



**Shire of Ngaanyatjaraku**  
ON A JOURNEY

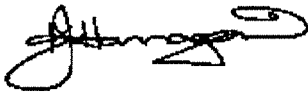
**AUDIT & RISK COMMITTEE MEETING**  
**MINUTES & ATTACHMENTS**

**Tjulyuru Cultural and Civic Centre**  
**Warburton Community**

**26 May 2021**  
**at**  
**1.00 pm**

**SHIRE OF NGAANYATJARRAKU**  
**AUDIT & RISK COMMITTEE MEETING**

The Chief Executive Officer recommends the endorsement of these minutes at the next Audit & Risk Committee Meeting.

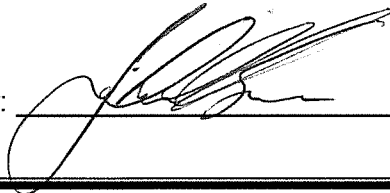


**Chief Executive Officer**

Date: 26-5-2021

These minutes were confirmed by Audit Committee as a true and correct record of proceedings of the Meeting of the Audit & Risk Committee held on the 26 May 2021.

**Presiding Member:** \_\_\_\_\_



Date: .....

28/7/21

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## 1. **DECLARATION OF OPENING**

The President has advised that after his recent knee replacement operation he has not been able to return to Warburton but will be able to attend the meeting via Zoom in Perth.

As such the Chief Executive Officer took over as presiding member and declared the meeting open at 1.00pm.

<p><b>Committee Resolution</b></p> <p><b>Moved: Cr D Frazer      Seconded: Cr J Frazer</b></p> <p><b>That the Committee approves Cr D McLean's request to attend this Committee Meeting by electronic means as he will be:</b></p> <p><b>(a) in contact, by video conference or other electronic means, with each other person present at the meeting; and</b></p> <p><b>(b) will be in a suitable place (Perth).</b></p> <p style="text-align: right;"><b>Carried: 2/0</b></p>
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The Chief Executive Officer passed chairing the meeting to Cr D McLean, President, who took over presiding the meeting at 1.02pm.

## 2. **ANNOUNCEMENT OF VISITORS**

The Presiding Member welcomed members of the public to the gallery.

## 3. **ATTENDANCE**

### 3.1 **PRESENT**

<b>Elected Members:</b>	President Councillor Councillor	D McLean (via Zoom) D Frazer J Frazer
<b>Staff:</b>	CEO DGC FAC	K Hannagan (via Zoom) C Green (via Zoom) G Handy
<b>Guests:</b>	Councillor Councillor	J Porter L West
<b>Members of Public:</b>	There was one member of the public in attendance at the commencement of the meeting, Harriet Olney, Independent, NCAC.	

### 3.2 **APOLOGIES**

Cr. A Jones

### 3.3 **APPROVED LEAVE OF ABSENCE**

## 4. **PUBLIC QUESTION TIME**

### 4.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

## 4.2 PUBLIC QUESTION TIME

## 5. APPLICATIONS FOR LEAVE OF ABSENCE

## 6. DECLARATION BY MEMBERS

### 6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors are requested to give due consideration to all matters contained in the Agenda presently before the meeting.

### 6.2 DECLARATIONS OF INTEREST

#### **Councillors to Note**

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting  
or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under *Section 5.68 or Section 5.69 of the Local Government Act 1995*.

#### **NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.

5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
  - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*, or
  - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the *Local Government Act*, with or without conditions.

**Declarations of Interest provided:**

Item Number/ Name	Type of Interest	Nature/Extent of Interest

**7. TERMS OF REFERENCE**

Under the Local Government Act 1995, Local Governments are required to appoint an Audit Committee (section 7.1A of the Local Government Act 1995).

An Audit and Risk Committee is to provide guidance and assistance to the Local Government – as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to – matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management (clause 16 Local Government (audit) Regulations 1996).

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**8.1 MINUTES OF COMMITTEE MEETING HELD**

**Officers Recommendation and Committee Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That the Unconfirmed Minutes of the Audit & Risk Committee Meeting held on 24 February 2021 at the Council Chambers, Tjulyuru Cultural and Civic Centre, Warburton Community (as published on Shire website) be confirmed as a true and accurate record.**

**Carried: 3/0**

## 9. AGENDA REPORTS

### 9.1 2021 COMPLIANCE CALENDAR

**FILE REFERENCE:** FM.02

**AUTHOR'S NAME AND POSITION:** Cary Green  
Director Governance and Strategic

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DATE REPORT WRITTEN:** 12 May 2021

**DISCLOSURE OF INTERESTS:** The author has no financial, proximity or impartiality interests in the proposal.

#### **Summary**

To provide the Audit and Risk Committee with a quarterly progress report on action taken related to the 2021 Compliance Calendar.

#### **Background**

Local Governments are required to fulfil duties and functions prescribed in legislation and the community and State Government rightly expect that Local Governments will fulfil them. This expectation is prescribed in the *Local Government Act 1995* through the CEO duties which require the management of legislative compliance.

Due to recent changes to the Local Government Act 1995, the Auditor General is now undertaking financial and performance audits for all Local Governments. To prepare for this the Shire has reviewed its former Compliance Calendar to ensure that all operational activities and processes support legislative compliance.

The attached Compliance Calendar provides a systemic approach to managing the legislative compliance, by initiating Compliance Actions via reminders and creates auditable records for how compliance has been achieved. The aim of the Compliance Calendar process is to improve compliance outcomes and reduced risk.

#### **Comment**

The attached 2021 Compliance Calendar has been prepared, to suit the specific compliance requirements and operational timeframes of the Shire. The Compliance Actions, listed in the attached spreadsheet show when these Actions need to be completed. The spreadsheet also considers the workloads for the assigned Responsible Officer, to ensure officers workloads are spread evenly over the calendar year, thus reducing work pressures and potential for compliance failures. The Compliance Calendar will be updated and reported to the A&R Committee on a Quarterly basis.

#### **Statutory Environment**

Local Government (Audit) Regulations 1996

*Sec (17) - CEO is to review the appropriateness and effectiveness of a local governments systems and procedures in relation to:*

- a) *Risk management*
- b) *Internal control*
- c) *Legislative compliance*

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Integrate Strategic Plan (2018-2028)

Goal 3, Leadership

Outcome 3.2, Good Leadership

Strategy: 3.2.3 Good local governance

**Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is “Low” risk and can be managed by routine procedures and is unlikely to need specific application of resources, other than contained in the Recommendation.

**Policy Implications**

There are no known policy implications for this matter.

**Attachments**

Attachment 9.1 – 2021 Compliance Calendar.

**Voting Requirement**

Simple Majority

**Officers Recommendation and Committee Resolution**

**Moved: Cr D Frazer      Seconded: Cr J Frazer**

**That the Audit & Risk Committee notes the quarterly progress report on action taken related to the 2021 Compliance Calendar.**

**Carried: 3/0**



## 9.2 WEBSITE COMPLIANCE ASSESSMENT

**FILE REFERENCE:** FM.02

**AUTHOR'S NAME AND POSITION:** Cary Green  
Director Governance and Strategic

**AUTHORISING OFFICER AND POSITION:** Kevin Hannagan  
Chief Executive Officer

**DISCLOSURE OF INTERESTS:** The author has no financial, proximity or impartiality interests in the proposal.

### Summary

For the Audit and Risk Committee to note the outcomes of the Website Compliance Assessment.

### Background

The Shire has undertaken an external assessment of our website to determine the extent of compliance with statutory requirements under Local Government Act and Regulations regarding publications which must be on the website.

### Comment

The Shire engaged Steven Tweedie to conduct an independent external assessment of our compliance with the statutory requirements regarding publications which must be on our website. The initial feedback from Mr. Tweedie was the Shire has a very high level of compliance in this area, with only a few matters highlighted for action.

The following matters were highlighted in the 27 March 2021 assessment report and the actions shown in the table below have been completed:

Legislative reference	Issue	Implications	Action from 27 March 2021 assessment
s5.39B	CEO Standards	CEO must publish an up-to-date version of the adopted standards on the local government's official website.	No action required as it was published in the CEO & Departments component of the website.
s5.39C(4)	ACEO Policy	CEO must publish an up-to-date version of the policy on the local government's official website.	Council adopted an up-to-date Policy at its 28 April meeting and website updated 29 April 2021
s5.51A(3)	Employee Code of Conduct	CEO must publish an up-to-date version of the code of conduct on the local government's official website.	The new Employee Code of Conduct will be going to the May OCM for adoption. Once adopted it will be put on the Shire website.
s.5.94(ba)	Gift's register	s.5.94(ba) any Register of Gifts to be made available for public inspection.	Request made for inclusion on website 13 May 2021 as a Nil Return

s5.127(1), (2)	Report on training by council members	The Shire must publish a report on the training by elected members on the Shires website.	Request made for inclusion on website 13 May 2021 to show progress or completion of the 5 mandatory modules.
Local Government (Elections) Regulations 1997 Regulation 30G	Website publication	CEO must publish electoral gift register at website	See above comment
Local Government (Administration) Regulations 1996, Regulations 29C, 29D	Website publication	The name of each council member who has lodged a primary or annual return for the financial year	Website updated 5 May 2021
Local Government (Administration) Regulations 1996, Regulations 29C, 29D	Website publication	The position of each employee who has lodged a primary or annual return for the financial year	Website updated 5 May 2021
Local Government (Functions and General) Regs 1996 Regulation 17	Website publication	Tender register must be published at website	Website updated 4 May 2021

### **Statutory Environment**

*Local Government Act 1995*

### **Financial Implications**

There are no known financial implications for this matter.

### **Strategic Implications**

Integrate Strategic Plan (2018-2028)

Goal 3, Leadership

Outcome 3.2, Good Leadership

Strategy: 3.2.3 Good local governance

### **Risk Management**

This item has been evaluated against the Shire of Ngaanyatjarraku Risk Management Framework, Risk Assessment Matrix. The perceived level of risk is "Low" risk and can be managed by routine procedures and is unlikely to need specific application of resources, other than contained in the Recommendation.

### **Policy Implications**

There are no known policy implications for this matter.

**Attachments**

Nil

**Voting Requirement**

Simple Majority

**Officers Recommendation and Committee Resolution**

**Moved: Cr J Frazer**

**Seconded: Cr D Frazer**

**That the Audit and Risk Committee note the outcomes of the Website Compliance Assessment.**

**Carried: 3/0**

**10. NEW BUSINESS OF AN URGENT NATURE AS ADMITTED BY DECISION**

**11. CONFIDENTIAL MATTERS**

**12. NEXT MEETING**

TBA at the Tjulyuru Cultural and Civic Centre, Warburton Community commencing at 1:00 pm.

**13. CLOSURE OF MEETING**

There being no further business to discuss the Presiding Member closed the meeting at 1.06 pm.