



AUDIT AND RISK MANAGEMENT COMMITTEE MEETING

MINUTES

SECTION 5.9(2)(a) LGA 1995

Committee Brief

1. *Provide guidance and assistance to the local government -*
 - a) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - b) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
2. *May provide guidance and assistance to the local government as to -*
 - a) *matters to be audited; and*
 - b) *the scope of audits; and*
 - c) *its functions under Part 6 of the Act; and*
 - d) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
3. *Is to review a report given to it by the CEO under Regulation 17(3) (the CEO's report) and is to -*
 - a) *report to the Council the results of that review; and*
 - b) *give a copy of the CEO's report to the Council.*

NOTICE IS HEREBY GIVEN that a
Meeting of the Audit and Risk Management Committee will be held
in the Committee Room, Lowood Road, Mount Barker WA 6324,
at 11.45am Tuesday 21 February 2023.


for **Cameron Woods**
CHIEF EXECUTIVE OFFICER

Committee Members

C Pavlovich, Cr A Fraser, Cr M O'Dea and Cr K Woltering (Council 171/21)

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Membership

C Pavlovich (Presiding Member)

Cr A Fraser

Cr M O'Dea

Cr K Woltering

Cr J Oldfield (Deputy for any member)

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

11.45am The Presiding Member declared the meeting open.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCEMembers Present

Cr C Pavlovich – Presiding Member

Cr A Fraser

Cr M O'Dea

Cr K Woltering

Visitors

Cr B Bell

Cr L Handasyde

Cr J Oldfield

Staff

Mr C Woods – Chief Executive Officer

Mr J Fathers – Deputy Chief Executive Officer

3 CONFIRMATION OF MINUTES

Moved Cr A Fraser, seconded Cr K Woltering:

That the Minutes of the Ordinary meeting of the Audit and Risk Management Committee, held on 25 October 2022 as circulated, be taken as read and adopted as a correct record.

CARRIED

4 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Nil

5 REPORTS OF COMMITTEE MEMBERS AND OFFICERS

5.1 COMPLIANCE AUDIT RETURN 2022

File Ref:	N60229
Attachment:	Compliance Audit Return 2022
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Fawcett Human Resources Coordinator
Proposed Meeting Date:	21 February 2023

PURPOSE

The purpose of this report is to recommend to the Council the adoption of the Compliance Audit Return for the calendar year 1 January 2022 to 31 December 2022.

BACKGROUND

A Compliance Audit is required to be completed once in each calendar year.

STATUTORY ENVIRONMENT

The Compliance Audit is required pursuant to Section 7.13 of the Local Government Act 1995. The Local Government (Audit) Regulations 1996 includes the following sub regulations in Regulation 14:

- '(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under sub regulation (3A), the compliance audit return is to be –*
- (a) presented to the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.'*

After the Compliance Audit Return has been presented to the Council, a certified copy of the return together with:

- (a) A copy of the relevant section of the minutes referred to in the regulations; and
- (b) any additional information explaining or qualifying the Compliance Audit is to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

EXTERNAL CONSULTATION

No external consultation has occurred in relation to this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

BUDGET IMPLICATIONS

There are no budget implications for this report.

POLICY IMPLICATIONS

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

LEGAL IMPLICATIONS

There are no legal implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications as no assets are being created or acquired.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

STRATEGIC RISK IMPLICATIONS

A key element of the Strategic Risk Register relates to 'Failure to Fulfil Compliance Requirements (Statutory, Regulatory)'. This section of the register contains a number of key controls, one of them being the Compliance Audit Return. Currently, the overall control rating is assessed as adequate.

REGIONAL IMPLICATIONS

There are no regional implications for this report.

OFFICER COMMENT

The total number of questions in each section and the compliance with those questions is detailed in the following table. The Compliance Audit revealed one area of non-compliance under Disclosure of Interest.

Section	Questions	Compliance
Commercial Enterprises by Local Governments	5	5
Delegation of Power / Duty	13	13
Disclosure of Interest	21	20
Disposal of Property	2	2
Elections	3	3
Finance	7	7
Local Government Employees	5	5
Official Conduct	4	4
Tenders for Providing Goods and Services	22	22
Integrated Planning and Reporting	3	3
Optional Questions	9	9
Total	94	93

The completed Compliance Audit Return is attached to the report. The following comments are made in respect to the non-compliance.

Section 5.75 of the Local Government Act 1995 requires any relevant person other than the CEO to lodge with the CEO a primary return in the prescribed form within 3 months of the start day.

On 29 March 2022 a relevant employee commenced with the Shire and the primary return was overlooked. A letter was sent to the relevant employee on 22 December 2022, and the primary return was received on 6 January 2023.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION / COMMITTEE DECISION

Moved Cr M O'Dea, seconded Cr K Woltering:

That it be a recommendation to the Council:

That the Compliance Audit Return for the calendar year 1 January 2022 to 31 December 2022 be adopted and submitted to the Department of Local Government, Sport and Cultural Industries.

CARRIED

6 GENERAL BUSINESS**7 NEXT MEETING**

To be advised.

8 CLOSURE OF MEETING

11.57 am The Presiding Member declared the meeting closed.

CONFIRMED: PRESIDING MEMBER _____ **DATE:** ____/____/____