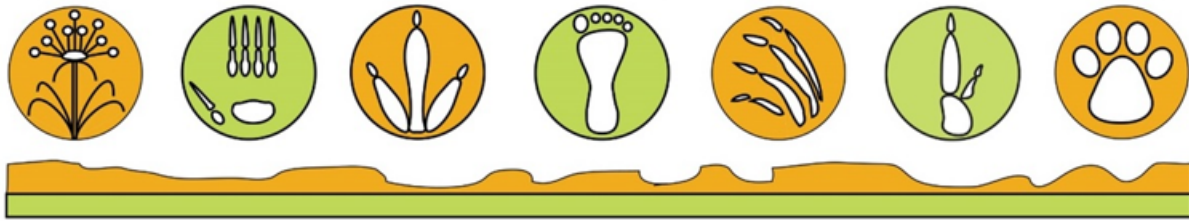
We want to empower local decision making.

We want to ensure that our services are sustainable and that our region has a standard consistent level of services.

We want to be able to sustain our environment – our communities, our physical places, our people, and our organisational culture.

We will aggressively pursue additional funding from both levels of government to improve the standard of living of people across the region. We need to be realistic, transparent, and accountable.

BARKLY REGIONAL COUNCIL



ACKNOWLEDGEMENT TO COUNTRY

We acknowledge the Traditional Owners of Warumungu, Mudberra, Jingili, Wakaya, Wambaya, Waanyi, Walpiri, Warlmanpa, Alyawarr, Anmatyerre and Kaytetye Countries on which Barkly Regional Council live and work, the lands which we meet on today, and recognise their continuing connection to land, waters and culture. We pay our respects to the ancestors and elders of these lands, past, present and emerging.

May we continue to work together to Deliver sustainable outcomes through a process Based on mutual respect and understanding.

AUDIO RECORDING OF MEETING

An audio recording of this Council Meeting is being made for minute-taking purposes as authorised by Council Policy *Audio Recordings of Meetings*. Councillors may request, via majority vote if required, that no recording is made where issues of legitimate cultural or spiritual significance are to be discussed.

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- Mayor Sid Vashist
- Cr. Greg Marlow
- Cr. Sharen Lake
- Cr. Pennie Cowin.
- Cr. Dianne Stokes
- Cr. Valda Napurrula Shannon
- Cr. Lennie Barton
- Cr. Ben Neade
- Cr. Andrew Tsavaris
- Cr. Darryl Rex Morton
- Cr. Zacieus Long
- Cr. Noel Hayes
- Cr. Valerie Campbell

Attendance and Apologies

ITEM NUMBER: 3.1

TITLE: Attendance and Apologies

EXECUTIVE SUMMARY

This report is to acknowledge the attendance and to table, for Council's record, any apologies received from Elected Members for this Ordinary Council Meeting.

RECOMMENDATION

That Council:

- a) notes the Elected Members' attendance at this meeting;**
- b) tables apologies received for this meeting; and**
- c) records the Elected Members' absences, without notice, for this meeting.**

BACKGROUND/DISCUSSION

Council can choose to accept the apologies as presented, or not accept them. Apologies that are not accepted by Council will be recorded as absent without notice.

Leave of Absence

ITEM NUMBER: 4.1

TITLE: Leave of Absence

EXECUTIVE SUMMARY

This report is to table, for Council's record, requests for leave of absence received from Elected Members for this Ordinary Council meeting.

RECOMMENDATION

That Council:

- a) receives and notes requests for future leaves of absence received for this Council meeting; and
 - b) receives and notes advice in relation to any Executive Staff going on leave and staff acting in their absence.
-

Council Code of Conduct

ITEM NUMBER: 5.1

TITLE: Council Code of Conduct

EXECUTIVE SUMMARY

This report contains all of the details about the Barkly Regional Council Code of Conduct Policy.

RECOMMENDATION

That Council notes the Council Code of Conduct.

Barkly Regional Council Code of Conduct

- **Honesty and integrity**
 - A Member must act honestly and with integrity in performing official functions.
- **Care and diligence**
 - A Member must act with reasonable care and diligence in performing official functions.
- **Courtesy**
 - A Member must act with courtesy towards other members, Council staff, Electors and members of the public.
- **Conduct towards Council staff**
 - A Member must not direct, reprimand, or interfere in the management of Council staff.
- **Respect of cultural diversity**
 - A Member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.
- **Conflict of interest**
 - A Member must, if possible, avoid conflict of interest between the member's private interests and official function and responsibilities.
 - Where a conflict in fact exists, the member must comply with the member's statutory obligations of disclosure.
- **Respect of confidences**
 - A Member must respect the confidentiality of information obtained in confidence in the member's official capacity.
 - A Member must not make improper use of confidential information obtained in an official capacity to gain private benefit or to cause harm to another.
- **Gifts**
 - A Member must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the Council.

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

- **Interest of municipality, region or shire to be paramount**
 - A Member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

ISSUES/OPTIONS/CONSEQUENCES

The Code of Conduct Policy helps Council to ensure that the:

- Barkly Regional Council exercises strong and accountable governance; and
 - Constituents of Barkly Regional Council are aware of the behaviour they can expect from members.
-

Notification of General and Non-Council Business Items

ITEM NUMBER: 6.1

TITLE: Notification of General Business Items

EXECUTIVE SUMMARY

The purpose of this report is to allow Elected Members the opportunity to table items they wish to be debated by Council.

RECOMMENDATION

That the Chairperson invites Elected Members to raise matters of concern that they wish to discuss later in the meeting.

Acceptance of Agenda

ITEM NUMBER: 6.2

TITLE: Acceptance of Agenda

EXECUTIVE SUMMARY

Agenda papers are submitted for acceptance by Council for this Council Meeting.

RECOMMENDATION

That the agenda papers for this Council Meeting as presented, be received for consideration at this meeting.

Conflicts of Interest

ITEM NUMBER: 7.1

TITLE: Conflict of Interest

EXECUTIVE SUMMARY

This report outlines the minimum standard of behaviour expected of the Elected Members in relation to declaring personal or family financial interests that may impact on the performance of their roles and ability to make objective decisions.

RECOMMENDATION

That Council:

- a) notes the Conflict of Interest Policy; and
- b) Elected Members declare any conflict of interest with the meeting Agenda.

BACKGROUND

Conflicts of interest arise when members are influenced, or appear to be influenced, by personal interests when doing their jobs. The perception of a conflict of interest – the way it seems to the public - can be as damaging as an actual conflict, because it undermines public confidence in the integrity and fairness of Barkly Regional Council (BRC).

Under the *Local Government Act*, not declaring a conflict of interest or improperly disclosing information can lead to imprisonment.

Examples of conflicts of interest and improper disclosure of information:

Tendering and Purchasing – financial conflict of interest

- Example: Council has advertised for a contractor for irrigation of a football oval. A member is employed by a company which has tendered for the contract. This may affect, or it may reasonably be suspected that it could affect, their ability to make an unbiased or fair decision when the contract choice is considered by Council.

Tendering and Purchasing – non-financial conflict of interest

- Example: A contractor tendering for a Council contract for road works offers to seal the road to a member's house. The member would not be seen as impartial or fair when choosing the contractor for the job.

Information and Opportunities

- Example: a member may know a lot of information about tenders for contracts coming up in the BRC area before the tenders are made public. Conflicts can arise if the member gives this information to a friend or relative working for a company so they can have a better chance of winning the contract.

Undue Influence

- Example: a member tries to pressure a hotel in Tennant Creek into providing free accommodation, because they are a member of Council.

Declaring a Conflict of Interest

As soon as practical after a member becomes aware of a conflict of interest in a matter that has come up or is about to come up before or during a meeting (council, local authority or council

committee), the member must disclose or tell the relevant interest to the meeting and to the Chief Executive Officer (CEO) of BRC.

Details of members' interests and the nature of those interests will be recorded in the relevant Register of Interests published on the Council's website and to be available for any member of the public to look over at the Council's public office.

In addition, if a member enters into a personal or business relationship with another member or Council employee that could result in a conflict of interest, then this relationship must be reported to the Mayor and CEO. A file note will be made and recorded on the relevant Register of Interests.

Uncertainty about whether a conflict of interest exists or not

If a member is unsure whether or not they have a conflict of interest, they should give full details to the CEO or seek independent legal advice.

The CEO does not have a responsibility to decide whether or not a member has a conflict of interest in a matter. The responsibility for determining whether a member has a conflict of interest is up to the individual member.

If you do have a Conflict of Interest

After a member has disclosed the nature of the interest, the member must not, without approval from the Minister:

- be present during any discussion of the meeting when the matter is being discussed.
- take part in any decision related to the matter.
- Influence another member in their decision.

Members will not become involved in the promotion or endorsement of products and/or services unless this has been approved in line with Council's policies and Code of Conduct.

Complaints Regarding Failure to Disclose an Interest

Any person may make a complaint that a member has or may have failed to disclose or tell of a conflict of interest. All complaints should be directed to the BRC CEO.

ISSUES/OPTIONS/CONSEQUENCES

The Disclosure of Interests Policy helps Council to ensure that:

- the business of Council is conducted with efficiency, fairness, and integrity; and
- members act in the best interests of Council and do not seek personal or family gain when performing their duties or use their public office for personal gain.

Officers' Reports

ITEM NUMBER: 8.1

TITLE: Council Committees Chairpersons Appointment,

Reference <Enter Ref here>

Author Emmanuel Okumu (Governance Manager), Chris Kelly (Chief Executive Officer)

EXECUTIVE SUMMARY

This report gives the Council the opportunity to appoint Chairpersons for each Council Committee.

RECOMMENDATION

That Council

- a. Receive and notes the Council Committee Register
- b. Resolve to appoint Council Committee Chairpersons.
- c. Resolve to appoint BRC Chief Operations Officer, the Animal Management Committee Chairperson, BRC Chief Financial Officer, the Finance Committee Chairperson, and BRC Mayor, the CEO Review Committee Chairperson; or
- d. Resolve to make any other decision or appointment.

BACKGROUND/DISCUSSION

On 29 November 2024 OCM, Council under Resolution number OMC-24/319 established Council Committees and appointed membership. Section 98 provides that the chairperson of the Council committee is a member appointed by the Council to be the committee's chairperson. This report requests the Council to appoint Chairperson of the respective Committees.

ISSUES/OPTIONS/CONSEQUENCES

Under section 97 of the Act, the CEO may, at the request of the chairperson of the Council Committee, convene a meeting of the Council committee. Appointing Committee Chairpersons makes the operation of the Committees effective and compliant with the Act.

FINANCIAL IMPACT AND TIMING

Eligible Committee Members are paid sitting allowance.

CONSULTATION

CEO

ATTACHMENTS:

1. Committees and Membership Register NEW Council word [8.1.1 - 4 pages]

BRC List of Committees and Membership Register.

Committee Name:	Audit and Risk Committee			
Register kept by:	Chief Executive Officer			
Last reviewed:	29 November 2024			
Reference:	Made up of the Mayor, Four Elected Members, One Independent Member, The CEO and CFO.			
Committee status:	Current			
Legislative reference:	Regulation 6(1)(b) of the Local Government (General) Regulation 2021 and (s 86 of the LGA 2019.)			
Remuneration status:	Eligible Members are Paid Sitting and Travel Allowance			
Name of committee member	Date commenced	Date ended	File reference(s)	Comments
Shane Smith	27/07/2023	Current	OMC-23/24 & Nov-OMC-24/319	(Reappointed) Committee Chairperson- Independent
Sid Vashist	29/11/2024	Current	Nov-OMC-24/319	Mayor
Cr Noel Hayes	29/11/2024	Current	Nov-OMC-24/319	Elected Member (Deputy Mayor)
Cr Valda Napurrula Shannon	29/11/2024	Current	Nov-OMC-24/319	Elected Member
Cr. Pennie Cowin	29/11/2024	Current	Nov-OMC-24/319	Elected Member
Cr. Ben Neade	29/11/2024	Current	Nov-OMC-24/319	Elected Member
Chris Kelly	29/11/2024	Current	Nov-OCM-24/319	<u>BRC Chief Executive Officer</u>
Sunil Neupane	29/11/2024	Current	Nov-OCM-24/319	<u>BRC A/Chief Finance Officer</u>



Committee Name:	Finance Committee			
Register kept by:	Chief Executive Officer's Office			
Last reviewed:	29 November 2024			
Establishment details:	Made of the Mayor, Deputy Mayor, Three Elected Members, the CEO, and CFO.			
Committee status:	Current			
Legislative reference:	Regulation 6(1)(b), 19(1) of the Local Government (General) Regulation 2021 and (Section 82 of the LGA 2019.)			
Remuneration status:	Eligible Members are paid sitting allowance			
Name of committee member	Date commenced	Date ended	File reference(s)	Comments
Mayor Sid Vashist	29/11/2024	Current	OMC-24/319	Mayor
Cr Noel Hayes	29/11/2024	Current	OMC-24/319	Deputy Mayor
Cr Sharen Lake	29/11/2024	Current	OMC-24/319	Elected Member
Cr Lennie Barton	29/11/2024	Current	OMC-24/319	Elected Member
Cr Greg Marlow	29/11/2024	Current	OMC-24/319	Elected Member
Chris Kelly	29/11/2024	Current	OMC-24/319	BRC Chief Executive Officer
Sunil Neupane	29/11/2024	Current	OMC-24/319	BRC A/Chief Finance Officer



Committee Name:	CEO Review Committee			
Register kept by:	Chief Executive Officer's Office			
Last reviewed:	29 November 2024			
Establishment details:	Made of the Mayor, Deputy Mayor, Two Elected Members.			
Committee status:	Current			
Legislative reference:	Regulation 6(1)(b) of the Local Government (General) Regulation 2021 and (Section 82 of the LGA 2019.)			
Remuneration status:	Eligible Members are paid sitting allowance			
Name of committee member	Date commenced	Date ended	File reference(s)	Comments
Mayor Sid Vashist	29/11/2024	Current	OMC-24/338 -Conf	Mayor
Cr Noel Hayes	29/11/2024	Current	OMC-24/338 – Conf	Deputy Mayor
Cr Sharen Lake	29/11/2024	Current	OMC-24/338 – Conf	Elected Member
Cr Valda Napurrula Shannon	29/11/2024	Current	OMC-24/338 - Conf	Elected Member



Committee Name:	<i>Animal Management Advisory Committee</i>			
Register kept by:	<i>Chief Executive Officer's Office</i>			
Last reviewed:	<i>29 November 2024</i>			
Establishment details:	<i>Made up of the Mayor, Four Elected Members, One Member from Vet Practice, CEO and COO.</i>			
Committee status:	<i>Current</i>			
Legislative reference:	<i>Regulation 6(1)(b) of the Local Government (General) Regulation 2021 and (s 82 of the LGA 2019.)</i>			
Remuneration status:	<i>Eligible members are paid sitting allowance</i>			
Name of committee member	Date commenced	Date Ended	File reference(s)	Comments
Mayor Sid Vashist	29/11/2024	Current	OMC-24/319	Mayor
Cr Noel Hayes	29/11/2024	Current	OMC-24/319	Elected Member
Cr Lennie Barton	29/11/2024	Current	OMC-24/319	Elected Member
Cr Zacieus Long	29/11/2024	Current	OMC-24/319	Elected Member
Cr Sharen Lake	29/11/2024	Current	OMC-24/319	Elected Member
	29/11/2024	Current	OMC-24/319	Barkly Vet Practice
Chris Kelly	29/11/2024	Current	OMC-24/319	BRC Chief Executive Officer
Brody Moore	29/11/2024	Current	OMC-24/319	BRC Chief Operations Officer

Closure to the Public for Discussion of Confidential Items

ITEM NUMBER: 9.1

TITLE: Closure to the Public for Discussion of Confidential Items

Reference <Enter Ref here>

Author Emmanuel Okumu (Governance Manager)

EXECUTIVE SUMMARY

Pursuant to section 99(2) of the *Local Government Act 2019* and clauses 51 and 52 of the *Local Government (General) Regulations 2021*, the meeting is to be closed to the public to consider confidential matters.

RECOMMENDATION

That Council approves the closure of the meeting to the public as confidential items are about to be discussed.

10 CONFIDENTIAL REPORTS

ITEM NUMBER: 10.1

TITLE: Australia Day Nominations

Reference <Enter Ref here>

Author Lauren McDonnell (Executive Assistant to the CEO and Mayor)

REASONS FOR CONFIDENTIALITY

Status 51(1)(c)(iv) - This item is considered 'Confidential' pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(c)(iv) of the Local Government (General) Regulations 2021, which states a council may close to the public only so much of its meeting as comprises the receipt or discussion of, or a motion or both relating to, Information that would, if publicly disclosed, be likely to: subject to subregulation (3) - prejudice the interests of the council or some other person.

11 GENERAL BUSINESS DISCUSSION

12 DISCLOSURE OF CONFIDENTIAL RESOLUTIONS AND RE-ADMITTANCE OF THE PUBLIC

Nil

13 DATE OF NEXT MEETING

14 MEETING CLOSURE