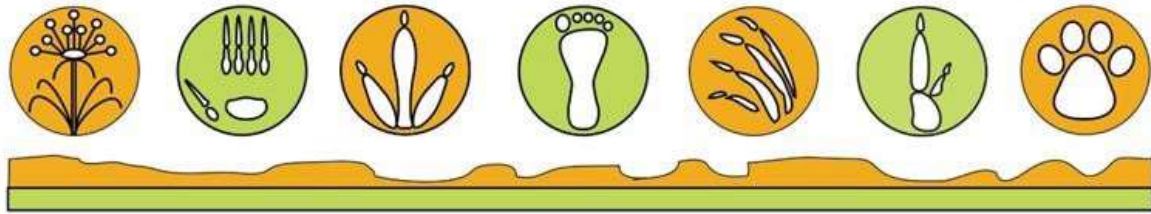


BARKLY REGIONAL COUNCIL



MINUTES ORDINARY COUNCIL MEETING

The meeting of the Ordinary Council Meeting of the Barkly Regional Council was held in Council Chambers, 41 Peko Road, Tennant Creek on Friday 28 June 2024 at 8:30 am.

Jeff MacLeod

Acting 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.

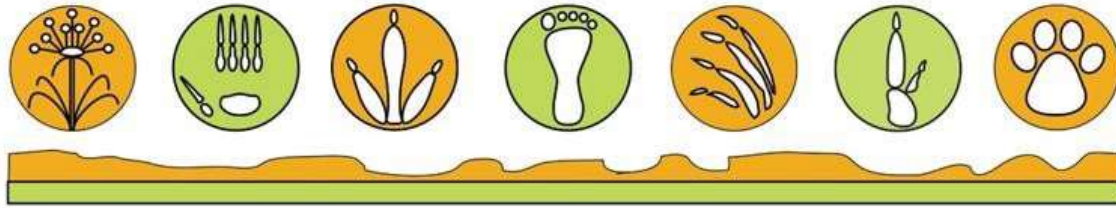
We want to ensure that our services are sustainable and that our region has a standard consistent level of services.

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 Country on which Barkly Regional Council live and work, 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 meeting was made for minute-taking purposes as authorised by Barkly Regional Council Policy: Audio Recordings of Meetings. Councillors may request, via majority vote if required, that no audio recording is made where issues of legitimate cultural or spiritual significance are to be discussed.

1 MEETING OPENED

MEETING OPENED at 8:30am.

An audio recording of this meeting is being made for minute taking purposes as authorised by Council Policy. Councillors may request, via motion and majority vote if required, that no audio recording is made where issues of legitimate cultural or spiritual significance are to be discussed. Recordings are held in accordance with the outlined policy and Council's Privacy policy.

2 WELCOME

The Official Manager, Peter Holt welcomed those present to the meeting and acknowledged the traditional custodians of the Barkly and elders past, present and emerging.

3 ATTENDANCE AND APOLOGIES

ITEM NUMBER: 3.1

TITLE: Attendance and Apologies

EXECUTIVE SUMMARY

This report acknowledges the attendance, for Council's record, any apologies received from Elected Members for this Ordinary Council Meeting.

Elected Members Present

- Official Manager - Peter Holt

Staff Members Present

- Jeff MacLeod - Acting Chief Executive Officer
- Lauren McDonnell - Acting Executive Manager
- Romeo Mutsago - Chief Financial Officer
- Emmanuel Okumu - Governance Manager
- Murray Davies - Director of Corporate Services
- Gillian Molloy - Director of Community Development
- Barry Natrass - Work Health and Safety Manager

Visitors Present

- Clarissa Burgen – Department of the Chief Minister

Resolution:

That Council:

- a. noted the attendance
- b. noted the absence of the Director of Municipal Services and the Director of Infrastructure / Fleet.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/169

The Acting Chief Executive Officer advised Council that the Municipal Services Director is unwell, and an apology.

The Director of Infrastructure/ Fleet position is currently vacant. The position description is currently being reviewed by Human Resources, more specifically Councils Recruitment Coordinator. Once finalised the position will then be advertised.

4 COUNCIL CODE OF CONDUCT

ITEM NUMBER: 4.1

TITLE: Council Code of Conduct

EXECUTIVE SUMMARY

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

Resolution:

That Council noted the Council Code of Conduct.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/170

The Official Manager, Peter Holt advised that Barkly Regional Councils; **Code of Conduct HR05v2**. will now appear on every Council agenda. Explaining the need for staff and Councilors to fully understand their obligations and expectations when working with Council. November election may potentially bring new Councilors, a regular visual reminder will assist our Councilors to understand their new roles.

5 CONFIRMATION OF MINUTES

ITEM NUMBER: 5.1

TITLE: Confirmation of previous minutes of council Meeting

EXECUTIVE SUMMARY

This report provides the minutes of the previous Ordinary Council meeting to be approved by Council.

Resolution:

That Council notes and confirms:

- a. Minutes of the previous Council Meeting held 30th May 2024
- b. Minutes of Special Council meeting held 7th June 2024, as a true and accurate record of those Meetings.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/171

Actions required:

1. Amend the moment of silence for former Tennant Creek Director – Mr. Troy Koch to a minute of silence.
2. Requests the Director of Municipal Services to provide the Council with an update on the progress of the memorandum of understanding with Barkly Veterinary Practice.
3. Official Manager to communicate with the Animal Management Advisory Committee (AMAC) on the appointment of a new AMAC Chairperson, given the Local Government Minister's recent decision. The Official Manager suggested chairing the Committee until elected members are in place.
4. Elected Members, once commenced can nominate to Councils various committees and elect respective chairs.
5. The Chief Finance Officer will provide the Council with an update on the CEO's ANZ access.
6. Investigate the existence of a policy to reduce the frequency of Local Authority meetings, in order to reduce from 12 currently to 6. Acting Chief Executive advised there is no such Council policy and informed the Official Manager that Council makes the determination, on the condition it meets the minimum number required annually of four (4). Council recommends conducting six (6) Local Authority meetings in each ward annually.
7. Amends and corrects page 9, BRC Ordinary Council Meeting; 30th May 2024 – Tang is incorrect and should state Tangentyere.
8. Official Manager requests the Chief Executive Officer to investigate the potential to issue identity cards and create an alternate income stream, similar to the Larrakia Nation or Tangentyere.

The Acting Chief Executive Officer advised that it is currently being discussed through the Barkly Regional Deal committees, stating this is heavily impacting providers and employers within the region, particularly those engaged in childcare or youth work. The Official Manager advised the Acting Chief Executive Officer to consult and engage with the Northern Territory Government on the issues of Ochre and White Cards and other essential identification or employment documents required, due to local access issues and no local offices.

The Acting Chief Executive Officer stated that the concerns were recently raised at an NGO forum as it is a very real barrier to employment. Acting Chief Executive Officer also raised the issue during a meeting with Minister Linda Burney, last year in Canberra.

6 ACCEPTANCE OF THE AGENDA AND NOTIFICATIONS OF GENERAL BUSINESS

ITEM NUMBER: 6.1

TITLE: Notification of General Business Items

EXECUTIVE SUMMARY

The purpose of this report is to provide an opportunity to the Elected Members to table items they seek to be discussed by the Council.

Resolution:

That council notes there were no matters raised for discussion in general business.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/172

The Official Manager, Peter Holt enquired of the Chief Financial Officer regarding the reason for the difference between 4.5% and 6.6%, what the line-item reimbursements included, and the rate discrepancies between different communities, in relation to the draft Barkly Regional Council Budget 24/25.

ITEM NUMBER: 6.2
TITLE: Acceptance of Agenda

EXECUTIVE SUMMARY

This provides that the agenda papers were submitted for acceptance by the Council for this Council Meeting. After reading and noting items in the agenda paper, including issues raised for general business, the Council accepted the agenda.

Resolution:

That the papers circulated were received and accepted for consideration at this meeting.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/173

7 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 regarding declaring personal or family financial interests that may impact their performance of their roles and ability to make objective decisions.

Resolution:

That Council:

- a) notes the Barkly Regional Council Conflict of Interest Policy.
- b) notes there were no declared Conflicts of Interest in this meeting.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/174

8 LOCAL AUTHORITY AND COMMITTEE MINUTES

ITEM 8.1
NUMBER:
TITLE: Audit & Risk Committee Minutes

EXECUTIVE SUMMARY

The report provides the Council with minutes from the Audit and Risk Committee meetings held since the last Ordinary Council Meeting.

Resolution:

That Council receives and notes the discussions and recommendations of the Audit and Risk Committee contained in the draft minutes.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/175

The Acting Chief Executive Officer advised Council that the tabled Audit and Risk Committee (ARC) minutes have not been confirmed. The unconfirmed minutes will be tabled at the next ARC meeting. Today's unconfirmed minutes are presented to the Council to note the discussions and recommendations of the ARC contained in the minutes (noting that the date for the next Audit and Risk Committee is scheduled for the 8th of August).

9 STANDING ITEMS REPORT

ITEM NUMBER: 9.1

TITLE: Action Register

EXECUTIVE SUMMARY

The report provides the Council with actions raised at previous Council meetings and the status and updates of each action.

Resolution:

That Council:

- a. notes the progress on the actions in the register, and
- b. approves the removal of the Vehicle Use Policy item from the register (noting the Director of Corporate Services is to provide Council with a Vehicle Private Use Policy).
- c. approves the closure of the new workforce strategy plan.
- d. Draft correspondence on behalf of the Elliott Local Authority Committee to the Northern Territory Police, requesting a new Police facility in Elliott township to be forwarded to the NT Government and the Police on behalf of Elliot LA requesting a new police facility in Elliott. In a few weeks, to receive an update from the Community Services director regarding a business case for the Animal management facility.
- e. The Chief Executive Officer to update Council on the progress of the Bylaw Report referred to the Executive Leadership Team during the previous meeting.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/176

Minute notes:

Official Manager, Peter Holt enquired if the Companion Animal program would be transferred to the Director of Municipal Services, as per the recently adopted Council organisational structure.

The Acting Chief Executive Officer confirmed that the program would transfer on 1st July to the Municipal Services Directorate.

Official Manager enquired if the \$50,000 was for Animal Management Program or for capital projects.

The Community Services Director advised that the Council Grants Manager had applied for RDA seed funding (\$50,000) to be utilised in the creation of a facility business case.

The Official Manager instructed the Director of Community Services to provide an update to Council within the next few weeks.

The Acting Chief Executive Officer informed the Council that the BRC Vehicle Policy is on the agenda, with the recommendation that it be marked as completed and closed from the action register.

The Official Manager stated that he understood the Acting Chief Executive Officer had recommended that the policy be divided into a personal use policy and a vehicle use policy, addressing previous issues and requested information on the personal use of Council vehicles. The Director of Corporate Services advised Council that the BRC Vehicle Policy is still under review and expected to be completed over the next couple of weeks. The Acting Chief Executive Officer advised Council that he would work with the Corporate Services Director to ensure it was completed in time for the next Ordinary Council Meeting. The Acting Chief Executive Officer advised the Council that the new Workforce Development Plan is contained in the new BRC Regional Plan – once accepted this item can then be closed. The Acting Chief Executive Officer further advised there are a number of action items from Elliott contained within the Regional plan. The Projects and Infrastructure team are in Elliott today to install the new yarning circle. We've also checked out the water issue and developed an option to build the shade shelter next to the water tank at Elliott Cemetery. We noticed it's just not possible to get potable water, which would involve talking kilometres of pipe, so the option is to build the shade shelter next to the water tank. Using our water carrier, we can feed off the roof into the water tank, which can be topped up with potable water. We'll go back to the Elliott Local Authority for direction. The Project and Infrastructure team are also looking at the shade shelter down there today. The Acting Chief Executive Officer further informed Council that the Elliott Local Authority had requested that BRC draft correspondence to the Northern Territory Police in order to advocate for a new Police facility.

ITEM NUMBER: 9.2

TITLE: Correspondence Report

EXECUTIVE SUMMARY

This report provides Councilors with an update on correspondence received and sent by Council in the period following the past Council meeting.

Resolution:

That Council:

1. Notes the correspondence received and sent.
2. Contribute a donation of \$5,000 to Tennant Creek & District Show Society.
3. Directs the Acting Chief Executive Officer to write to Tennant Creek & District Show Society and inform them of the Council's decision.
4. directs the Acting Chief Executive Officer to provide Council with a list of Freedom of Information (FOI) requests that Council received in the last financial year and how each was resolved, to ensure transparency and accountability.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/177

The Official Manager, Peter Holt advised the Council that regarding correspondence received from the Local Government Association of the Northern Territory (LGANT) – it is currently beyond the capacity of the Council to effectively deal with the Code of Conduct regarding current arrangements. Advised that there needs to be changes to the Local Government Act and how that's actually implemented. The Acting Chief Executive Officer advised models from other states could be considered.

10 THE OFFICIAL MANAGER AND CEO'S REPORTS

ITEM NUMBER: 10.1

TITLE: Official Manager's Report

EXECUTIVE SUMMARY

This report details the official manager's activities and updates since the last OCM.

Resolution:

That Council receives and notes the Official Manager's Report for the month of June 2024.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/178

Minute Note:

The Official Manager, Peter Holt informed the Council that last week the Minister for Local Government, the Hon. Chansey Paech MLA, released the report on the investigation into the governance of the Barkly Regional Council conducted by Ruth Morley. Minister Paech has dismissed the former members of the Barkly Regional Council and called for a general election for a new Council to be held on 2nd November 2024.

The Official Management will remain in place until the declaration of the polls, expected in late November. While it will take some time to fully respond to the recommendations in the Minister's report, considerable effort has been made already in respect of many issues raised in the investigation, demonstrating our unwavering commitment to improvement.

Areas of improvement identified in the report include:

- Improving the Council's responsiveness and accountability to its Local Authority Committees,
- Improving the operation of Council meetings, including the recording of meetings, elevating the Code of Conduct and declarations of Conflict of Interest to the commencement of meetings,
- Finalising outstanding grant reporting and acquittals,
- Creating greater transparency in reports to Council and Local Authority meetings,
- Conducting regular meetings of the Audit and Risk Management Committee; and,
- Resolving many outstanding Human Resources and legal matters.

At today's OCM BRC will sign off on the BRC Regional Plan for 2024-25 which includes significant input from local authorities on their operational priorities. Your contributions have been invaluable and have shaped the direction of the Plan. I compliment everyone involved in the development of the Plan and thank them for meeting the schedule especially given the last-minute changes arising from the Minister's decision.

As this will be my final meeting as the Official Manager of the Barkly Regional Council, I would like to express my heartfelt gratitude to the Directors and staff for their unwavering support and cooperation during this challenging period. Your dedication to improving governance has been instrumental. With the new Chief Executive Officer, Chris Kelly commencing next week and the appointment of Jeff MacLeod as Official Manager, I feel that there will be continuity in our approach to meeting the Minister's recommendations. The council will continue to benefit from Jeff's experience and the clear and detailed guidance provided in Ruth Morley's report.

ITEM NUMBER: 10.2

TITLE: CEO's Report - The Minister for LG report into BRC

EXECUTIVE SUMMARY

This report details the outcome of the Minister for Local Governments the Hon Chansey Paech report on Barkly Regional Council.

The Acting Chief Executive Officer informed Council that in October of 2023, the Minister placed the BRC under official management and suspended all Elected Members due to serious deficiencies in operations that affected Council services across the region. An Official Manager was appointed to hold the powers of the Elected members, while an independent investigator examined the affairs of the Council.

As a result of the investigation and after careful consideration, the Minister for Local Government on 20th June 2024 dismissed the members of BRC and called for a general election for a new Council on the 2nd of November 2024.

The Official Manager and Chief Executive will prepare an action plan to review and remediate all matters identified within the investigator's summary report and report quarterly to both the Council and the CM&C (Chief Minister and Cabinet) Local Government Division.

Resolution:

That Council

- (1) receives and notes the tabled Final Investigation Report into the Barkly Regional Council.
- (2) receives and notes Barkly Regional Council – Investigator's report summary.
- (3) notes the proposed process to remediate the identified findings of the report.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/179

(NB – the reports are appended to the Minutes as attachments).

11 OFFICERS' REPORTS

Officers' Reports

11.1 YTD May 2024 Financial Report

At 09:00 am, a member of the Public, Clarissa Burgen, joined the meeting. She apologised and said she would like to submit her response to agenda item 11.8, relating to the annual report and budget.

She explained to the council that she decided to physically deliver her response because she was among those who forwarded the response, but when she read the agenda of today's meeting, she noticed that her response was not included, which prompted her to take this action.

She handed the report to the Chair, Peter Holt, and requested to be excused. She left the meeting at 09:10 am.

The CEO recommended the letter be noted and discussed together with item confirming regional plan.

Meeting continued to the next item; - Finance report.

EXERCUTIVE SUMMARY

The report provides an update by the Chief Financial Officer (CFO) regarding BRC's financial position and all the issues relating to the finance directorate.

Resolution:

That Council receives and notes the Finance Report for the YTD 31 May 2024.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt.

{carried-unan}

Resolved OMC-24/180

The CFO informed Council that the key issues to note are our statutory obligations, noting that the Council has successfully met all statutory obligations. Council Superannuation, Business Activity Statements, Business Returns and Fringe Benefit Tax are all complete and up to date. There are nil remaining outstanding lodgements.

Trust Account:

The BRC Trust Account is now open, however has not been mapped with the existing main account. Once linked, the same signatories will be used as the main account. Although there has been frustration with the bank over the delay, however we are continuing to motivate and engage with the bank.

The Acting Chief Executive Officer has been provided with a Westpac fob device and our Finance Manager has been registered as a back-up signatory.

The Director of Corporate Services has also completed his access forms and is now registered also.

When we account for the underspends from last year, we were just \$200,000 in surplus for the year to date, which explains why we have always been saying our deficit position will only be to the extent of the depreciation for the year. Therefore, we are very much within our budget numbers for the year to date.

An explanation for the current financial position is due to employee costs, primarily overtime. There are areas where overtime has been heavy within municipal, area managers and night patrol. However, the reasons are all reasonable because they were due to staffing challenges that we had throughout the year that created overtime.

It is crucial for managers to exercise stricter control and approval of overtime. Our spending on labour hire and repairs has been significant, and we've since ceased labour hire services.

Officers' Reports

11.2 Grants Officer Report

EXECUTIVE SUMMARY

This report provides Councilors with an update on Council grants.

Resolution:

That Council notes and accepts the Grants Report.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/181

Minute note:

The Chief Financial Officer informed Council that the grants function sits within the Finance Directorate and although it has been mentioned that this is usually a separate report within finance, he prefers to have this as a separate report to give Council a clear picture of the efforts at sourcing grants and update the council on where certain efforts are in terms of the probability of securing the grant.

The Chief Financial Officer stated that the main highlight for Council to note in this report is our significant success in securing \$1.3 million in new grant funding. This achievement, as of the date the report was made, is a testament to our collective efforts. However, it's important to note that we've already surpassed \$2 million in commitments for new funding into the new financial year.

As we pointed out before, the executive needs to do more to obtain new funds. Key staff members should prepare the business case and relay it to the Grants Manager so that she can take on the efforts from there and communicate with the respective grant providers.

Under the Grant Manager's report, we are committed to ensuring that the Council is always kept in the loop on the progress and status of grant applications. This regular update will provide the Council with the information required to make informed decisions.

The Community Services Director provided information regarding grant funding to help tackle Indigenous smoking, which is an additional Commonwealth-funded program. The Council has not historically delivered this program; however, the Aboriginal Health Centre does.

Officers' Reports

11.3 Operations Directorate Report

EXECUTIVE SUMMARY

This report outlines the activities of the Operations / Municipal Services Directorate in the areas of Local Government service delivery as well as the performance of contractual Commercial Services.

Resolution:

That Council notes and accepts the Operations / Municipal Services Directorate Report.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/182

Minute note:

The Official Manager, Peter Holt stated the report provided by the Director of Municipal Services – listed by location is fantastic as it provides greater transparency about Council's service in each location, plus, also having a much more comprehensive and detailed report with all strategic matters across the different communities is always key and valuable.

Officers' Reports

11.4 Community Development Report

EXECUTIVE SUMMARY

The report provides the Council with updates regarding the Community Services Directorate.

Resolution:

That Council receives and accepts the Community Services Directorate report.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/183

The Director of Community Services informed Council that the Community Services team attended Ramp training, which is a domestic and family violence risk assessment and management framework, a training model supported by the Department of Territory Families; stating that the training was invaluable due to some of the resources and tools we utilised whilst in the training. The Regional Community Services Manager and Director participated in the Sharing and strengthening our practices conference with the Department of Territory Families. Our proactive approach has led to securing \$628,000 in funding for refurbishment and equipment across all of our aged care facilities.

The Community Services Directorate are currently working with the Projects / Infrastructure team in order to proceed with the project.

The Council was recently successful in our application for the Companion Animal Program from NIAA. The Council will utilise these funds to employ Companion Animal Trainees in our communities for twenty-five hours per week. This is a significant step towards our commitment to diversity and inclusion. The funding for this initiative is \$563,000; the position descriptions are currently being created.

There has been no handover to date from the Director of Municipal Services for the TCYC ready for next week. The Community Services Director would like to hand over to ensure clarity.

AMRIC and Animal Management handover meeting was organised with the Director of Municipal Services, however Director Municipal Services didn't attend the scheduled Teams Meeting. Grants manager & Director Community Services waited on the call.

The Acting Chief Executive Officer provided information regarding the incoming Chief Executive Officer stating veterinary and animal management is an area of expertise for the new Chief Executive Officer.

No incidents or complaints reported.

Current employment vacancies within Community Services:

Regional and Zone Manager; interviews have now been concluded. Awaiting on the Acting Chief Executive Officer's approval to appoint.

Officers' Reports

11.5 Corporate Services Directorate Report

EXECUTIVE SUMMARY

This report informs and updates the Council with respect to matters impacting business continuance, corporate leadership and management within the directorate's sphere of responsibility to the wider council community.

Resolution:

That Council notes and receives the Corporate Services Directorate report covering May to mid-June 2024.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/184

Recruitment has remained steady during the month of June, with an organisational wide review of position descriptions currently ongoing. As the organisational chart undergoes changes, it is crucial that we prepare for further reviews and necessary amendments to address the impact that might result from the restructure.

Staff being appointed without current criminal history check or Ochre Cards are a significant issue.

Telstra is currently in the process of phasing-out of 3G connectivity. Corporate Services are addressing hardware replacement as required, and a future issue is the need to replace the point-to-point communication capabilities required across all Council communities.

ITEM NUMBER: 11.6
TITLE: Vehicle policy review

EXECUTIVE SUMMARY

Further to the Vehicle policy being reviewed at item 6.5, 27 MARCH 2024 OCM, this has been reviewed by the Executive Leadership team and recommendation to replace the existing 2019 policy CP58 with this new one embracing general, pool and home garaging use of vehicles. A supplementary Private Use policy will be presented on a future occasion.

Resolution:

That Council receives, notes, approves, adopts and implements the attached draft Vehicle policy update, to replace the current policy of 2019.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/185

Minute Note:

The Acting Chief Executive Officer advised that **BRC Vehicle Use Policy CP58 version 2** is on the agenda today, and the recommendation is that it be marked as completed and closed from action.

The Official Manager clarified that the Acting Chief Executive Officer had recommended that the policy be divided into a *Personal Use Policy* and a *Vehicle Use Policy*. This division is aimed at addressing the issues raised in previous cases, with the personal use policy still in progress.

The Director of Corporate Services informed Council that work was ongoing on the *Personal Use Policy* and a draft will be ready for consideration in the coming weeks.

The Acting Chief Executive Officer advised the Council that he would assist in its progression for inclusion at the next Ordinary Council Meeting.

Officers' Reports

11.7 Common Seal policy

EXECUTIVE SUMMARY

The report explains the Chief Executives decision to amend the common seal policy and authorise the Corporate Services Directorate to be the custodian of the BRC common seal.

Resolution:

That Council notes, receives, approves and implements this revised version of the Common Seal Policy.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried -unan}

Resolved OMC-24/186

Minute Note:

The acting CEO informed the Council that he identified some issues with **the BRC Common Seal Policy A&G2**, and this new policy addresses those.

He said the current policy needs to be more accurate in relation to:

1.4 Safe Location of the Common Seal and **2.2D**, confirming that the Director of Corporate Services is the keeper of the Seal (not the Chief Executive Officer). The Seal is to be locked in the safe with only the Director of Corporate Services or their delegate being authorised to remove it, unless the Director of Corporate Services delegates that to someone else in writing, for example, if the corporate services director is on leave.

The Director of Corporate Services advised that the Common Seal Register is to be retained by the Director or the delegate.

Two (2) changes to the **BRC Common Seal Policy A&G2** clarify how to execute funding agreements or grants in order to meet tight deadlines with funding bodies, as experienced within the last few weeks.

The current **BRC Common Seal Policy** states, as this relates to the Act, that executed funding and grant agreements are submitted to the Council, however the Council has seen increased pressure from funding bodies to accept and execute agreements before the end of financial year.

Documents with the seal applied, that have yet to be sent to Council will be tabled at the following meeting to notify Council to meet the requirements under the Local Government Act.

Also noted, Corporate Services will engage in identifying matters missing from the Common Seal Register and seek to bring that up to date.

ITEM NUMBER: 11.8**TITLE: Confirmation of the Annual plan and budget**

EXECUTIVE SUMMARY

This report provides detailed information of Council's engagement regarding the annual Regional Plan and budget, as a result of community consultation and submissions before final approval.

The draft annual Regional Plan and Budget were approved at the Special Meeting of Council held on 7th June 2024 to be made available for public comment. At this meeting, it is proposed to finalise and authorise both documents as the 2024-25 BRC Regional Plan and Budget.

Resolution:

That Council:

1. Notes and receives the final version of the 2024-25 Barkly Regional Council Regional Plan incorporating the Annual Budget, as complete.
2. Notes and receives the comments from Mr. Bob Bagnall and Mr. Wayne Green during the public display period, including email correspondence from Mr. Green.
3. Notes the correspondence from Ms. Clarissa Burgen and investigate the issue of the incorrect address and spelling of Barkly.
4. Directs the Chief Executive Officer to address the website link to prevent this error from occurring in the future.
5. Directs the Chief Executive Officer to invite all individual ratepayers to meet who may have genuine concerns so that the Council can listen and adopt relevant feedback whilst educating residents regarding their individual situation.
6. Directs that the affected parties be met with individually and not in groups due to private and confidential information discussed.
7. Amend page 37 of the BRC Annual Regional Plan 24 /25 removing reference to Regional Manager and replacing with Manager.
8. Amends the Civic Hall hire fees to the accurate rate.
9. Determines to adopt and implement this updated 2024-25 Barkly Regional Council Regional plan and budget.
10. Determines to adopt and implement the Fees, Charges and set the Rates as determined in the annual budget as incorporated herein.
11. Publish the 2024-25 Regional Plan and budget on the BRC website, issue a copy to the Minister for Local Government and Office of Chief Minister and make printed copies available on request.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/187

Minute notes:

Regarding Ms. Clarissa Burgen's letter, the Acting CEO informed the Council that he would ask staff responsible for the BRC website to investigate why the address was wrong.

The claim is that Barkly was misspelled by putting L before K on the site.

The Official Manager, Peter Holt inquired if the link was still on the website.

The Acting Chief Executive Officer said he would investigate and ensure it was fixed, advising that this was the first complaint received regarding the error, stating that one would immediately get an error report that it can't be delivered.

Mr. Green has commented on two occasions and Mr. Bagnall has also submitted communication, with a further email received overnight from Mr. Green, which contained attachments.

From initial investigation, the correspondence is related to the increase in rates and that he represents 100 residents.

The Acting Chief Executive Officer explained that during recent news reports, rates were increasing across the country and times are currently extremely difficult.

The Chief Executive Officer appreciates that Council has some historical issues regarding rates, which has caused confusion to some ratepayers which is regrettable. The Acting Chief Executive Officer stated that he understands the Council has at length attempted to meet with ratepayers and explain the historical issues, however there was a large increase two years, due to revaluations by the Valuer General's Office, not Barkly Regional Council. The Council previously and generously reduced rates on those properties with large valuation increases and on two occasions kept the rates lower, implementing slower gradual increases in order to avoid financial stress on ratepayers within the region.

The Council welcomes all concerned residents with rates issues to meet with and resolve all rates questions and concerns.

Secondly, obviously, the Council also has a large budget we must fix.

BRC has issues around asset replacement and other such issues that are causing costs to soar.

The Council went to great lengths to obtain professional assistance in determining our rate increase.

The Chief Executive Officer believes that the Council acted responsibly in limiting the increase, but also points out that as a requirement of the Act, the CEO must sign a declaration confirming that every property has been rated correctly.

A question also to be addressed is whether there are any groups of ratepayers that this affects more than others, such as industrial, business?

Officers' Reports

11.9 recording matter from Gazette

Resolution:

That Council notes, receives and rectifies the Correspondence register of OCM 26th October 2023 to attach NT Government Gazette item ISSN-0157-833X of 17th October 2023.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/188

Officers' Reports

11.10 Tennant Creek Directorate and Project Team Report

EXERCUTIVE SUMMERY

This report provides updates regarding the Project team activities and the Infrastructure Directorate.

Resolution:

That Council receives and notes the May report from the Tennant Creek Directorate.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/189

Minute note:

The Director of Infrastructure position will be advertised extensively across Australia next week, and obviously internal candidates will also be encouraged to apply.

A number of projects have been identified. To clarify, gaps were identified which have been discussed with Susan this morning regarding when the signed agreements come back from the funding body and whether a copy is being sent to the project team so they can add it to their project list. Originally, they were being sent to the former Director of Infrastructure.

BRC has identified another project which the team were not aware of. The Council was made aware recently through the funding body's request for a project report. The Councils Grants Manager is currently performing an audit over our funded grants and projects.

In the last Council meeting, we moved the Weighbridge and the Karguru Lights out of Confidential Session and approved the preferred candidates.

The Infrastructure team are currently working on procurement for an excavator. Initial investigations identified a suitable product; however, the supplier has not yet registered on LocalBuy. A tender for this plant is now in progress.

Council is encouraging local contractors and suppliers to register with LocalBuy.

The Acting Chief Executive Officer advised that he has provided the incoming Chief Executive Officer with a copy of the draft position description for the Director of Infrastructure for input before finalization and recruitment.

12 GENERAL BUSINESS AS RAISED AT ITEM 6.1

13 CLOSURE TO THE PUBLIC FOR DISCUSSION OF CONFIDENTIAL ITEMS

ITEM NUMBER: 13.1

TITLE: Closure to the Public for Discussion of Confidential Items

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.

Resolution:

That Council approves the closure of the meeting to the public as confidential items are about to be discussed. The meeting is closed in accordance with clause 51(1)(c)(iv) of the *Local Government (General) Regulations 2021* as the matters to be discussed include information that, if publicly disclosed, would be likely to prejudice the interests of the council or some other person.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/190

14 CONFIDENTIAL REPORTS

ITEM NUMBER: 14.1

TITLE: Confidential resolution 15.1.2 of 6th March resolved to recruit a new CEO be moved to open.

Resolution:

That confidential resolution 15.1.2 of 6th March on CEO recruitment be moved to open council.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/191

Confidential resolution of 6th March 2024- moved to open council.

That Council Authorises the Official Manager, in the absence of the Elected Members or until such time as the Elected Members are reinstated, to act as the process lead and authorises the Official Manager in consultation with ANSON Recruitment to conduct the recruitment campaign, including advertising the position, engaging with ANSON in identifying the Long List of candidates, at which stage a Recruitment Panel is to be formed. The Recruitment Panel will then short list candidates, conduct the assessment process of the candidates and finalise to appointment.

RESOLVED

Moved: Peter Holt

Seconded: Peter Holt

CARRIED UNANIMOUSLY

Resolved OMC-24/102

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

EXECUTIVE SUMMARY

That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1)(a) of the Local Government (General) Regulations 2021 the meeting be re-opened to the public at 11:45am.

RESOLVED

Moved: Peter Holt
Seconded: Peter Holt

{carried-unan}

Resolved OMC-24/103

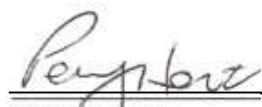
16 DATE OF NEXT MEETING

The next OCM is scheduled for 25th July 2024

17 MEETING CLOSURE

The meeting concluded at 11:47am.

This page and the preceding 24 pages are the minutes of the meeting of the Ordinary Council Meeting held on 28 June 2024 and are confirmed.



Official Manager



summary-investigat
ors-report.pdf

Appendix 1:

Barkly Regional Council – Investigator’s report summary

Summary - Investigator’s Report findings and recommendations; and the way forward.

The Investigator’s Report (**the Report**) provides detailed findings and recommendations from the Investigation into Barkly Regional Council (**the Council**). This summary presents an overview of the key findings and recommendations, excluding any redacted information.

This summary also outlines the next steps for the Council and the Department of the Chief Minister and Cabinet (**CM&C**) in addressing the findings and implementing the recommendations in the Report.

The following sections of the *Local Government Act 2019* (**the Act**) are relevant to the findings and recommendations in the Report:

- ☐ Section 22(d) of the Act provides that the council is to manage the employment of the CEO;

- ☐ Section 37 of the Act provides that a council is a body corporate;

- ☐ Section 44(1) of the Act provides that the role of elected members is to represent the interests of all residents and ratepayers of the council area; provide leadership and guidance; facilitate communication between the members of the council’s constituency and the council; be properly informed to enable participation in the deliberations of the council and its community activities; ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities; ensure that council resources are used prudently and solely in the public interest; and actively monitor the financial affairs of the Council;

- ☐ Section 59 of the Act provides that in addition to the role of an elected member, the role of the Mayor includes chairing meetings of the council; speaking on behalf of the council as the council’s principal representative; liaising with the CEO about the performance of the council’s and CEO’s functions; promoting behaviour of council members that meets the standards of the code of conduct; and leading the council in the regular review of the CEO’s performance;

- ☐ Section 81 provides that councils must work with local authorities in specified ways;

- ☐ Section 86 provides that a council must establish and maintain an audit committee;

- ☐ Parts 6.2 and 6.3 provide for the management of meetings of councils, committees and local authorities including provisions for confidential meetings and minutes;

- ☐ Part 7.2 provides for the management of conflicts of interest;

- ☐ Section 167 provides the role and functions of the CEO who is responsible to the council, which include: to ensure the council’s policies, plans and decisions are implemented; manage the council’s staff; provide information and advice to the council to enable it to carry out its functions; ensure the community is kept informed; appoint, manage, and if necessary terminate the appointment of staff; and ensure the council’s policies on human resource management comply with specified principles;

- ☐ Section 172 provides that the council must adopt policies on human resource management that give effect to principles including fair and consistent treatment of staff and that there are processes for dealing with employment related grievances.

Key findings

- ☐ Serious deficiencies were found in the conduct of the Council’s affairs during the investigation.

- ☐ There was a lack of a culture that provided effective, stable and supported administration to elected members at all times.

Barkly Regional Council – Investigator’s report summary

- ☐ Most elected members did not seek additional information to support their decision-making. Those who did question the level of information provided and sought further details felt intimidated by the perceived defensive responses from a minority of their

fellow members.

- ☐ The majority of Council members did not seem to understand their roles and responsibilities in key strategic matters such as contracted agreements with the Commonwealth and Northern Territory Governments.
- ☐ The majority of Council members did not seek financial information that would have assisted in critical decision making and strategic thinking. They lacked a good understanding of the Council's services, operations and future plans and had minimal involvement in or understanding of the creation of the Council's annual and long-term strategic plans.
 - ☐ The Council's Audit and Risk Committee did not meet from March 2021 until September 2023.
- ☐ Business of the Council was moved into confidential sessions where the matters did not meet the confidentiality criteria of the *Local Government (General) Regulations 2021 (the Regulations)*.
 - ☐ The Chair did not properly conduct council meetings, with arguments occurring between other members and the Chair or between constituents and the Chair.
- ☐ There is little news on the progress or completion of projects on the Council's website, resulting in very little communication to the wider community on Council projects. Minutes that were published often provided inadequate information.
- ☐ There was little evidence that the Council adequately administered its local authorities as required under the Act, specifically in terms of reporting and engagement.
 - ☐ Council administration failed to report 14 out of 16 senior staff movements to the Council as required by the Act.
- ☐ Following complaints against a former CEO in 2022, the Council did not adopt a policy for managing complaints against the CEO until September 2023.
- ☐ When the Council was considering the terms of reference for engaging an external consultant to investigate complaints against a former CEO and Mayor, the former CEO made recommendations on this matter despite having a conflict of interest. The members failed to recognise this conflict of interest and allowed the former CEO to participate in the discussion.
 - ☐ The Mayor and former CEO acted with a conflict of interest in a number of Council meetings regarding the Business Process Review Report that looked into the management of complaints against themselves.

Key themes - recommendations

- ☐ CM&C monitor the Council to ensure an audit committee is maintained; that meetings have minutes kept that comply with the Act and Regulations and that local authorities are supported consistent with the provisions in the Act.
 - ☐ A number of matters be referred to the Council's audit committee, including:
 - o a probity audit of Barkly Regional Deal projects the Council has been funded to deliver;
 - o undated Five Year Infrastructure Plan Wish Lists that were prepared for each local authority;
 - o underspent local authority funding;
 - o an agreement to gift Council land in Elliott to a private company;
 - Barkly Regional Council – Investigator's report summary
 - o A council member's business being contracted to upgrade the Elliott water park; and
 - o an incomplete youth centre at Ali Curung.
- ☐ The Council engage with the Commonwealth and Northern Territory governments about reporting and acquittal obligations for grant funding, especially Barkly Regional Deal funding.
 - ☐ Better quality meeting agenda papers are provided to Council members.
 - ☐ The Council's meetings are audio visually recorded.
 - ☐ Council members receive mandatory training on their roles and responsibilities, the foundations of good local government governance, and skills in communication, conflict management and dealing with robust discussions.
- ☐ A culture of providing effective, stable and supported administration for elected members is instilled through leadership of the CEO and Mayor, with the aim of revising meeting practices to strengthen contributions by elected members.
 - ☐ The Council members and administration are trained on what matters are confidential business, for which the public can be excluded while they are discussed by the Council.
- ☐ CM&C commission a report that examines best practice models for processes required to enable evaluation of information by the elected members of remote regional councils in the NT.
 - ☐ The Council adopts a media policy to promote its services, operations and future plans.
 - ☐ The local authorities are better supported to have their meetings properly minuted and the minutes included in Council meeting agendas.
- ☐ Council administration should regularly report to Council on the recommendation and progress of local authority projects and local authority project funding expenditure and maintains and up to date action items register for local authority and ward matters.

- ☐ The Council develops a policy for engaging with its local authorities, including consideration of establishing a meeting circuit through remote wards annually.
- ☐ The CEO and senior staff engage in cross-cultural and community development training and certification.
- ☐ Council administration ensure that Council meeting papers report on the appointment, resignation, contract termination or contract expiration of senior staff.
- ☐ The Council should engage in further policy and procedure development for the management of the CEO by the Council.

Next steps - actions to address the findings and implement the recommendations in the Report

Elections for a new Council will be held on 2 November 2024, with the declaration of election results scheduled for 17 November 2024.

The Official Manager will continue to manage the affairs of the council until the new Council is established.

The Official Manager and CEO are responsible for considering the Report in detail, and actioning its findings and recommendations until the new Council is established, at which time that responsibility will transfer to the Council. Barkly Regional Council – Investigator’s report summary

CM&C supports the Minister for Local Government in the administration of the Act and Regulations under the Act. The Council is responsible for ensuring it operates effectively, efficiently, and within the provisions of the Act. CM&C will provide relevant standards, information, resources, guidance and support for it to do so.

☐ The following actions will enable the Council to address the Report’s findings and implement the recommendations:

- ☐ The Council’s Official Manager and CEO will prepare a comprehensive induction for the newly elected Council members, supported by CM&C, including a detailed focus on the background, assessment, findings and recommendations in the Report;
 - ☐ CM&C will provide mandatory training for newly elected members as outlined in the Report, focusing on:
 - o Roles and responsibilities of elected members;
 - o Code of Conduct;
 - o Conflict of interest;
 - o Understanding local government;
 - o Introduction of council finances; and
 - o Council decision making and meeting procedures.
- ☐ CM&C will provide guidance and support to the Council and CEO as needed to enable them to consider and action all findings and recommendations and remedy the deficiencies identified in the Report;
- ☐ CM&C will monitor the Council’s actions on the Report’s findings and recommendations until both CM&C and the Council are satisfied that they have been fully addressed or implemented, and embedded into ongoing practice where relevant. This will include seeking advice from local authorities, Council committees and other relevant parties including funding bodies.
- ☐ CM&C will report every four months to the Local Government Minister on the progress of the Council for the first twelve months following their election.

FINAL INVESTIGATION REPORT BARKLY REGIONAL COUNCIL

Appendix 2:

To the Hon. Chansey Paech, Minister for Local Government



redacted-investigat
ors-report.pdf

if you are unable to open the attachment, the original file may be accessed at:

[Barkly Regional Council Investigation | Department of the Chief Minister and Cabinet](#)

End of Minutes & Attachments