



MINUTES

AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

Tuesday 17 September 2024

11:30am

Council Chambers

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TERMS OF REFERENCE

Regulation 16 of the *Local Government (Audit) Regulations 1996* states that:

An audit committee —

- a) is to provide guidance and assistance to the local government —
 - i. as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - ii. as to the development of a process to be used to select and appoint a person to be an auditor; and
- b) may provide guidance and assistance to the local government as to —
 - i. matters to be audited; and
 - ii. the scope of audits; and
 - iii. its functions under Part 6 of the Act; and
 - iv. the carrying out of its functions relating to other audits and other matters related to financial management; and
- c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
 - i. report to the council the results of that review; and
 - ii. give a copy of the CEO's report to the council.

1.0 INTRODUCTION

The Council of the Shire of Corrigin (hereinafter called the Council) hereby establishes a committee under the powers given in *Section 5.8* and *Section 7.1 A* of the *Local Government Act 1995*, *Local Government Amendment Act 2004* and *Audit Regulations*, such committee to be known as the Audit and Risk Management Committee, (hereinafter called the Committee). The Council appoints to the Committee those persons whose names appear in Section 5.0 below.

Membership of the Committee shall, unless otherwise specified, be for a term ceasing at the date of the Local Government election in the year the Shire's local government elections are held, after which time the Council may appoint members for a further term. The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, and associated regulations, local laws and policies of the Shire of Corrigin and this Instrument.

2.0 NAME

The name of the Committee shall be the Audit and Risk Management Committee.

3.0 ROLE

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

4.0 OBJECTIVES OF THE COMMITTEE

- 4.1 To provide guidance and assistance to the Council in:
- a) carrying out its audit functions under Part 7 of the *Local Government Act*.
 - b) the development of a process to be used to select and appoint an auditor.
 - c) determining the scope and content of the external and internal audit and advising on the general financial management of the Shire.
 - d) overseeing the audit process and meeting with the external auditor after each visit to discuss management issues and monitoring administration's actions on, and responses to, any significant matters raised by the auditor.
 - e) evaluating and making recommendations to Council on internal and external audit reports prior to them being presented to Council.

- f) receiving and verifying the annual Local Government Statutory Compliance Return.
- g) review reports provided by the CEO on the Shire's systems and procedures in relation to:
 - i. risk management;
 - ii. internal control; and
 - iii. legislative compliance;

at least once every two years and report to Council the results of that review. Ref: *Functions of Audit Committees (Audit Regulations)*.

- 4.2 To advise Council on significant high level strategic risk management issues related to the Shire of Corrigin including issues involving:
- a) the community;
 - b) the workforce;
 - c) vehicles and plant;
 - d) buildings and similar property;
 - e) revenue streams;
 - f) legal liability;
 - g) electronically stored information;
 - h) environmental impact;
 - i) fraud; and
 - j) reputation.

5.0 MEMBERSHIP

The Committee shall consist of all Councillors. Additionally up to two independent consultants with expertise in financial or legal matters will be called upon as required to provide additional independent external advice to the Committee. The external independent persons will have senior business, legal or financial management/reporting knowledge and experience, and be conversant with the financial and other reporting requirements.

Appointments of external consultants shall be made by the CEO following a decision of Council and the allocation of sufficient funds to provide consultation fees using relevant professional fee schedules. No member of staff including the CEO is to be a member of the Committee, but the CEO may participate as Council's principal advisor, unless expressly excluded by resolution of the Committee.

6.0 PRESIDING MEMBER

The President will take the role of Presiding Member and Deputy President the role of Deputy Presiding Member to conduct its business.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Corrigin Standing Orders (Local Law).

The *Local Government Act 1995* places responsibility for speaking on behalf of Council with the President, or the CEO if the President agrees. The Presiding Member if different from the President is to refrain from speaking publicly on behalf of the committee or Council, or to issue any form of written material purporting to speak on behalf of the committee or Council without the prior approval of the President.

7.0 CONDUCT OF MEETINGS

The Committee shall meet at least three times per year. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in February to discuss the Statutory Compliance Return, in July to discuss the year's financial performance and to discuss the annual audit program and in November to discuss the Annual Financial

Report. Additional meetings shall be convened at the discretion of the Presiding Member.

Any three members of the Committee collectively or the internal or external auditor themselves may request the Presiding Member to convene a meeting. Urgent matters which may arise should be referred directly to Council through the monthly meetings or to a Special Council meeting.

- 7.1 Notice of meetings shall be given to members at least three days prior to each meeting.
- 7.2 The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall, not later than five days after each meeting, provide Council with a copy of such minutes. Council shall provide secretarial and administrative support to the Committee.
- 7.3 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding must cast a second vote.
- 7.4 The Chief Executive Officer should attend all meetings, except when the Committee chooses to meet in camera with the exclusion of the CEO.
- 7.5 Representatives of the external auditor should be invited to attend at the discretion of the Committee but must attend meetings either in person or by telephone link up considering the draft annual financial report and results of the external audit.
- 7.6 The internal auditor or representative shall be invited to attend meetings, at the discretion of the Committee, to consider internal audit matters.

8.0 QUORUM

A quorum for a meeting shall be at least 50 percent of the number of members, whether vacant or not. A decision of the Committee does not have effect unless a simple majority has made it.

9.0 DELEGATED POWERS

The Committee has no delegated powers under the *Local Government Act 1995* and is to advise and make recommendations to Council only.

The Audit and Risk Management Committee is a formally appointed committee of Council and is responsible to that body.

The Audit and Risk Management Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The following guidelines are to provide further direction from Council for the operation of the Committee:

9.1 External Audit

The Committee shall:

- Liaise with the Office of the Auditor General regarding the appointment of a suitable Auditor.
- Prior to appointment, discuss the scope of the audit and any additional procedures required from the external auditor. Invite the external auditor to attend audit committee meetings to discuss the audit results and consider the implications of the external audit findings.
- Inquire of the auditor if there have been any significant disagreements with management and whether they have been resolved.
- Monitor management responses to the auditor's findings and recommendations.
- Review the progress by management in implementing audit recommendations and

provide assistance on matters of conflict.

- Provide a report and recommendations to Council on the outcome of the external audit.

9.2 Co-ordination of Auditors

The Committee shall:

- Oversee the work of the internal audit function to facilitate co-ordination with the external auditor.
- Meet periodically with the Chief Executive Officer, senior management staff and internal and external auditors to understand the organisation's control environment and processes.

9.3 Duties and Responsibilities

The following duties and responsibilities of the Committee will include:

- To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems.
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programs; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- Review the level of resources allocated to internal audit and the scope of its authority.
- Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference.
- Review management's response to, and actions taken as a result of the issues raised.
- Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- Review Council's draft annual financial report, focusing on:
 - accounting policies and practices.
 - changes to accounting policies and practices.
 - the process used in making significant accounting estimates.
 - significant adjustments to the financial report (if any) arising from the audit process.
 - compliance with accounting standards and other reporting requirements.
 - significant variances from prior years.
- Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- Discuss with the external auditor the scope of the audit and the planning of the audit.
- Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.

- xiv. Review tendering arrangements and advise Council.
- xv. Review the annual performance statement and recommend its adoption to Council.
- xvi. Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- xvii. Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.
- xviii. Monitor the progress of any major lawsuits facing the Council.
- xix. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- xx. Report to Council after each meeting, in the form of minutes or otherwise, and as necessary and provide an annual report to Council summarising the activities undertaken during the year.
- xxi. The Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
- xxii. The Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.
- xxiii. Advise Council on significant risk management issues related to the Shire of Corrigin including major issues involving:
 - The Community;
 - The Workforce;
 - Vehicles and Plant;
 - Buildings and Similar Property;
 - Revenue Streams;
 - Legal Liability;
 - Electronically Stored Information;
 - Environmental Impact;
 - Fraud; and
 - Reputation.
- xxiv. Review reports on the appropriateness and effectiveness of the Shire's systems and procedures in relation to:
 - risk management;
 - internal control; and
 - legislative complianceand report to Council.

9.4 Reporting Powers

The Committee:

- Shall report to Council and provide recommendations on matters pertaining to its terms of reference by assisting elected members in the discharge of their responsibilities for oversight and corporate governance of the local government.
- Does not have executive powers or authority to implement actions in areas that management has responsibility.
- Is independent of the roles of the Chief Executive Officer and his senior staff as it does not have any management functions.
- Does not have any role pertaining to matters normally addressed by the Local Emergency Management Committee and Council in relation to financial management responsibilities in relation to budgets, financial decisions and expenditure priorities.
- Is a separate activity and does not have any role in relation to day-to-day financial management issues or any executive role or power.
- Shall after every meeting forward the minutes of that meeting to the next Ordinary

meeting of the Council, including a report explaining any specific recommendations and key outcomes.

- Shall report annually to the Council summarising the activities of the Committee during the previous financial year.

10.0 TERMINATION OF COMMITTEE

Termination of the Committee shall be:

- a) in accordance with the *Local Government Act 1995*; or
- b) at the direction of the Council.

11.0 AMENDMENT TO THE INSTRUMENT OF APPOINTMENT AND DELEGATION

This document may be altered at any time by the Council.

12.0 COMMITTEE DECISIONS

The Committee recommendations are advisory only and shall not be binding on Council.

1 DECLARATION OF OPENING

The President, Cr. D Hickey opened the meeting at 11.32am

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Shire President	Cr. D Hickey
Shire Deputy President	Cr. S Jacobs
	Cr. M Dickinson
	Cr. M Leach
	Cr. B Filinski
Chief Executive Officer	N A Manton
Deputy Chief Executive Officer	K A Caley
Administration Officer	R L Chester

APOLOGIES

Cr. B Fare
Cr. M Weguelin

3 DECLARATIONS OF INTEREST

4 CONFIRMATION AND RECEIPT OF MINUTES

4.1 CONFIRMATION AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

Minutes of the Audit and Risk Management Committee meeting held on Tuesday 9 July 2024 (Attachment 4.1).

COMMITTEE'S RESOLUTION

Moved: Cr Jacobs

Seconded: Cr Leach

That the minutes of the Audit and Risk Management Committee meeting held on Tuesday 9 July 2024 (Attachment 4.1) be confirmed as a true and correct record.

Carried 5/0

5 MATTERS ARISING FROM MINUTES

6 REPORTS

Changes to Long Service Leave Entitlement

The entitlement to long service leave for local government employees in Western Australia (WA) is provided under regulations made under the *Local Government Act 1995* (the Act).

Previously, these regulations were the *Local Government (Long Service Leave) Regulations of 1977* (the 1977 Regulations). From 1 September 2024, these regulations are the *Local Government (Long Service Leave) Regulations 2024*.

More information at [Long Service Leave guidelines](#)

A separate legislative instrument for local government long service leave exists for 2 key reasons:

- the long service leave entitlement of local government employees is higher than that provided to private sector employees in the *Long Service Leave Act 1958*
- long service leave is portable between local governments, regional local governments (referring to section 3.61 of the Act) and the Western Australian Local Government Association (WALGA).

The new regulations were designed to improve the operation of the local government long service leave portability scheme and align more closely with reforms that have occurred to the *Long Service Leave Act 1958* since 1977.

Livestreaming and Recording of Council Meetings

From 1 January 2025 band 3 and 4 local governments are required to audio record council meetings. Recordings are to be published on the local government's website.

An explanatory paper [Livestreaming and Recording of Council Meetings](#), provides local governments with more detail of the requirements for live streaming and recording of council meetings.

Second Tranche Local Government Reform

On 15 August 2024, the *Local Government Amendment Bill 2024* was introduced to Parliament. This Bill is the second tranche of local government reforms and comprises the most significant changes to the *Local Government Act* since 1995.

The Inspector will strengthen oversight of all 139 local governments with greater early intervention powers to ensure compliance. The Inspector will be able to assign monitors to proactively work within local governments to resolve dysfunction before it escalates. They will be responsible for handling complaints and managing investigations and inquiries, with significant powers to investigate complaints and take actions for breaches of the *Local Government Act 1995* and its regulations.

Adjudicators, who will be legal practitioners, will replace the Local Government Standards Panel, making more efficient decisions and handing out more serious penalties for significant breaches and offences.

The new laws increase most penalties, particularly for conduct breaches including withholding or suspending council member allowances for up to 3 months.

This Bill also includes other significant reforms that will:

- Require councils to adopt a rates and revenue policy to facilitate better financial planning and increase public transparency of proposed rate changes.
- Widen the scope of audit committees to 'audit, risk and improvement committees', with an independent chairperson, who can be shared with smaller local governments.
- Require all council and committee meetings to generally be open to the public unless specific circumstances apply.
- Clarify the roles and responsibilities of the council, mayors and presidents, councillors and local government chief executive officers.
- Facilitate the shared employment of local government CEOs and senior employees.
- Ensure council members do not receive their allowances if they fail to complete mandatory training courses.
- Deliver a range of administrative amendments, including superannuation entitlements for council members and improvements to streamline the making of local laws.

New fact sheets have been created with more information on these topics:

- [Reforms to governance and committees](#)
- [Local Government Inspector and Monitors](#)
- [New breach system.](#)

Other regulations Being Developed:

- [Residential crossovers approvals](#)
- [Alfresco dining approvals](#)
- [CEO performance indicators](#)
- [Online registers](#)
- [Standardised meeting procedures](#)
- [Council plans](#)
- [Community engagement charter](#)
- [Communications agreements.](#)

Once the Bill has been passed the Shire of Corrigin will need to call for expressions of interest from community members to take up the role of independent chair of the audit committee.

Funds will need to be allocated in the budget to pay the independent chair and any independent committee members for attending committee meetings based on the thresholds for the payment of meeting fees for independent committee members as determined by the [Salaries and Allowances Tribunal](#).

Tenancy Dispute

A Court Order was issued in favour of the Shire of Corrigin for return of the bond to cover the cost of carpet cleaning and payment of outstanding rent arrears dating back to February 2023.

The tenant appealed the Court Order and the CEO attended Narrogin Magistrates Court on 19 August 2024. The matter was dismissed as the applicant was submitted after the 21 day appeal period and no reason for the delay was given except that 'it took me this amount of time to think it out'.

Senior Employee – Deputy CEO

The Deputy CEO position has been advertised following the resignation of Ms Kylie Caley. Ms Caley has accepted a position at the Shire of Plantagenet and her last day will be 18 October 2024.

Applications close on 30 September 2024.

Confidential Staff Matter

The CEO provided an update to Committee members on a confidential staff matter.

REASON FOR CONFIDENTIALITY

The staff matter is confidential in accordance with section 5.23(2)(a) of the *Local Government Act 1995* because it deals with matters affecting an employee of the Shire of Corrigin.

COMMITTEE RESOLUTION

Moved: Cr Dickinson

Seconded: Cr Filinski

That Council in accordance with Clause 15.10 of the Standing Orders close the meeting to the public.

Carried 5/0

For: Cr. Hickey, Cr. Jacobs, Cr. Dickinson, Cr. Leach and Cr. Filinski

Against: Nil

K A Caley and R L Chester left the meeting at 11.46am

COMMITTEE RESOLUTION

Moved: Cr Jacobs

Seconded: Cr Leach

That Council in accordance with Clause 15.11 of the Standing Orders reopen the meeting to the public.

Carried 5/0

For: Cr. Hickey, Cr. Jacobs, Cr. Dickinson, Cr. Leach and Cr. Filinski

Against: Nil

K A Caley and R L Chester re-entered the room at 12pm

7 MATTERS REQUIRING A COMMITTEE DECISION

7.1 INTERNAL AUDIT – RISK MANAGEMENT REVIEW

Applicant:	Shire of Corrigin
Date:	6/09/2024
Reporting Officer:	Natalie Manton, Chief Executive Officer
Disclosure of Interest:	NIL
File Ref:	RM.0006
Attachment Ref:	Attachment 7.1 – Risk Dashboard

SUMMARY

This Internal Audit – Risk Management Review report seeks to provide an update on the assessment, impact and controls to mitigate risks using a risk management tool.

BACKGROUND

Council adopted a Risk Management Framework – Policy and Procedures on 20 June 2023. The policy and procedures document outlines the Shire’s commitment and objectives regarding managing risk that may impact the Shire’s strategies, goals or objectives.

The Risk Management Review Dashboard summaries the following risks:

- Asset Sustainability
- Business and Community Disruption
- Compliance Requirements
- Document Management
- Employment Practices
- Engagement Practices
- Environmental Management
- Errors, Omissions and Delays
- External theft and fraud
- Management of Facilities/Venues and Events
- IT Communication systems
- Misconduct
- Project/ Change Management
- Safety and Security practices
- Supplier Contract management

COMMENT

Internal risk management reviews are completed twice per annum with the previous report in March 2024.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

Section 17 CEO to review certain systems and procedures

POLICY IMPLICATIONS

3.1 Risk Management Policy

FINANCIAL IMPLICATIONS

NIL

COMMUNITY AND STRATEGIC OBJECTIVES

Shire of Corrigin Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025:

Objective: Governance and Leadership
Strong Governance and leadership

Strategic Community Plan		Corporate Business Plan	
Outcome	Strategies	Action No.	Actions
4.5	Implement systems and processes that meet legislative and audit obligations	4.5.1	Continual improvement in governance and operational policies, processes and implementation.

VOTING REQUIREMENT

Simple Majority

COMMITTEE’S RESOLUTION

Moved: Cr Jacobs

Seconded: Cr Dickinson

That the Audit and Risk Management Committee receive the updated Internal Audit Risk Management Report-Dashboard update.

Carried 5/0

8 NEXT MEETING

Audit and Risk Management Committee meeting to be held on 10 December 2024 at 6.00pm pending finalisation of the Annual Financial Report.

9 MEETING CLOSURE

The President Cr. D Hickey closed the meeting at 12.03pm.