

ORDINARY COUNCIL MEETING May 2023



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 10am.

Dave Ferguson - CEO

AGENDA

ORDINARY COUNCIL MEETING

May 2023

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1 OPEN MEETING

The meeting will be declared open at 10:00am.

President welcomes the Councillors, staff and visitors to the May meeting of 2023.

Councillors agree that all matters presented at this meeting will be administered on the principle of fair and equitable treatment. The President acknowledges that we each bring our own views to the table and on all matters unresolved, Councillors right to agree and disagree is respected.

Councillors are reminded to fulfil their administrative requirements and sign the attendance sheet associated with this meeting.

Acknowledgement is made to members not present and respect is paid to the Traditional Owners of the land on which we meet, to the elders past and present and to the Councillors and employees present for the meeting.

2 APOLOGIES AND LEAVE OF ABSENCE

2.1.05.23

Dave Ferguson - CEO

Summary

This report is to table, for Council's record, any apologies, and requests for leave of absence received from Elected Members for this or future Ordinary General Meetings.

Background

Not applicable.

Comment

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

Statutory Environment

As per the *Local Government Act 2019* s.47 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.

Financial Implications

Not applicable.

BELYUEN COMMUNITY GOVERNMENT COUNCIL

Recommendation

1. *That Council accepts the apology of Cr. _____ for the Ordinary Council May 2023;
or,*
2. *That the Council notes the absence without apology of Cr. _____*

Moved:

Seconded:

3 DECLARATION OF INTEREST

3.1.05.23

Dave Ferguson - CEO

Summary

Elected members and staff are required to declare any conflicts of interest arising from the matters contained in this agenda. The President reminds everyone about their roles and responsibilities as an elected official and particularly of their obligations to declare their interest (material or personal) on matters presented today – that may have a perceived or real conflict of interest.

Background

Elected Members are required to disclose an interest in a matter under consideration by Council at a meeting of the Council or a meeting of a Council committee by:

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the Council by disclosure as soon as possible after the matter is raised.
- 2) In the case of a matter raised in general debate or by any means other than the printed agenda of the Council by disclosure as soon as possible after the matter is raised.

The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting him/ her to leave the Chambers.

Staff Members of the Council are required to disclose an interest in a matter at any time at which they are required to act or exercise their delegated authority in relation to the matter. Upon disclosure the Staff Member is not to act or exercise his or her delegated authority unless the CEO or Acting CEO expressly directs him or her to do so.

Comment

NIL

Statutory Environment

- *Local Government Act 2019* Section 114 (Elected Members)
- *Local Government Act 2019* Section 179 (Staff Members)

Policy Implications

Conflict of Interest – Code of Conduct.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the declarations of interest for the Ordinary General Meeting for May 2023.

Moved:

Seconded:

4 DEPUTATIONS AND PRESENTATIONS

Core Lithium

Core's Executive General Manager Sustainability: Melissa Winks

5 CONFIRMATION OF PREVIOUS MINUTES

5.1.05.23

Dave Ferguson - CEO

Unconfirmed Minutes of the April Meeting 2023

Summary

Minutes of the Ordinary General Meeting and the Confidential Minutes from the meeting of the 27 April 2023 are submitted to Council for confirmation that those Minutes are a true and correct record of the meeting.

MINUTES OF THE ORDINARY MEETING OF THE BELYUEN COMMUNITY GOVERNMENT COUNCIL MEETING April 2023

1 OPEN MEETING

Meeting opened 10:25am

PRESENT AT MEETING:

Elected Members:

- Cr Edmunds
- Cr Holtze

Staff:

- Dave Ferguson – CEO
- Jasmine Brar – Finance Officer

Visitors:

Mitchell Hardy - General Manager Sport, Recreation and Strategic Infrastructure (NTG)

Todd Faulds – Remote Sports Program (NTG)

Ian Ford – Workforce Development

Apologies:

Nil

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation:

<2.1.04.27> That the Council notes the absence of Cr. Moreen as absent without notice.

Moved: Cr. Edmunds

Seconded: Cr. Holtze

3 DECLARATIONS OF INTEREST

BELYUEN COMMUNITY GOVERNMENT COUNCIL

Elected members were reminded of their roles and responsibilities and particularly their obligations to declare any interest (material or personal) on any matters presented before Council today that may have a perceived or real conflict of interest.

<3.1.04.27> That Council receives and notes that there were no declarations of interest for the Ordinary General Meeting.

4 DEPUTATIONS AND PRESENTATIONS

<4.1.04.27> That Council notes that there were no deputations or presentations.

5 CONFIRMATION OF PREVIOUS MINUTES

Recommendation:

<5.1.04.27> That the Minutes of the March Ordinary General Meeting held on 28th March 2023 are confirmed by Council as a true and correct record of the meeting.

Moved: Cr. Edmunds

Seconded: Cr. Holtze

6 PRESIDENT'S REPORT

Recommendation:

<6.1.04.27> That Council:

Receives and notes the President's Report:

- *Barunga Festival in June (9th-12th June). Training is going well.*
- *The corner near the school needs to be mowed and be looked after, to avoid residents from complaining.*
- *The new houses are almost ready. The Housing Reference Group should consult and report to Council about the occupancy of the new houses and Belyuen Tenancy list.*
- *The Community is very dark at night. Difficult to see people walking or drunk people sitting on sides of the road.*

Action Items:

- *The President instructs the CEO to correspond with the CEO of Department of Territory Housing. The department needs to be more transparent with the Council and communicate effectively of their actions and decisions.*
- *CEO to task the Civil Works Manager with the Road Safety Action Plan to put more speedbumps and street signs to deter people from speeding.*
- *CEO to write to NT Police about the speeding and drunk driving in the community.*
- *CEO to instruct the grounds maintenance team to maintain the area near the dam.*
- *CEO to liaise with the workshop mechanic to make the wheel balancing/alignment machine operational.*

- *Instructs the CEO the inquire if the sewerage water can be treated and be used to irrigate the cemetery.*

Moved: Cr. Holtze

Seconded: Cr. Edmunds

7 CEO REPORTS

7.1 Incoming & Outgoing Correspondence

Recommendation:

<7.1.04.27> That Council receives and notes the incoming and outgoing correspondences as tabled:

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.2 Barunga Festival

Recommendation:

<7.2.04.27> That Council notes the CEO report – Barunga Festival

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.3 Belyuen Culture Program

Recommendation:

<7.3.04.27> That Council instruct the CEO to negotiate a new contract to facilitate a Culture program in Belyuen post 30th June 2023

Moved: Cr. Holtze

Seconded: Cr. Edmunds

7.4 Funding Opportunities

Recommendation:

<7.4.04.27> That Council:

- 1. Notes the report from the CEO - Funding Opportunities as tabled**

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.5 ANZAC Day

Recommendation:

<7.5.04.27> That Council notes the Report from the CEO – ANZAC Day

Moved: Cr. Holtze
Seconded: Cr. Edmunds

7.6 NT Administrator Visit

Recommendation:

<7.6.04.27> That Council notes the Report from the CEO – NT Administrator Visit

Moved: Cr. Holtze
Seconded: Cr. Edmunds

7.7 LGANT Annual General Meeting

Recommendation:

<7.7.04.27> That Council notes:

- 1. Notes the report from the CEO – LGANT Annual General Meeting as tabled**

Moved: Cr. Edmunds
Seconded: Cr. Holtze

7.8 Indigenous Radio Station

Action Item:

The Council instructs the CEO to write to NLC requesting the use Lot 305 - Old GBM residence for activities such as radio station.

Recommendation:

<7.8.04.27> That Council notes the CEO report – Indigenous Radio Station as tabled

Moved: Cr. Edmunds
Seconded: Cr. Holtze

7.9 Audit and Risk Management Committee

Recommendation:

<7.9.04.27> That Council:

- 1. Due to recent resignation from one of Belyuen Councils elected members, the Belyuen Council nominates Cr. Holtze to be an elected member of the Belyuen Council Audit and Risk**

Management Committee as a temporary arrangement, pending the result of the Local Government council by-elections scheduled for July 2023.

2. *Endorses 6th June 2023 as the date for next audit and Risk Management Committee meeting of the Belyuen Council.*
3. *Note the CEO report - Audit & Risk Management Committee as tabled.*

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.10 Changes to Banking Requirements

Recommendation:

<7.10.04.27> That Council endorse the recommendations from Westpac Financial Institution that will improve BCGC financial business efficiencies:

1. **Combine Trust Fund and Income Management Funds Account – transfer everything to Income Management Funds Account and delete Trust Fund Account**
2. **Setup a new bank account (Community Solutions) – This account will be one-to-sign. Link new bank cards to this account. Cancel all cards linked to General Cheque Account**
3. **Make all bank accounts as Community Solutions Account to avoid paying bank fees**
4. **Make General Cheque Account, Store Account two-to-sign**
5. **Add Jasmine Brar and Kelly Murphy as signatories on the bank accounts**
6. **Cancel any cards for Catherine Winsley, Peter Winsley and Mark Perejuan**
7. **Note the CEO report - Changes to Banking Requirements as tabled**

Moved: Cr. Edmunds

Seconded: Cr. Holtze

7.11 Nomination of Deputy President

<7.11.04.27> That Council:

1. **Elect Cr. Holtze to the position of Deputy President of Belyuen Community Government Council**
2. **Note the CEO report - Nomination of Deputy President**

Moved: Cr. Edmunds

Seconded: Cr. Holtze

8 FINANCIAL REPORTS

8.1 Financial Report

Recommendation:

<8.1.04.27> That Council:

Notes and endorses the financial report for April 2023

Moved: Cr. Holtze

Seconded: Cr. Edmunds

9 QUESTIONS BY MEMBERS

NIL

10 GENERAL BUSINESS

NIL

11 CONFIDENTIAL ITEMS

Recommendation:

<11.1.04.27> That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1) of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the agenda.

Moved: Cr. Holtze

Seconded: Cr. Edmunds

Return to Open Session: 1:35pm

12 NEXT COUNCIL MEETING

The meeting closed at 1:40pm

*The next Ordinary Meeting of Council is scheduled on **30th May 2023** at the Belyuen Council Offices, Belyuen commencing at **11:00am**.*

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 March Ordinary General Meeting held on 28 March 2023 and the Confidential section of the meeting be confirmed by Council as a true and correct record of the meeting.

Moved:

Seconded:

6 PRESIDENT’S REPORT

| | |
|----------------------|------------------------------|
| Report Number | 6.1.05.23 |
| Author | President Rex Edmunds |
| Attachments | Nil |

Summary

The President reports to Council on his activity and any items of importance that have arisen since the last ordinary Council meeting.

Comment

The President gives a verbal report of activities since the last council meeting.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the President’s Report.

Moved:

Seconded:

7 CEO REPORTS

7.1 Report from the CEO – Incoming and Outgoing Correspondence

| | |
|----------------------|----------------------------|
| Report Number | 7.1.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | various documents |

Background

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

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

Nil

Correspondence In

| Ref | Date | From | Regarding |
|------------|------------------------|----------------------------|---------------------------|
| A. | April 28 th | Ruth Morley | Merit Partners |
| B. | April 28 th | Ruth Morley | Nair Watkins |
| C. | May 2 nd | Rosie Hewitt | HRG Meeting Flyer |
| D. | May 4 th | Kirstine Cossens | Ironbark CDP changes |
| E. | May 4 th | NT Legal Aid | Interpreter Services |
| F. | May 5 th | Grants NT | Sports Program Funding |
| G. | May 5 th | Belyuen Clinic | Careflights |
| H. | May 5 th | Minister Paech | CBF funded vehicle |
| I. | May 8 th | LRCIP | Infrastructure funding |
| J. | May 8 th | Merit Partners | Audit Recommendations |
| K. | May 10 th | Ironbark | Community Hall Works |
| L. | May 11 th | DIPL | Delissaville Apron Design |
| M. | Mat 27 th | Holdfast Insurance Brokers | Property Evaluations |

Recommendation

That Council receives and notes the report from the CEO – Incoming and Outgoing Correspondence as tabled.

Moved:

Seconded:

7.2 Report from the CEO – Barunga Festival

Report Number 7.2.05.23
Author Dave Ferguson - CEO
Attachments NIL

Summary

The Barunga Festival is an annual event. This year marks the 35th anniversary. June 9th – 12th.

Comment

Due to recent sorry business, community engagement has been noticeably affected. This may impact on Belyuens participation in this years Barunga Festival.

Community have advised that there is not enough interest generated to engage in any cultural activities or art workshops. We still require confirmation on whether there is enough interest to register an AFL team and Softball team in this years event.

Belyuen school will also confirm by the end of this week whether or not they will be participating this year.

The Belyuen Coaster bus is in Darwin undergoing repairs and registration and will be ready early next week.

BELYUEN COMMUNITY GOVERNMENT COUNCIL

Consultation

Community consultation via community meetings and surveys.

Statutory Environment

Not applicable

Policy Implications

Nil

Financial Implications

BCGC receive funding from the NTG department of Health to participate in this years Barunga festival.

Recommendation:

That Council note the report from the CEO – Barunga Festival

Moved:

Seconded:

7.3 Report from the CEO – Belyuen Culture Program

| | |
|----------------------|----------------------------|
| Report Number | 7.3.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | NIL |

Summary

Belyuen Community Government Council have oversight of the Belyuen Culture Program funded through the National Indigenous Australians Agency (NIAA). This program runs in collaboration with the Belyuen School to pass Indigenous knowledge and culture on to the younger generations of Belyuen. The current contract ends on June 30th this year. A new contract after June 30th is yet to be negotiated with NIAA.

Comment

Verbal advice from the funding body is that a new draft contract for the Belyuen Culture program will be sent out in the next 2-3 weeks. The funding body have also indicated certain changes will be included in a new contract relating to operational targets and KPI's for the program to establish a more inclusive program that includes men and women of all ages. This information has been shared with the current program coordinator in the first instance. Once confirmation of a new contract is made available, Council will be advised of any changes that may require additional approval.

Statutory Environment

BELYUEN COMMUNITY GOVERNMENT COUNCIL

Not applicable

Policy Implications

Not applicable

Financial Implications

Program to be 100% funded.

Recommendation:

That Council:

1. **Notes the CEO report - Belyuen Culture Program**

Moved:

Seconded:

7.4 Report from the CEO – Community Development Program

| | |
|----------------------|--------------------------------|
| Report Number | 7.4.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | Correspondence attached |

Summary

Ironbark Aboriginal Corporation are the service providers for the Community Development Program (CDP) in Belyuen.

Correspondence received from Ironbark advises that as of 1st July 2023, there are changes to the activities provided through CDP. Ironbark have advised that the new program will operate from a neutral facility in Belyuen and there will no longer be a requirement for the use of the Knucky Womens Centre.

Recommendation

That Council:

Notes the report from the CEO - Community Development Program as tabled.

Moved:

Seconded:

7.5 Report from the CEO – Aboriginals Benefit Account (ABA)

| | |
|----------------------|----------------------------|
| Report Number | 7.5.04.23 |
| Author | Dave Ferguson - CEO |
| Attachments | NIL |

Summary

Belyuen Council applied through the NIAA for 4 ABA's last year and were notified of being successful in 3 of those funding submissions.

Comment

The CEO and Finance Officer met with delegates from the NIAA in May to discuss the status of the 3 successful ABA funding submissions. NIAA have informed us that they will not have contracts drafted until after the new financial year.

Recommendation

That Council notes the Report from the CEO – Aboriginals Benefit Account (ABA) as tabled.

Moved:

Seconded:

7.6 Report from the CEO – Insurance

| | |
|----------------------|--------------------------------|
| Report Number | 7.6.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | correspondence attached |

Summary

Belyuen Council engage the services of Holdfast Insurance Brokers to maintain oversight of all of Councils insurance requirements. Holdfast Account Manager engaged the services of MCG Quantity Surveyors to provide Council with an evaluation of replacement costs for the buildings from which Council are delivering services. The amounts are provided in the attachment to this report.

The CEO will work closely with the Finance Officer to determine what is going to be the best outcome for Belyuen Council.

Recommendation

That Council notes the report from the CEO – Insurance

Moved:

Seconded:

BELYUEN COMMUNITY GOVERNMENT COUNCIL

7.7 Report from the CEO – Recruitment

| | |
|----------------------|----------------------------|
| Report Number | 7.7.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | NIL |

Summary

BCGC have numerous employment opportunities throughout the year, both internally and externally.

Comment

Due to the resignation of the Belyuen mechanic in April, Council recently employed the services of a new mechanic in May this year. The Belyuen workshop provides various services to the community, Council and numerous organisations in the region. Councils' priority is to maintain an effective and efficient facility in order to continue this service to the community and greater Cox Peninsula region. Opportunities to employ an apprentice in the workshop are currently being considered.

Belyuen Aged Care & Disability Services recently advertised for a Team Leader to assist with program service delivery. Several applicants were shortlisted for interview however the position has not been filled and is being re-advertised during the month of June. With all Council positions, Indigenous people are encouraged to apply.

Council have also employed another local resident to assist with operations in the Grounds Maintenance Program.

Three local Indigenous residents have commenced work in the Belyuen Store. They are employed through the School Nutrition Program and are assisting in the kitchen along with other duties as required.

More employment and training opportunities will become available as funding opportunities are sourced. The CEO is currently in discussion with funding agencies to increase community services programs in Belyuen such as Community Radio and Child Care.

Recommendation

That Council note the CEO report – Recruitment as tabled

Moved:

Seconded:

7.8 Report from the CEO – Care Flights

| | |
|----------------------|---|
| Report Number | 7.08.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | correspondence from Careflight NT and Belyuen Clinic |

Summary

Careflights land in Belyuen when required to assist with emergency evacuation of local residents.

Comment

Due to the refurbishment of the Belyuen Town Oval, care flights have been discouraged from landing on this surface. This request is temporary while the new turf is still establishing on the oval. Advice from Turf NT is to deter any aircraft or vehicles from accessing the oval for another 12 months to give the surface enough time to settle.

Funding has been received through the Remote Airstrip Upgrade Program (RAUP) to bituminise the taxiway and apron at the Delissaville Aerodrome. This was previously identified as a gap in service delivery due to aircraft being unable to land on a dirt surface.

Civil works on Delissaville Aerodrome are due to commence later this year and should be completed early next year.

Alternative options for landing of careflights are:

1. The grass area immediately outside the oval fence;
2. Lot 259 opposite the Belyuen Store; or,
3. The area adjacent to the Belyuen cemetery.

TEABBA will gather the information from Belyuen and advise the next step required with the process.

Recommendation

That Council:

1. **Instructs the CEO to correspond with Careflight NT and Belyuen Health Clinic to negotiate a safe alternative to landing on the Belyuen town oval.**
2. **notes the CEO report - Care Flights as tabled**

Moved:

Seconded:

7.9 Report from the CEO – External Auditors

| | |
|----------------------|---|
| Report Number | 7.9.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | correspondence from Nexia Edwards Marshall |

Summary

Legislative requirements dictate all Local Government Authorities acquire the services of an external auditor to assist with governance and risk management.

Comment

BCGC recently requested expressions of interest from suitably qualified organisations to assist with the external audit function of Council.

It was determined that BCGC will engage the services of Nexia Edwards Marshall for the next 2 years.

The CEO and Finance Officer have scheduled a meeting with the auditors in Darwin on Friday June 2nd.

Recommendation

That Council:

1. **Note the CEO report - External Auditors as tabled**

Moved:

Seconded:

7.10 Report from the CEO – Core Lithium

| | |
|----------------------|----------------------------|
| Report Number | 7.10.05.23 |
| Author | Dave Ferguson - CEO |
| Attachments | NIL |

Summary

Core's Executive General Manager Sustainability Melissa Winks General Manager of Core Lithium

Comment

Council meet with Core Lithium General Manager to discuss collaboration and opportunities relating to our organisations.

Recommendation

That Council

Moved:

Seconded:

8 FINANCIAL REPORTS

8.1 Monthly Financial Report

| | |
|----------------------|----------------------------|
| Report Number | 8.1.04.23 |
| Author | Dave Ferguson - CEO |
| Attachments | finance report |

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.

Financial report included as separate attachment to this agenda.

Policy Implications

Not applicable

Financial Implications

See the body of this report.

Recommendation

That Council:

Notes and endorses the financial report for April 2023.

Moved:

Seconded:

9 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

10 GENERAL BUSINESS

Call for any other general business.

Discussion

11 CONFIDENTIAL ITEMS

Recommendation

THAT pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 51(1) of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the agenda.

Moved:

Seconded:

Return to open session:

12 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on May 30th at the Belyuen Council Offices, Belyuen commencing at 11:00am.