

# Barkly Regional Council – Investigator’s report summary

Summary – Investigator’s report findings and  
recommendations; and the way forward

## 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.

- 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:
  - a probity audit of Barkly Regional Deal projects the Council has been funded to deliver;
  - undated Five Year Infrastructure Plan Wish Lists that were prepared for each local authority;
  - underspent local authority funding;
  - an agreement to gift Council land in Elliott to a private company;

- A council member’s business being contracted to upgrade the Elliott water park; and
- 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.

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:
  - Roles and responsibilities of elected members;
  - Code of Conduct;
  - Conflict of interest;
  - Understanding local government;
  - Introduction of council finances; and
  - 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.