



Shire of
YILGARN

“good country for hardy people”

*Audit
Committee
Meeting
Agenda*

*19th December
2019*

SHIRE OF YILGARN NOTICE OF MEETING



Please be advised that a

AUDIT COMMITTEE MEETING

To be held in the Council Chambers on
Thursday, 19 December 2019
commencing at 2pm



Peter Clarke
Chief Executive Officer

13/12/2019

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Agenda for the Audit Committee Meeting to be held in the Council Chambers, 23 Antares Street, Southern Cross on Thursday 19th December, 2019 commencing 2:00pm.

1. DECLARATION OF OPENING

The Chief Executive Officer will open the meeting.

2. ATTENDANCE

Cr W Della Bosca	Member
Cr J Cobden	Member
Cr S Shaw	Member

Mr. P Clarke	Chief Executive Officer
Mr. C Watson	Executive Manager Corporate Services
Mrs. N Mwale	Manager of Finance
Mrs. L Della Bosca	Minute Taker

Apologies: Mrs Julie Della Bosca-Community Member

Observers:

Leave of Absence:

3. ELECTION OF PRESIDING MEMBER & DEPUTY PRESIDING MEMBER

- 3.1 The Chief Executive Officer will conduct the nomination and voting to elect a Presiding Member of the Audit Committee in accordance with the *Local Government Act 1995*.
- 3.2 The Presiding Member will conduct the nomination and voting to elect a Deputy Presiding Member of the Audit Committee in accordance with the *Local Government Act 1995*.

Local Government Act 1995

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —

- (a) to "office" were references to "office of deputy presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members"; and
- (d) to "mayor or president" were references to "presiding member".

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Audit Committee Meeting, 19th September 2019 (Minutes Attached)

Recommendation

That the minutes of the Audit Committee Meeting held on 19 September, 2019 be confirmed as a true and correct record of proceedings.

Voting Requirement: Simple Majority

7. DECLARATIONS BY MEMBERS AND OFFICERS

Members and Officers are to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and also prior to the item.

Disclosure of Financial & Proximity Interests

- a) Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the Local Government Act 1995).
- b) Employees must disclose the nature of their interest in reports or advise when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).

Disclosure of Interest Affecting Impartiality

- a) Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

8. STATUS OF ACTIONS PREVIOUSLY TABLED

Agenda item 11.1 – Adoption of the Shire of Yilgarn Audit Committee Terms of Reference finalises item 4.2.2 – Audit Committee of the 2019 Local Government (Audit) Regulations 1996 regulation 17 review.

9. RISK DEVELOPMENTS

No change

10. PRESENTATIONS

Mr Wen-Shien Chai of Moore Stephens, Councils Auditor, will be in attendance via teleconference to discuss the audit processes and outcomes.

11. OFFICERS REPORT – EXECUTIVE MANAGER CORPORATE SERVICES

11.1 Adoption of the Shire of Yilgarn Audit Committee Terms of Reference

File Reference	2.1.2.9
Disclosure of Interest	None
Voting Requirements	Simple Majority
Attachments	Attachment 1 - Shire of Yilgarn Audit Committee Terms of Reference

Purpose of Report

To present to the Audit Committee a set of Terms of Reference for their endorsement and adoption.

Background

During the recent Local Government (Audit) Regulations 1996, regulation 17 (Audit Reg 17) review it was identified that the Shire of Yilgarn Audit Committee did not have a set of Terms of Reference to guide its activities. It was agreed that staff would develop a set of Terms of Reference and present these to the next meeting of the Audit Committee.

Comment

Item 4.2.2 - Audit Committee of the recent Audit Reg 17 review identified the need for the Shire of Yilgarn Audit Committee to develop and adopt a set of Terms of Reference which are intended to inform and guide the Committee in the performance of their activities.

A set of Terms of Reference have been developed by staff and are attached to this item. These Terms of Reference are based on the Department of Local Government, Sport & Cultural Industries model with minor modifications to bring them into line with the Shire of Yilgarn's requirements and to update the model inline with the appointment of the Office of the Auditor General as the Auditor for all Local Governments in the state.

Statutory Environment

There is no statutory requirement for a Local Government's Audit Committee to have a set of Terms of Reference, however the *Local Government Operational Guidelines Number 09 – Audit in Local Government* recommends that a Council's Audit Committee develop and adopt their own Terms of Reference.

Strategic Implications

Shire of Yilgarn Strategic Community Plan 2018-2028 – Civic Leadership – A trustworthy and cohesive Council that functions efficiently and effectively to meet the needs of our community.

Policy Implications

Nil

Financial Implications

Future Budget allocations to comply with the more complex recommendations.

Officer Recommendation

That the Audit Committee adopts the Shire of Yilgarn Audit Committee Terms of Reference as presented.

SHIRE OF YILGARN AUDIT COMMITTEE

Objectives of Audit Committees

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

The committee is to facilitate –

- the enhancement of the credibility and objectivity of external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- the provision of an effective means of communication between the external auditor, the CEO and the Council.

Powers of the Audit Committee

The Audit committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

Membership

The committee will consist of four members with three elected and one external person. All members shall have full voting rights.

External persons appointed to the committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

A sitting fee equal to that applicable to elected members will be paid to each external person who is a member of the committee.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

Meetings

The committee shall meet at least annually.

Additional meetings shall be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

Duties and Responsibilities

The duties and responsibilities of the committee will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Review and suggest improvements to the external auditor's proposed audit scope and approach for financial performance audits;
- c) Consider the findings and recommendations of relevant Performance Audits undertaken by the external auditor and ensure the Shire implements relevant recommendations;
- d) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- e) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
- f) Examine the reports of the auditor after receiving a report from the CEO on the matters to –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
- g) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- h) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- i) Review the annual Compliance Audit Return and report to the council the results of that review, and
- j) Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.

11.2 2018/19 Audit and Management Report

File Reference	8.2.3.3
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Attachments	Attachment 1 – 2018/2019 Annual Report including the Annual Financial Report incorporating the Independent Auditor's Report. Attachment 2 – Management Report for Year Ending 30 June 2019. Attachment 3 – CEO's Report relating to Audit.

Purpose of Report

The Audit Committee is requested to endorse the Annual Financial Report, Management Report and Chief Executive Officers Report relating to the Annual Financial Report for the year ending 2018/2019.

Background

The purpose and responsibilities of the Audit Committee is outlined in Part 7 of the Local Government Act 1995.

One of the Audit Committee's responsibilities is to examine the reports of the auditor including the management report. The committee would then determine if any matters raised in the reports require action to be taken by the local government and to ensure that appropriate action is implemented.

The Audit Committee is also to receive and authorise a report relating to the audit prepared by the Chief Executive Officer that is subsequently to be sent to the Minister. This report outlines actions intended to be undertaken in relation to matters identified by the auditor.

Comment

Prior to the consideration of this report, Councils appointed Auditor will discuss the content of the audit and issues raised within the attached Management Report.

The auditor's completed the audit for the financial year ended 30 June 2019. The attached reports include the Chief Executive Officer's response to both the Management Report for the year ended 30 June 2019 and the Independent Auditor's Report for the same period that is submitted for the Committee's attention.

Statutory Environment

Local Government Act 1995 –

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president; and
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit; or
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
 - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
 - (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A Duty of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.

- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Local Government (Financial Management) Regulations 1996 –

51. Annual financial report to be signed etc. by CEO and given to Department

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.
- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

Local Government (Audit) Regulations 1996 –

10. Report by auditor

- (1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor's opinion on —
 - (a) the financial position of the local government; and
 - (b) the results of the operations of the local government.
- (3) The report is to include —
 - (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government; and
 - (b) any matters indicating non-compliance with Part 6 of the Act, the Local Government (Financial Management) Regulations 1996 or applicable

- financial controls in any other written law; and
- (c) details of whether information and explanations were obtained by the auditor; and
 - (d) a report on the conduct of the audit; and
 - (e) the opinion of the auditor as to whether or not the following financial ratios included in the annual financial report are supported by verifiable information and reasonable assumptions —
 - (i) the asset consumption ratio; and
 - (ii) the asset renewal funding ratio.
- (4A) In subregulation (3)(e) —
- asset consumption ratio** has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2);
- asset renewal funding ratio** has the meaning given in the Local Government (Financial Management) Regulations 1996 regulation 50(2).
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.

The recommendation that follows is consistent with the legislative requirements.

Strategic Implications

There are no strategic implications as a result of this report.

Policy Implications

There are no policy implications as a result of this report.

Financial Implications

There are no financial implications as a result of this report.

Officer Recommendation

That the Audit Committee:

- 1. accepts the Annual Financial Report, inclusive of the Independent Auditors Report to the Electors of the Shire of Yilgarn, for the year ending 30 June 2019.*
- 2. accepts the Chief Executive Officer's Report and recommends a copy of said report be forwarded to the Minister.*

3. *endorses the presented Shire of Yilgarn Annual Report for the financial period ending 30 June 2019 and recommends its presentation to the December 2019 meeting of Council for formal acceptance.*

12. CLOSURE