



## Darwin Waterfront Corporation - Submission to PAC Inquiry

### 1. Introduction

The Darwin Waterfront Corporation (DWC) welcomes the opportunity to respond to the Public Accounts Committee concerning a number of unfounded allegations that have arisen recently. DWC notes that we are here due to a referral by the Leader of the Opposition dated 21 May 2025, consisting only of a referral letter quoting online stories, principally from the website 'NT Independent'.

### 2. Executive Summary

DWC operates with best practice governance and financial accountability. Territorians can have complete confidence that there is no basis for any of the allegations that have been made. These have been expanded below in sections 6-10 of this submission.

**(a) *Alleged creation of a made-up part-time job, reportedly unadvertised and resulting in a \$60,000 salary increase via a temporary higher duties allowance***

No job was created or made up. Across two years, two different, pre-existing and publicly reported positions were temporarily filled by Mr Samuel Burke, in compliance with all laws and applicable Northern Territory Government policies and procedures. No \$60,000 per annum higher duties allowance was ever provided. The **combined total of all** higher duties allowances *ever* paid to Mr Burke in any position is \$42,411.07 before tax across two years.

**(b) *The higher duties allowance allegedly continued for up to six years, long after the temporary role ended***

Mr Burke was paid higher duties allowances across two positions for a total of 551 working days, or approximately 2 years. No higher duties have been paid for any period after a temporary role ended. Mr Burke has not received any other higher duties allowances.

**(c) *Claims of funds being moved between the Darwin Waterfront Corporation and the AustralAsia Railway Corporation and their appropriateness***

The cost sharing arrangements between the AustralAsia Railway Corporation and DWC date back to when DWC was established in 2006 and pre-date the appointments of all current DWC Board Members and

staff. Cost sharing is for shared services including staff and office accommodation. This practice is normal, longstanding and appropriate.

**(d) *Signing of a new four-year executive contract that was not advertised, not subject to the required job evaluation system review and signed six months before the previous one expired***

Mr Burke's existing 4-year executive contract was properly renewed in accordance with all laws and applicable Northern Territory Government policies and procedures. The renewal process was the same as for all Northern Territory Government Executive Contract holders. No advertising was required. No job evaluation system review was required. The existing executive contract, as with all Northern Territory Government Executive Contracts, required a renewal process *at least* 6 months prior to expiry.

**(e) *Any other information relevant to the above***

All of the above originates in unsubstantiated material on the NT Independent website. The Leader of the Opposition was offered a briefing on these matters prior to the allegations being repeated in Parliament. DWC is disappointed this offer was not taken up, particularly given the decision to name Mr Burke in Parliament, and other DWC board members and staff in material tabled in Parliament.

These allegations and the decision to name individuals in Parliament have had a profound impact, both reputationally and personally, on the DWC Board and our staff.

## **BACKGROUND**

### **3. Darwin Waterfront Corporation**

Established by section 5 of the *Darwin Waterfront Corporation Act* (Act) in 2006, the Darwin Waterfront Corporation was created to achieve the following objectives:

- (a) to develop, manage and service the Precinct for the benefit of the community; and
- (b) to promote the Precinct as a place of residence and business and a venue for public events and entertainment.

Section 6 of the Act requires the DWC to consist of at least 3, but no more than 7 Board Members appointed by the Minister. One of these Members is to be appointed by the Minister as Chair and another is appointed by the Minister, recommended by the Board, as the Chief Executive Officer (CEO). The DWC Board currently has 7 Board Members including the Chair and CEO.

The CEO is a part time executive role as well as a Board position under the Act. The operational head of the DWC is the Deputy Chief Executive Officer (DCEO), who is not a Board Member. The DCEO is a ‘staff member’ under section 23(1)(b) of the Act.

The DWC’s vision is that the Darwin Waterfront Precinct is a premier destination of choice where people want to visit, live, learn, work and play.

The 2023/24 published annual report<sup>1</sup> estimates that the Darwin Waterfront Precinct welcomed more than 1 million visitors during the year and hosted 178 events attracting 110,000 patrons.

In addition to managing the precinct, Stokes Hill Wharf, State Square Carpark and performing local government functions for the precinct, the DWC manages the contractual arrangements for the Darwin Convention and Exhibition Centre on behalf of the NTG. Because of this, most of the operational grant funding received by the DWC from the NTG is for payments that the NTG is contractually bound to make to the concession holder<sup>2</sup> under the Public Private Partnership established in 2005. These concession arrangements are explained on pages 44 and 45 of the 2023/24 DWC annual report.

In 2023/24, a total of \$16.15M was paid by the DWC to the concession holder on behalf of the NTG, which represents around 91% of the operational grant funding provided to the DWC.

The DWC does not act as body corporate for any of the apartment blocks or commercial premises within the precinct and has no decision-making role in the expenditure of those body corporate’s monies.

The DWC’s annual financial statements are independently audited by the Auditor-General, and DWC has only ever received unqualified audit results reflecting strong financial integrity and governance. These audit results can be found at the back of every DWC Annual Report. The scope of the annual independent audit also allows the Auditor General to review the policies and guidelines of DWC.

In 2023/24, the DWC also commenced a program of internal audits, designed to further review and strengthen existing governance arrangements.

The DWC’s audited financial statements record a deficit, this is due to depreciation and amortisation on the significant asset portfolio owned by the DWC. On a cash basis, the DWC ordinarily spends less than the grant payments and other revenue received and carries a healthy cash balance contingency.

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<sup>1</sup> [irp.cdn-website.com/722ff85c/files/uploaded/DWC\\_Annual\\_Report\\_23\\_-\\_24\\_PAGES.pdf](http://irp.cdn-website.com/722ff85c/files/uploaded/DWC_Annual_Report_23_-_24_PAGES.pdf)

<sup>2</sup> Darwin Cove Consortium Pty Ltd is the concession holder and holds the Concession Deed for the Darwin Convention and Exhibition Centre. The Concession Deed requires payments to the concession holder to cover the financing and operations of the Darwin Convention and Exhibition Centre.

Section 23 of the Act provides that staff of the DWC may be public sector employees seconded to the DWC or employed directly by the DWC on terms and conditions decided by DWC. Currently, all but one staff member is employed by the DWC directly, under terms and conditions modelled on the general NTPS terms and conditions. Although the Corporation is not required to adopt NTPS recruitment and employment requirements, in practice they are largely adopted.

The DWC workplace is dynamic and engaging, our workforce is committed, creative and passionate about the Waterfront. We proudly boast strong staff morale and high staff and stakeholder satisfaction.

A number of DWC Board members are graduates of the AICD company director's course, and the board has a strong focus on governance.

#### **4. Management of Conflicts of Interests**

The DWC Board has robust processes to manage actual and perceived conflicts of interest. A standing disclosures register is maintained and reviewed regularly, and each meeting includes a prompt for members to declare any agenda-related conflicts. Copies of all DWC Board minutes and declared conflicts of interest are provided to the Auditor-General annually as part of the audit process. Where a conflict is disclosed, the Board determines appropriate management actions, including exclusion from papers, discussions, and decisions. These management actions are recorded in Board minutes through the secure online Diligent board platform.

The Board applies the 'NTG Boards Handbook for Board Members', dated March 2023 and has its own Board Charter which reflects best practice and is regularly reviewed. Additionally, the Board has regard to the principles of the NTPS Code of Conduct<sup>3</sup> and those contained in the AICD Director's Handbook<sup>4</sup>, and ASX Corporate Governance Principles<sup>5</sup>.

The test applied by the Board in determining whether a perceived conflict exists is whether a fair-minded observer, properly informed, would reasonably conclude that a Board member could not bring objective judgment to a matter.

#### **5. CEO and DCEO**

Given that items a), b) and d) of the Terms of Reference (ToR) each relate to the employment of the DCEO, Mr Samuel Burke, and the Leader of the Opposition (based on NT Independent reporting) has made adverse inferences concerning the

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<sup>3</sup> [Code of Conduct for the Northern Territory Public Sector](#)

<sup>4</sup> Professor Pamela Hanrahan, *Directors' Legal Responsibilities – A Handbook for Australian Boards*, Sydney, 2022

<sup>5</sup> [Corporate governance principles and recommendations](#)

relationship between the DCEO and the CEO, Mr Alastair Shields, the DWC makes the following statement concerning that relationship:

*The CEO and DCEO have an exclusively professional working relationship. The CEO and DCEO have never socialised together outside of work contexts. They do not pursue common interests together outside of work, such as sport or hobbies.*

There is therefore no actual or perceived conflict of interest in the CEO making decisions in respect of the DCEO's employment.

## **SUBMISSIONS ON THE TERMS OF REFERENCE**

### **6. ToR a) – Alleged creation of a made-up part-time job, reportedly unadvertised and resulting in a \$60,000 salary increase via a temporary higher duties allowance**

This allegation concerns the temporary appointment of the DCEO to position number 37269, Executive Director Major Projects, Strategic Infrastructure and Projects within the then Department of Trade, Business and Innovation (DBTI) via two periods of higher duties between 19 February 2018 and 31 December 2018.

To enable a full response to this allegation, the DWC has obtained a letter from the Deputy CEO of the Department of Mining and Energy, who was the General Manager Strategic Infrastructure and Projects at DBTI at the time of the temporary appointment.

The letter explains how the DCEO of DWC was identified for the role and approached to ascertain his interest, and the subsequent discussions between the CEO's of DWC and DBTI. Those discussions led to an agreement that the DCEO would split his time between DBTI (0.6 Full Time Equivalent (FTE)) and DWC (0.4 FTE), and that the DCEO would continue to be paid his salary and higher duties allowance at the EC02 level by DWC, with a reimbursement to DWC by DBTI. This arrangement was noted by the DWC Board.

Also explained in the letter is that it is not uncommon for hard to fill positions to be filled on a time limited basis in this way.

It is also clear from the letter that the position was established in 2015, and that it had been formally assessed under an authorised evaluation process at the EC02 level.

The letter dated 30 May 2025 from the DCEO of the Department of Mines and Energy is **Attachment A** to this submission.

Because each of the two periods of higher duties did not exceed 6 months, they were not required by NTPS guidelines to be advertised.

The total quantum of higher duties allowance paid to the DCEO of DWC while he worked at DBTI is \$17,113.32 before tax.

The allegation that the position was a “made up” job is entirely without merit, there was no requirement under NTPS guidelines for the role to be advertised, and the total amount of higher duties allowance paid while the DCEO performed the role was \$17,113.32 before tax.

There is no substance to this allegation.

**7. ToR b) – *The higher duties allowance allegedly continued for up to six years, long after the temporary role ended***

As explained in section 6 above, the DWC DCEO performed 2 consecutive periods of around six months of higher duties in a shared arrangement with the DTBI.

At the conclusion of those periods the DCEO returned to the DWC as the temporary role at DTBI (and the Higher Duties allowance attached to it) ended.

The DCEO subsequently assumed additional responsibilities with the AustralAsia Railway Corporation (AARC). The role of the DWC DCEO with AARC and his later appointment as CEO of AARC are explained in more detail in the submission by AARC to this Inquiry. These duties were formally noted by the DWC Board at Board Meeting 62 on 5 February 2019.

Following AARC Board approval in late 2018 to delegate the functions of the AARC CEO to the DCEO of DWC, a new period of higher duties commenced for the period 1 January 2019 to 28 June 2019. This was followed by further periods of higher duties as detailed below:

- 29 June 2019 – 30 September 2019
- 1 October 2019 – 31 March 2020
- 1 April 2020 -5 April 2020

Because none of the periods of higher duties exceeded 6 months, they were not required by NTPS guidelines to be advertised.

In early 2020, the AARC Board formally recommended the permanent appointment of the DWC DCEO as CEO of AARC following the resignation of the previous incumbent. This resulted in a new ECO2 level contract for the DWC DCEO - the exact same level as the higher duties allowance.

The DWC Board was formally briefed on the appointment of the DCEO as the CEO of AARC and the funding split at Board Meeting 69 on 28 April 2020.

The total period of higher duties for the DCEO, in two separate roles in different organisations is 551 working days, or slightly in excess of 2 years. The total amount of higher duties allowance paid to the DCEO has been independently calculated by the Department of Corporate and Digital Development (DCDD) as \$42,411.07 before tax over two years. **Attachment B** contains the extract of the DWC DCEO's employment records kept by DCDD, together with the calculation of the total amount of higher duties allowance paid to him.

Independent personnel records clearly show the allegations of "up to 6 years" of higher duties, and/or higher duties continuing after temporary roles ended, are false.

There is no substance to this allegation.

**8. ToR c) - *Claims of funds being moved between the Darwin Waterfront Corporation and the AustralAsia Railway Corporation and their appropriateness***

The cost sharing arrangements between AARC and the DWC date back to when DWC was established in 2006 and predate the appointments of all current DWC Board members and staff.

Cost sharing arrangements across NTG are common and are designed for operational efficiencies and cost reductions. These arrangements often provide that one entity or agency agrees to meet certain costs, and there is a journal or ledger transfer between the parties to the cost sharing arrangements to allocate the costs appropriately.

All financial transactions for both DWC and AARC are included in the financial records for each entity, and the annual financial statements of both entities are independently audited each year. There have been no audit qualifications or concerns raised about the cost sharing between DWC and AARC.

The DWC's Financial Controller advises that in 2023/24, 43% of the DCEO's, 30% of the DWC Financial Controller's, and 10% of other finance staff members' budgeted salary and other entitlements were allocated to AARC via ledger funds transfer. In addition, general expenses were cross-charged based on actual amounts or a percentage of use based on budgeted expenditure approved by the AARC Board.

The wages cross charged to AARC as a percentage of the total DWC employee wages is less than 13%, and general expenses cross charged to AARC as a percentage of total DWC administrative expenses is less than 0.5% in the 2023/24 Financial Year.

The arrangements described above are appropriate and in line with the historical allocations and division of responsibilities between DWC and AARC.

**9. ToR d) - *Signing of a new four-year executive contract that was not advertised, not subject to the required job evaluation system review and signed six months before the previous one expired***

This allegation refers to the renewal of the DWC DCEO's contract in 2023. The DCEO's previous contract was at the ECO2 level and commenced on 6 April 2020 and was due to expire on 5 April 2024.

The DWC DCEO's expiring contract contained the following provision (this provision is identical to the NTPS ECO contract):

*“Except as otherwise provided in this Contract and insofar as the provisions are relevant to the Employee's entitlements, allowances, remuneration, probation and termination...the terms and conditions of employment are the same as those for the Northern Territory public sector employees under:*

...

*b) Determination No 5 of 2019 of the Office of the Commissioner for Public Employment...”*

Determination No 5 of 2019<sup>6</sup> relevantly states in relation to contract renewal:

*“O. Re-appointment*

*127. At least six (6) months prior to the expiration of a Contract the Employer and an Executive Contract Officer will discuss whether an Executive Contract Officer will be re-appointed for a further period and, if so, on what terms.*

*128. The Employer will advise the Executive Contract Officer in writing of his/her decision on reappointment **no later than three (3) months prior** to the expiry of a Contract.” (Emphasis Added)*

On 2 November 2023, the Acting Executive Officer to the Chief Executive, Department of the Chief Minister and Cabinet, sent an email to the DWC CEO requesting that the DWC CEO have the contract renewal discussion with the DWC DCEO, as required by the contract terms outlined above.

The DWC CEO met with the DWC DCEO on 3 November 2023, and offered the DWC DCEO a new contract, at his existing level and salary, to commence from expiry of

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<sup>6</sup> [5/2019 Executive Contract Employment – Terms and Conditions](#)

his current contract. That contract was duly executed and commenced from 6 April 2024 and is due to expire on 5 April 2028.

The DWC CEO determined in accordance with NTPS policy that because the DWC DCEO was highly proficient in the role, and the new contract was at the existing level and salary, a Job Evaluation System Review and advertising for the role were not required.

The renewal of the DCEO's contract was therefore in accordance with standard practices and complied with NTPS requirements and the terms of the existing contract.

There is no substance to this allegation.

#### **10. ToR e) - Any other information relevant to the above**

The DWC has provided additional information in this submission that is relevant to the terms of reference currently under consideration by the Public Accounts Committee. DWC will willingly answer any further requests for information, either as part of the process for this Inquiry or through the upcoming Estimates process.

#### **NT Independent Allegations**

The DWC acknowledges that the referral by the Leader of the Opposition of this Inquiry originated from allegations made by Christopher Walsh on the NT Independent website.

The DWC has formally referred concerns to NT Police and ICAC regarding the improper retention and disclosure of select internal documents by a former employee of DWC. The DWC notes specifically that NT Independent website appears to selectively use these documents to construct misleading narratives that are unsupported by facts.

Several additional allegations made by the NT Independent website – beyond those central to this Inquiry – are also demonstrably incorrect and readily disproven by publicly accessible sources, including the Act, annual reports, and online Northern Territory Government records. Examples of allegations made that are readily disproven in this way include:

- **Creation of a “made-up” job:**

NT Independent incorrectly and repeatedly asserted that an acting role performed by the DWC DCEO in an NT Government Department was a “made-up” job and claimed there was “no record” of the role in annual reports of the Department of Trade, Business and Innovation.

**Fact:** Page 6 of the 2017/18 annual report of the Department of Trade, Business and Innovation<sup>7</sup> explicitly references the role, along with the functions of the role, and names the current DWC DCEO as the position holder.

- **DWC CEO’s Board Membership:**

NT Independent claimed that the DWC CEO’s membership on the DWC Board raises “serious governance issues”, stating CEOs typically advise boards rather than serve on them.

**Fact:** Sections 6 and 9 of the Act<sup>8</sup> explicitly require the DWC CEO to sit on the DWC Board, a practice consistent with standard governance practices in statutory corporations and company boards more broadly. This governance structure is clearly documented in DWC annual reports<sup>9</sup> and aligns fully with accepted governance principles.

- **Higher Duties Allowance (DWC DCEO):**

NT Independent alleged a “conservative estimate” of approximately \$400,000 paid in higher duties allowance to the DWC DCEO over six years.

**Fact:** There was no basis in fact for this claim. Publicly available salary scales<sup>10</sup> clearly demonstrate this figure could never be true. Even if continuous higher duties did occur over a 6 year period (which they did not), this would amount to roughly half of the stated estimate. Actually, as shown in this submission, higher duties allowances only totalled \$42,411.07 before tax (nearly 10x less than repeatedly alleged), only occurred for 2 years and were compliant with NT Government policy.

- **Ministerial Responsibility:**

NT Independent incorrectly asserted that DWC has “always been under the responsibility of the Chief Minister since the early 2000s.”

**Fact:** The DWC was established in 2006, not the early 2000s. Ministerial responsibility has rotated among several ministers (such as Tourism and Infrastructure), as explicitly documented in historical Administrative Arrangement Orders<sup>11</sup> and DWC annual reports.

Christopher Walsh and the NT Independent have repeatedly sent DWC misleading or inaccurate questions framed to reinforce predetermined narratives. When responses from DWC are provided, these are frequently ignored, selectively quoted, or presented within a predetermined and negatively skewed context. This consistent pattern of misrepresentation, along with incessant contact, has led

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<sup>7</sup> [Territory Stories - Department of Trade, Business and Innovation annual reports 2017-18](#)

<sup>8</sup> [Northern Territory Legislation](#)

<sup>9</sup> [Darwin Waterfront Corporation | Forms, policy & publications](#)

<sup>10</sup> [Executive contract officers - NTPS rates of pay | Office of the Commissioner for Public Employment](#)

<sup>11</sup> [Northern Territory Legislation](#)

DWC to cease responding to NT Independent requests. NT Independent portrays these non-responses inaccurately, using language such as “refused to respond,” “gone to ground,” or characterising standard administrative or ministerial briefings as “secret briefings”, thereby falsely implying concealment or wrongdoing by DWC.

There are other allegations contained in website material attached to the 21 May 2025 letter from the Leader of the Opposition, which was tabled in the Legislative Assembly on that date (paper number 289).

Given that these other allegations from Christopher Walsh and the NT Independent are beyond the scope of the Terms of Reference of this Inquiry, and a number of them can be refuted by reference to easily available information (as noted above), the DWC does not intend to utilise additional public resources to provide detailed responses to each of them, other than to confirm that:

- One allegation, which is said to be based upon a “secret memo” from the DWC CEO to the then Chief Minister, is based upon a draft which was never finalised or sent;
- Consistent with the NTPS Code of Conduct, DWC Board members and staff are required to ensure that the interests of friends do not influence or interfere, or are perceived to influence or interfere, with the performance of their duties and responsibilities, and to properly disclose any perceived, potential or actual conflict as soon as practicable. The Board considers that the test for determining whether a friendship could give rise to a conflict of interest is whether, if the relationship is properly explained to a fair minded observer, the fair minded observer would reasonably conclude that the decision maker could be perceived as not being able to make an objective decision on the matter for which a decision is required to be made.
- On one occasion involving the temporary employment of a family member of a Board Member, following an unsuccessful open recruitment process, the Board developed a specific strategy to deal with the conflict. This strategy was developed with reference to a number of sources, including the NTPS Code of Conduct, AICD Director’s Handbook, and ASX Corporate Governance Principles.
- DWC and AARC have had common Chairs, CEOs and Board members a number of times since 2006.

- The DWC DCEO was previously titled “General Manager”. There were no changes to the salary or entitlements when this title was changed and approved by the DWC Board in May 2023.
- The DWC CEO had no role in the 2024 decision of the then-Chief Minister Eva Lawler MLA to align DWC CEO remuneration to NTPS ECO contract changes over time. Prior to this change, the DWC CEOs remuneration had been unchanged since 2018.
- Minister Boothby has not approved a “pay rise” for anyone at DWC.
- Publicly published ECO contract rates of pay<sup>12</sup> include superannuation and other entitlements. No ECO employee, or any DWC Board or staff member receives “other bonuses”.
- The DWC DCEO role has never been “assessed as a two-days-a-week job”.
- Remuneration for DWC Board Members and Chair are set under section 10(1) of the *Assembly Members and Statutory Officers (Remuneration and Other Entitlements) Act 2006*<sup>13</sup>.
- The DWC Board has never operated with less than 5 DWC Board Members appointed by the Minister.
- Only one DWC Board member has been selected through an “open, publicly advertised process”. DWC Board Members can only be appointed by the Minister. “Senior Government Officials” do not, and never have, appointed DWC Board Members.
- DWC is not “losing money” – as was covered in Background section 3, the DWC’s audited financial statements record a deficit, this is due to depreciation and amortisation on the significant asset portfolio owned by the DWC. On a cash basis, the DWC ordinarily spends less than the grant payments and other revenue received and carries a healthy cash balance contingency.

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<sup>12</sup> [Executive contract officers - NTPS rates of pay | Office of the Commissioner for Public Employment](#)

<sup>13</sup> [Northern Territory Government statutory bodies classified for remuneration purposes](#)

## CONCLUSION

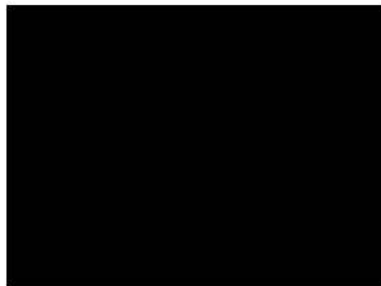
This submission provides detailed evidence disproving the allegations central to this Inquiry.

DWC's conduct was and continues to be demonstrably compliant with statutory obligations, sound governance principles, and contractual documentation, verified by independent documentation including personnel records and contracts, and supported by independent audits.

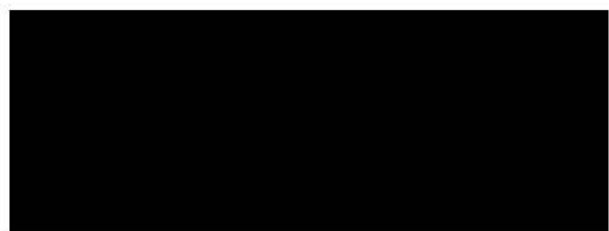
Christopher Walsh and the NT Independent have demonstrated a persistent lack of rigour and due diligence prior to presenting allegations online. It is therefore disappointing that these allegations have now been repeated in Parliament, without independent verification, leading to this Inquiry.

The DWC appreciates the opportunity set the record straight, whilst noting that these allegations, along with their repetition in Parliament, have caused (and continue to cause) distress for DWC Board members, staff and their families.

This submission is made on behalf of, and with the approval of, the Darwin Waterfront Corporation Board.



PATRICK BELLOT  
CHAIR  
DARWIN WATERFRONT CORPORATION  
2 June 2025



ALASTAIR SHIELDS  
CEO  
DARWIN WATERFRONT CORPORATION  
2 June 2025

### Attachments:

- A. Letter from Mrs Anne Tan dated 30 May 2025
- B. Extract from the Department of Corporate and Digital Development – Summary of Employment Arrangements – Mr Samuel Burke dated 2 June 2025



Department of  
**MINING AND ENERGY**

**Deputy Chief Executive Officer**  
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File reference  
<TRM No.>

30 May 2025

Mr Alastair Shields  
Chief Executive Officer  
Darwin Waterfront Corporation  
GPO Box 1449  
DARWIN NT 0801

via email: [alastair.shields@nt.gov.au](mailto:alastair.shields@nt.gov.au)

**Re: Parliamentary Committee inquiry into the Darwin Waterfront Corporation**

Dear Mr Shields

Further to correspondence received from the Northern Territory Public Accounts Committee of 27 May 2025, you have requested that I provide advice related to the first term of reference, being the alleged creation of a made-up part-time job.

Below please see my response.

- Mr Samuel Burke acted in Position Number 37269, Executive Director Major Projects, Strategic Infrastructure and Projects, which was part of then Department of Trade, Business and Innovation (DTBI), on a 0.6 FTE basis from 19 February 2018 to 31 December 2018. The position had been vacant since 1 July 2017.
- I approached Mr Burke directly to offer the opportunity to undertake the acting Executive Director role for a period of six months. The offer was made in late 2017.
  - I was a member of the Darwin Waterfront Corporation (DWC) Board at the time and became familiar with Mr Burke, his experience and expertise through this role.
  - It was my view that Mr Burke could successfully perform the duties of the position and time-limited higher duties would enable this to be tested.
  - This is not an uncommon arrangement for hard-to-fill positions which provides an opportunity for both parties to assess capability, interest and fit.
- At the time, I held the position General Manager Strategic Infrastructure and Projects in DTBI. The Executive Director Major Projects position reported directly to me.
  - The DTBI Chief Executive Office (CEO) was Mr Michael Tennant and he was my immediate supervisor.

- The Executive Director Major Projects position was part of the Strategic Infrastructure and Projects business unit transferred from the then Department of the Chief Minister (DCM) to DTBI as part of machinery of government changes following the 2016 Northern Territory elections.
  - When in DCM, the Strategic Infrastructure and Projects business unit had been referred to as the Office of the Coordinator General.
- The Executive Director Major Projects position was established in August 2015 at an ECO2 level. It was formally assessed through an authorised evaluation process undertaken by Mercer.
- Through negotiations at the time between the DWC and DTBI CEOs, it was ultimately agreed that Mr Burke would split his time between the DWC (0.4 FTE) and DTBI (0.6 FTE).
- At the time, it was also agreed that the most efficient approach to give effect to this temporary arrangement was for the DWC to continue to be Mr Burke's employer of record, with DTBI reimbursing Mr Burke's pro-rated salary at the ECO2 level.
  - This arrangement was approved by the DWC CEO and Board, the DTBI CEO and, I am advised, also by the then Chief Minister, the Hon Michael Gunner.
- In June 2018, at the conclusion of Mr Burke's six-month higher duties period, a new period for a maximum period of 6 months, unless permanently filled prior to this, was approved by relevant CEOs. Mr Burke concluded his employment with DTBI on 31 December 2018.
- The role was advertised in October 2018 and Mr Burke did not apply for the role. The position was not subsequently filled until February 2019.

Please let me know if more information is required.

Yours sincerely



Anne Tan PSM  
Deputy Chief Executive Officer

## Summary of Employment Arrangements

Darwin Waterfront Corporation - AGS: 826 00826 BURKE, Samuel Joseph

Employment Type	Classn	Date From	Date To
Executive Contract (New)	ECO1	01 Feb 2016	31 Jan 2020
Higher Duties Allowance	ECO2	19 Feb 2018	30 Jun 2018
Higher Duties Allowance	ECO2	01 Jul 2018	31 Dec 2018
Higher Duties Allowance	ECO2	01 Jan 2019	28 Jun 2019
Higher Duties Allowance	ECO2	29 Jun 2019	30 Sep 2019
Higher Duties Allowance	ECO2	01 Oct 2019	31 Mar 2020
Higher Duties Allowance*	ECO2	01 Apr 2020	30 Apr 2020
Executive Contract (Renewal)	ECO1	01 Feb 2020	31 Jan 2024
Executive Contract (New)	ECO2	06 Apr 2020	05 Apr 2024
Executive Contract (Renewal)	ECO2	06 Apr 2024	05 Apr 2028

\* A HDA application was approved for 1-30 April 2020 however HDA was only paid during the period 1-5 April 2020 as the remaining period of HDA was superseded by the new contract issued on 6 April 2020.

DCDD Payroll Services confirmation of Higher Duties Payments made to AGS: 826 00826  
BURKE, Samuel Joseph

Financial Year	HDA	Days
2017/18	\$6,971.28	95
2018/19	\$19,919.93	260
2019/20	\$15,519.86	196
2020/21	Nil	
2021/22	Nil	
2022/23	Nil	
2023/24	Nil	
2024/25	Nil	

2 June 2025