

ORDINARY COUNCIL MEETING 20th September 2021



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 4:30PM.

Cathy Winsley - CEO

AGENDA

ORDINARY COUNCIL MEETING

20th SEPTEMBER 2021

Table of Contents

1	OPEN MEETING	2
2	SWEARING IN OF COUNCILLORS	2
3	APPOINTMENT OF PRINCIPAL MEMBER, DEPUTY AND NAMING CONVENTION	2
4	PRINCIPAL MEMBER TO HAVE THE CASTING VOTE	4
5	COUNCIL MEETING SCHEDULE	5
6	APPOINTMENT TO COUNCIL COMMITTEES	7
7	CONFIRMATION OF PREVIOUS MINUTES.....	9
8	CEO REPORTS.....	10
8.1	Incoming and Outgoing Correspondence	10
8.2	Report from the CEO	11
9	FINANCIAL REPORTS.....	11
9.1	Monthly Financial Report.....	11
10	QUESTIONS BY MEMBERS	13
11	GENERAL BUSINESS	13
12	CONFIDENTIAL ITEMS.....	13
13	NEXT COUNCIL MEETING	13

1 OPEN MEETING

The meeting will be declared open at 4:30PM.

2 SWEARING IN OF COUNCILLORS

The CEO will welcome the new Councillors and the Councillors will be asked to undertake the oath of office.

3 APPOINTMENT OF PRINCIPAL MEMBER, DEPUTY AND NAMING CONVENTION

Report Number	3.1.9.21
Author	Cathy Winsley - CEO
Attachments	Nil

Summary

Council is being asked to decide what they would like to call their Principal Member (called either a President or Mayor) and appoint Principal Member and Deputy Principal Member for the Council.

Background

Not applicable.

Comment

Section 58(3) allows the Council to determine what they would like to call their Principal Member. The Principal Member can be called "President" or "Mayor".

Section 60 of the *Local Government Act* requires the Council to appoint a Principal Member and allows the Council to elect a Deputy Principal Member. The role of the Principal Member is to:

- to chair meetings of the council;
- to speak on behalf of the council as the council's principal representative;
- to liaise with the CEO about the performance of the council's and CEO's functions;
- to promote behaviour among the members of the council that meets the standards set out in the code of conduct;
- to lead the council to undertake regular review of the performance of the CEO.

The role of the Deputy Principal Member is to carry out these functions of the Principal Member if he or she:

- Delegates the functions;
- Is absent from official duties, or
- Is on leave.

Section 61 of the Act outlines the process by which the Principal Member and Deputy Principal Member are elected. It is recommended (but not necessary) for this process to be undertaken by secret ballot. Section 95(7) of the Act requires the Council to decide unanimously (that is all Councillors must be in favour) to take the vote by secret ballot otherwise a vote by show of hands will be utilised.

As per Section 47 of the Act, a person ceases to hold office as a member of a Council if the person is absent, without permission of the council in accordance with the regulations, from 2 consecutive ordinary meetings of the Council.

The Principal Member is elected for the term of the Council. The Council has previously elected the Deputy Principal Member for the term of the Council; however, this can be determined by the Council.

Statutory and Policy Environment

- *Local Government Act 2019*

Financial Implications

All allowances are already included within the existing budget.

In accordance with the Council Resolution <12.1.4.19> the Councillor, Principal Member and Deputy Principal Member allowances are set at:

	Principal Member	Deputy Principal Member	Ordinary Member
Base Allowance	\$25,039.28	\$9,259.53	\$4,503.32
Electoral Allowance	Nil	Nil	NIL
Max Extra Meeting Allowance	Not applicable	Not applicable	\$3,003.01
Total Claimable	\$25,039.28	\$9,259.53	\$7,506.33

These allowances can not be changed.

Recommendation

- 1. That the Council determines that the Principal Member of Belyuen Community Government Council will be called "President"***
- 2. That Council unanimously agrees to election of the President by secret ballot***
- 3. That Council appoints Cr _____ as the President.***
- 4. That Council appoints Cr _____ as Deputy President for the term of the Council.***

Moved:

Seconded:

4 PRINCIPAL MEMBER TO HAVE THE CASTING VOTE

Report Number	4.1.9.21
Author	Cathy Winsley - CEO
Attachments	NIL

Summary

Council is asked whether the Principal Member will have the casting vote.

Background

Resolutions are passed by Council (decisions made) by voting. Each member has a single vote and must, under the Act, exercise one vote on a question arising for decision at the meeting. In the event where there is equal number of councillors supporting the decision as not supporting the decision, the Council may determine that the Principal Member has a second or casting vote.

This decision can only be made once at the first meeting of Council.

Comment

Previous Councils have determined that the Principal Member has the casting vote.

Statutory Environment

- *Local Government Act 2019 Section 95*

Policy Implications

Nil

Financial Implications

NIL

Recommendation

That Council determines that the Principal Member has the casting vote.

Moved:

Seconded:

5 COUNCIL MEETING SCHEDULE

Report Number	5.1.9.21
Author	Cathy Winsley - CEO
Attachments	2021 and 2022 Calendars

Summary

Council is asked to establish a schedule for Council meetings.

Background

Section 90(3)(b) of the Act requires Council to conduct a meeting of its members (an ordinary meeting) at least once in each successive period of 2 months. Council can choose to meet more often. If a council does not hold a meeting in a particular month, the financial report is to be laid before the council committee performing the council's financial functions for the particular month.

Over the past 24 months the Council has met monthly on the fourth Monday of the month. The Council has also appointed a Finance Committee, however, this meeting has not been required to meet.

Based on the existing pattern of Council meetings (fourth Monday of every month), Council meetings for the next 6 months will be:

- 25 October 2021
- 22 November 2021
- 20 December 2021 (early due to Christmas Public Holiday)
- 31 January 2022
- 28 February 2022
- TUESDAY 26 April 2022 (moved to Tuesday due to Easter Public Holiday)

Comment

NIL

Statutory Environment

- *Local Government Act 2019* Section 90
- *Local Government (General) Regulations 2021* Section 17

Policy Implications

Nil

Financial Implications

Nil – no extra meeting allowances are payable.

Recommendation

That Council establishes the Council Meeting Schedule to be every fourth Monday of the month at 5:00PM.

Moved:

Seconded:

2021 Calendar

Belyuen Community Government Council Calendar

WinCalendar July 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

WinCalendar August 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

WinCalendar September 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

WinCalendar October 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

WinCalendar November 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

WinCalendar December 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Council Meeting days
- Public Holidays
- Councillor Allowance Payments

2022 Calendar

Belyuen Community Government Council

WinCalendar January 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

WinCalendar February 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

WinCalendar March 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

WinCalendar April 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

WinCalendar May 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

WinCalendar June 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

WinCalendar July 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

WinCalendar August 2022						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

WinCalendar September 2022						
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18	19	20	21	22	23	24
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WinCalendar October 2022						
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13	14	15	16	17	18	19
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4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Council Meeting days
- Public Holidays
- Councillor Allowance Payments

6 APPOINTMENT TO COUNCIL COMMITTEES

Report Number	6.1.9.21
Author	Cathy Winsley - CEO
Attachments	Audit TOR

Summary

Council is being asked to appoint members to Council committees. The Principal Member and Deputy Principal Member are not eligible for extra meeting allowances.

Comments

Finance Committee

The Finance Committee assists the Council to oversee the allocation of the local government's finances and resources. It operates as an executive committee under Section 83 of Act. Specifically it undertakes the financial management roles of Council in the months that the Council does not meet. The Finance Committee meets when a Council meeting is not scheduled for the month. The Finance Committee:

- Ensures the annual budget is aligned with the Business Plan.
- Monitors and reports on financial performance against the annual budget and the Business Plan.
- Formulates strategies to improve the Council's financial position.
- Makes executive financial decisions on behalf of Council when the matter cannot be held over until the next ordinary Council meeting.
- Undertakes any activities formally delegated to it under the Council delegations.

Audit Committee

The Audit Committee is established as an advisory committee to the Council under Section 83 of the Act (that is it can't make decisions on behalf of the Council). The Committee provides independent assurance and assistance to the Council and the Chief Executive Officer on:

- The Council's risk, control and compliance frameworks;
- The Council's external accountability responsibilities as prescribed in the Local Government Act and Accounting Regulations.

The Audit and Risk Committee comprises of at least three people; one of which is an independent chair. The Audit Committee Terms of Reference are attached for reference.

Statutory Environment

- *Local Government Act 2019* Section 90
- *Local Government (General) Regulations* Section 19 – Council committee to carry out financial functions
- *Local Government Act* Section 86(1) – Audit Committee

Policy Implications

Not applicable

Financial Implications

Not applicable.

Recommendation

That the Council appoints the following members to the Finance Committee:

a) Cr _____

b) Cr _____

c) Cr _____

That the Council appoints the following members to the Audit Committee:

a) Cr _____

b) Cr _____

Moved:

Seconded:

Audit Committee TOR

Type	Terms of Reference	Version	1.0
Approval Date	2 November 2020	Resolution	8.1.11.20
Review Date	Within 12 months of new Council	Doc ID	NA

Establishment

The Audit Committee (the Committee) is established as an advisory committee to the Council in accordance with the Section 86 of the *Local Government Act 2019*.

Objective

The Committee is to provide independent assurance and assistance to the Belyuen Community Government Council (the Council) and the Chief Executive Officer (CEO) on:

- The Council's risk, control and compliance frameworks
- The Council's external accountability responsibilities as prescribed in the Local Government Act and Accounting Regulations

Key Responsibilities

The audit committee has no authority to act independently of council. The audit committee is responsible for acting as an advisory body to council. It will:

- monitor the effectiveness of the audit function and the implementation of audit recommendations
- monitor the effectiveness of the risk management function
- provide an independent line of reporting by the auditor to council
- review compliance with legislative requirements, contracts, standards and best practice guidelines
- review and, if appropriate, recommending council approve the financial statements (in conjunction with the Auditor's report)
- monitor changes in accounting and reporting requirements, and
- review policies relating to conflicts of interest, misconduct and fraud.

Membership

The audit committee will comprise of a minimum of three (3) members. The members of an audit committee may consist of, or include, persons who are not members of the council (independent members). The chairperson will be an independent member.

The members of the audit committee are appointed by the council.

Any independent member must not be a member of council or a member of the council's staff and will be appointed by the council.

SELECTION PROCESS

In selecting independent members, Council shall give due consideration to:

- level of understanding of local government and the council's operations and the environment in which it operates
- level of knowledge and practical exposure on governance and financial management practices
- capacity to dedicate adequate time on the committee
- depth of knowledge of regulatory and legislative requirements,
- and . ability to maintain professional relationships particularly with council members, staff and other stakeholders.

Council may at its discretion ask potential persons to make a short presentation to Council as part of the selection process.

OTHER ATTENDEES

Other persons may attend meetings of the Audit Committee, by invitation. Persons who may usually be invited are:

- Chief Executive Officer
- Financial Officer
- External financial service provider (if applicable)
- External audit provider.

These persons may take part in the business of and discussions at the meeting but have no voting rights.

Term of Membership

All audit committee members are appointed for a three-year period. Audit committee members who are members of council cease being a member of the committee if they are no longer a councillor of the council.

Independent members (including the chairperson) can be terminated by the council subject to the appointment agreement.

Reporting

The Committee will regularly report on its operation and activities, including:

- A summary of the key issues arising from each meeting of the committee.
- Annually, an overall assessment of the Council's risk, control and compliance framework, together with a summary of the work the committee performed in conducting its responsibilities during the preceding year.

The committee will make recommendations and report directly to Council.

Meetings

The Committee will meet at least two times per year. Meetings of the Audit Committee will be held in private in accordance with Section 99 of the *Local Government Act 2019*.

A forward meeting plan, including meeting dates and agenda items, will be agreed to by the Committee each year to address all of the Committee's responsibilities as detailed.

On setting the audit committee meeting dates the committee must have regard to the date of council meetings to ensure the audit committee report, including draft unapproved minutes of the most recent prior meeting, is reported to council on a timely basis.

Quorum

A quorum will consist of a majority of Committee Members and **must** include the Chair.

Voting Right of Committee Members

All Audit Committee members have equal voting rights on the committee. Where a vote is taken and the result is undecided the chairperson has the casting vote.

Secretariat

Secretariat support will be provided by the council administration.

Responsibilities

The Secretariat will be responsible for ensuring that the agenda for each meeting and supporting documentation are circulated, after approval from the chair, at least one week prior to the meeting. The Secretariat will prepare and maintain the minutes ensuring they are signed by the chair and distributed to each member.

Reporting

After meeting the audit committee will report to council at the next council meeting and include the committee draft unapproved minutes.

Access to Information

The Council, via the Council's Chief Executive Officer, will provide the necessary council records and reports for the audit committee to undertake its role and responsibilities subject to any confidentiality provisions in the Local Government Act or other legislative provisions. The audit committee should approach the council requesting required resources being mindful of the finite nature of such resources. The audit committee has no authority to procure resources independently of council.

Conflict of Interest

In accordance with the *Local Government Act 2019*, committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. All details of any conflict of interests are to be minuted.

If members or observers at a Committee meeting are deemed to have a real or perceived conflict of interest, they are to be excused from Committee discussions on the issue where the conflict of interest exists.

Confidential and Improper Use of Information

Committee Members will from time to time deal with confidential reports. Section 75 of the Local Government Act outlines the penalties applicable to people who disclose confidential information acquired as a member of a Council committee. Section 76 of the Local Government Act states that a person who makes improper use of information acquired as a member of a Council committee is guilty of an offence.

Due Diligence and Induction

All proposed and new members of the Committee will be entitled to receive relevant information and briefings prior to, and shortly after, their appointment.

Assessment of Committee

The chair of the committee and the CEO will initiate a review of the performance of the committee at least once every two years. The review will be on an internal assessment basis with appropriate input from the Council, CEO and senior managers, internal and external auditors, and any other relevant stakeholders.

Review

These Terms of Reference will be reviewed on an annual basis by the Committee. Any substantive changes will be recommended by the Committee and formally approved by the Council.

Revision History

Policy Version	Approval Date	Resolution	Doc Ref
10.0	02/11/20	8.1.11.20	NA

7 CONFIRMATION OF PREVIOUS MINUTES

Report Number	7.1.9.21
Author	Cathy Winsley - CEO
Attachments	Unconfirmed Minutes of the Meeting 9 August 2021

Summary

Minutes of the Ordinary General Meeting of the 9 August 2021 are submitted to Council for confirmation that those Minutes are a true and correct record of the meetings.

Statutory Environment

The Agendas and Minutes as submitted must comply with part Chapter 6 of the *Local Government Act 2019*.

Policy Implications

Not applicable

Financial Implications

Not applicable.

Recommendation

That the Minutes of the Ordinary General Meeting and Confidential session held on 9 August 2021 be confirmed by Council as a true and correct record of the meeting.

Moved:

Seconded:

MINUTES OF THE COUNCIL MEETING OF BELYUEN COMMUNITY GOVERNMENT COUNCIL HELD 9 AUGUST 2021

1 OPEN MEETING

The Council Meeting started at 5:22PM

PRESENT AT MEETING:

Elected Members:

- Zoe Singh President
- John Moreen Councillor
- Rex Sing Councillor

Staff:

- Cathy Winsley CEO
- Jasmine Brar Finance/Administration Officer

Visitor:

- Cathryn Hutton - Consultant

2 APOLOGIES AND LEAVE OF ABSENCE

<2.1.8.21>The Council notes the absence without apology of Cr Rex Edmunds and Cr Cecilia Lewis.

Moved: Zoe Singh President

Seconded: Rex Sing Councillor

3 DECLARATION OF INTEREST

NIL

4 DEPUTATIONS AND PRESENTATIONS

NIL

5 CONFIRMATION OF PREVIOUS MINUTES

<2.1.8.21>That the Minutes of the Ordinary General Meeting and Confidential session held on 28 May 2021 and Special Meetings held on 8 June 2021 and 29 July 2021 be confirmed by Council as a true and correct record of the meeting.

Moved: Zoe Singh President
Seconded: John

6 PRESIDENT'S REPORT

<6.1.8.21>That Council receives and notes the President's Report, highlights included:

- NAIDOC day events were very successful including the dancing
- COVID Vaccinations have been held in the community
- Thanked all Councillors for their support during this term of Council

Moved: Rex Sing Councillor
Seconded: John Moreen Councillor

7 CEO REPORTS

7.1 Incoming and Outgoing Correspondence

<7.1.8.21>That Council

1. Receives the correspondence as tabled.
2. Approves the request by Belyuen School to do horse-riding as an activity in third term.

Moved: Zoe Singh President
Seconded: Rex Sing Councillor

7.2 Report from the CEO

<7.2.8.21>That Council:

1. Receives and notes the report from the CEO as tabled.
2. Approves the acquittal of the Stage 2 Consultancy Grant

Moved: Rex Sing Councillor
Seconded: John Moreen Councillor

7.3 Rates in Arrears

<7.3.8.21>That Council accepts the report from the CEO as tabled outlining rates in arrears and notes that as at the 30 June 2021 the Belyuen Community Government Council had no rates in arrears for more than 2 years.

Moved: Zoe Singh President
Seconded: John Moreen Councillor

8 OFFICER REPORTS

8.1 Policy Manual

<8.1.8.21>That Council:

- 1) Adopts the following Council policies as tabled:
 - a) EM10 Attendance at Meetings
 - b) FIN05 Investment Policy
 - c) GOV07 Privacy Policy
 - d) GOV08 Record Management Policy
- 2) Adopt the following Aged Care policies as tabled:
 - a) AC01 Feedback and Complaint Handling
 - b) AC02 Aged Care Vehicle Policy
 - c) AC03 Infection Control
 - d) AC04 Pandemic Response Procedure
 - e) AC05 Cancellation of Service

Moved: Rex Sing Councillor

Seconded: Zoe Singh President

8.2 Upcoming Council Elections and Caretaker Period

<8.2.8.21>That Council notes that the Caretaker period commences on Thursday 5th August 2021.

Moved: Zoe Singh President

Seconded: Rex Sing Councillor

9 FINANCIAL REPORTS

9.1 Monthly Financial Report

<9.1.8.21>That Council accepts the financial reports for June 2021 as tabled in this report.

Moved: John Moreen Councillor

Seconded: Rex Sing Councillor

10 QUESTIONS BY MEMBERS

NIL

11 GENERAL BUSINESS

NIL

Meeting was suspended at 6:40 PM and resumed at 7:15PM

12 CONFIDENTIAL ITEMS

<12.1.8.21>That pursuant to Section 65(2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations, the meeting be closed to the public to consider the Confidential item(s) on the agenda.

Moved: Zoe Singh President

Seconded: John Moreen Councillor

13 NEXT COUNCIL MEETING

Meeting concluded at 7:37PM

The next Ordinary Meeting of Council be held on a date to be confirmed at the Belyuen Council Offices, Belyuen community at 5PM

unconfirmed

8 CEO REPORTS

8.1 Incoming and Outgoing Correspondence

Report Number	7.1.9.20
Author	Cathy Winsley - CEO
Attachments	Various letters below

Background

Council is provided with items of correspondence both received and sent since the last Council meeting.

Hard copies are available to Council on the day of each Ordinary Council meeting for perusal, with additional copies available on request to individual Elected Members.

The correspondence inwards and outwards will be tabled at every meeting or included in agenda items as part of the background information for that issue.

Comment

To be tabled at the meeting.

Consultation

Not applicable.

Statutory Environment

Not applicable.

Policy Implications

Not applicable.

Financial Implications

Nil

Recommendation

That Council receives and notes the Incoming and Outgoing Correspondence Report tabled at the Council meeting 9th August 2021.

Moved:

Seconded:

8.2 Report from the CEO

Report Number 7.2.9.21
Author Cathy Winsley - CEO
Attachments NT News Notices

Summary

Each meeting the CEO provides an update on activities and issues facing the Council.

Comment

To be tabled at the meeting.

Statutory Environment

Not applicable.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the report from the CEO as tabled.

Moved:

Seconded:

9 FINANCIAL REPORTS

9.1 Monthly Financial Report

Report Number 9.1.9.21
Author Cathy Winsley - CEO
Attachments Financial report for May and June 2021

Summary

The Council is provided with a financial report at each meeting.

Background

Not applicable.

Comment

Please refer attached financial report.

Statutory Environment

Section 17 of the *Local Government (General) Regulations 2021* refers.

17 Monthly financial reports to council

- (1) The CEO must, in each month, give the council a report setting out:
 - (a) the actual income and expenditure of the council for the period from the commencement of the financial year up to the end of the previous month; and
 - (b) the most recently adopted annual budget; and
 - (c) details of any material variances between the most recent actual income and expenditure of the council and the most recently adopted annual budget.
- (2) The report must also include:
 - (a) details of all cash and investments held by the council (including money held in trust); and
 - (b) the closing cash at bank balance split between tied and untied funds; and
 - (c) a statement on trade debtors and a general indication of the age of the debts owed to the council; and
 - (d) a statement on trade creditors and a general indication of the age of the debts owed by the council; and
 - (e) a statement in relation to the council's payment and reporting obligations for GST, fringe benefits tax, PAYG withholding tax, superannuation and insurance; and
 - (f) other information required by the council.

Policy Implications

Not applicable

Financial Implications

See the body of this report.

Recommendation

That Council accept the financial reports for the period August 2021 as tabled in this report.

Moved:

Seconded:

10 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

11 GENERAL BUSINESS

Call for any other general business.

12 CONFIDENTIAL ITEMS

NIL

13 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on _____ at the Belyuen Council Offices, Belyuen community at 5pm.