



MINUTES

AUDIT AND RISK COMMITTEE MEETING

WEDNESDAY 7 SEPTEMBER 2022

TIME: 6.30PM

CITY OF STIRLING

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 7.34 pm
The Chair welcomed Ms Adnana Arapovic to the Audit and Risk Committee meeting.

2 ATTENDANCE / APOLOGIES

AUDIT COMMITTEE MEMBERS

Cr Karen Vernon (Chair)	Town of Victoria Park
Cr Frank Cvitan (Deputy Chair)	City of Wanneroo
Cr Paul Miles	City of Wanneroo
Cr Elizabeth Re	City of Stirling
Mr Ash Kumar	External Member

MRC MEMBER COUNCIL OBSERVERS

Cr Chris Hatton	City of Stirling
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MRC OFFICERS

Mr Scott Cairns	Chief Executive Officer
Ms Andrea Slater	Director Corporate Services
Ms Sonia Cherico	Human Resource Officer
Ms Deborah Toward	PA Executive Support

VISITORS

Ms Adnana Arapovic Finance Manager

3 TERMS OF REFERENCE

At an Ordinary Council Meeting held on 7 July 2005 the Audit Committee was established by Council under s7.1A of the Local Government Act 1995 and at an Ordinary Council Meeting held on 27 October 2005 Council adopted the Terms of Reference for the operation of the Audit Committee. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 26 May 2022 and has been renamed to the Audit and Risk Committee.

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

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 auditing;
- The provision of an effective means of communication between the external auditor, the CEO and the Council.

4 DECLARATION OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes of the Audit Committee meeting of 12 May 2022, can be found at ***Attachment 1***.

RECOMMENDATION

That the Minutes of the Audit Committee Meeting held on 12 May 2022 be taken as read, confirmed and the Chair invited to sign same as a true record of the proceedings.

Moved Cr Vernon, Seconded Cr Re

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 5/0)

6 REPORTS

6.1 REPORT OF NON-COMPLIANCE TO THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES	
Reference:	GF-22-0000078
Attachment(s):	Nil
Date:	16 AUGUST 2022
Responsible Officer:	DIRECTOR CORPORATE SERVICES

PURPOSE

For the Audit and Risk Committee to note that a non-compliance has been reported to the Department of Local Government, Sport and Cultural Industries (The Department). The non-compliance relates to the election of the Mindarie Regional Council (MRC) Chair at an MRC Special Council meeting held on 08 July 2021. The non-compliance is that the election held on 8 July 2021 did not comply with the requirements set out in the *Local Government Act 1960* (LGA 1960).

DETAIL

The MRC was constituted under LGA 1960 and is governed in accordance with its constitution established in 1987.

Notwithstanding that the LGA 1960 was repealed, by virtue of clause 10 of Schedule 9.3 of the *Local Government Act 1995* (LGA 1995) the MRC continues and its constitution remains in force as if it was a regional local government established under the LGA 1995. Further, clause 10 of Schedule 9.3 of the *LGA 1995* preserves certain provisions of the LGA 1960 that continue to apply to MRC which includes sections 699 to 702, 704 to 707 and 709 of the LGA 1960.

In accordance with requirements of section 702 and 709 of the LGA 1960, the MRC undertakes an election every year to appoint its chair and its deputy chair.

At its Special Council Meeting on 8 July 2021 (Special Council Meeting), the MRC undertook an election process to elect the chair that purported to be undertaken in accordance with section 709 of the LGA 1960.

The initial election process resulted in a tied vote and the Special Council Meeting was adjourned for 10 minutes. At the conclusion of the 10-minute adjournment, the Special Council Meeting resumed, undertaking another election process which resulted in Councillor Vernon receiving the majority of votes and was duly declared the elected chair.

Adjourning the Special Council Meeting for a period of 10 minutes did not comply with the requirement set out in section 141(1)(d) of the LGA 1960 which requires that the meeting: *...shall be adjourned to the corresponding day and time of the **next following week** at the same place...*

The Special Council Meeting should have been adjourned for a period of a week and not resumed until 6:30pm on 15 July 2021. The non-compliance with the adjournment period set out in section 141(1)(d) of the LGA 1960 is considered an error or defect in the election process undertaken.

Notwithstanding the error highlighted above, the election process, voting and counting of votes was undertaken in compliance with the requirements of the LGA 1960 and 1995 (as applicable), the adjournment period for the meeting did not comply with the requirements of section 141(d) of the LGA 1960.

The MRC's position is that the non-compliance is:

- is a minor irregularity in respect of the conduct of the meeting;
- is an error or defect of a merely formal nature; and
- did not impact or in any way denigrate from the election process and the election result.

Further, in accordance with section 145 of the LGA 1960, the defect did not affect the result of the election.

To prevent any future non-compliance relating to the Election process for the positions of Chair and Deputy Chair a detailed set of instructions have been developed.

The MRC reported the non-compliance to the Department of Local Government, Sport and Cultural Industries on 02 August 2022.

STATUTORY ENVIRONMENT

Local Government Act 1960

Local Government Act 1995

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

CONSULTATION

The MRC obtained independent legal advice from Jackson McDonald Lawyers.

The Legal Advice has informed improved procedures that are now in place for future elections.

COMMENT

The non-compliance was not reported as part of MRC's Compliance Audit Return for the 2021 year, however, it will be reported in MRC's compliance audit return for 2022 in accordance with the requirements of Regulation 14 of the *Local Government (Audit) Regulations 1996*.

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee notes the report of non-compliance made on 02 August 2022 to the Department of Local Government, Sport and Cultural Industries relating to the election of the MRC Chair at the Special Council meeting held on 8 July 2021.

Moved Cr Miles, Seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 5/0)

6.2 FINANCIAL MANAGEMENT REVIEW – PROGRESS UPDATE	
Reference:	GF-21-0000204
Attachment(s):	Attachment 2 - Financial Management Review – Progress Table Attachment 2a - Financial Management Review – Progress Report
Date:	16 AUGUST 2022
Responsible Officer:	DIRECTOR CORPORATE SERVICES

BACKGROUND

The Financial Management Review was last conducted in May 2021 and tabled at the Audit Committee on 22 July 2021 and at the Ordinary Council Meeting on 12 August 2021.

DETAIL

Under regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 (as amended July 2022), the CEO is to undertake reviews of appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

The review was conducted for the period 1 July 2020 to 28 February 2021.

The original report can be found at **Attachment 2** to this agenda.

The table at **Attachment 2a** gives a progress update on 196the recommendations that were received from the auditor.

The next review is due before May 2023.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Act 1996

Local Government Act 1995

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee note the Financial Management Review Progress Update.

Moved Cr Vernon, Seconded Cr Re

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 5/0)

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requested the Committee to meet “behind closed doors” to allow the Committee to consider items 7.1, 7.2, and 7.3 as the items are of a confidential nature.

**Moved Cr Vernon, seconded Cr Re
To close the meeting to the public.
(CARRIED UNANIMOUSLY 5/0)**

There were no members of the public present.

Doors closed at 7.41 pm.

7 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
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This report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f)(ii) of The <i>Local Government Act 1995</i> as the report deals with matters concerning risks to the MRC.

7.1 FULL RISK REGISTER

File No:	GF-20-0000408
Attachment (s)	Attachment 1 - Full Risk Review Attachment 1a - Risk Assessment and Acceptance Criteria V3
Date:	5 May 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee note the full risk register as presented.

Moved Cr Cvitan, Seconded Cr Re

ALTERNATE MOTION

Moved Cr Vernon, Seconded Cr Re

The Audit and Risk Committee recommends to Council that:

- 1) Endorses the full risk register, version 30 June 2022, as presented.
- 2) Requests the Chief Executive Officer to conduct a review of the full risk register within 12 months and present the findings to the Audit and Risk Committee

Reason for Alternate motion

To ensure that Council has oversight of the full risk register and that the process for annual review is endorsed by council

(CARRIED UNANIMOUSLY 5/0)

This report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f)(ii) of The <i>Local Government Act 1995</i> as the report deals with matters concerning risks to the MRC.	
7.2 DRAFT RISK APPETITE STATEMENT AND RISK MANAGEMENT PLAN	
File No:	GF-21-0000518
Attachment (s)	Attachment 2 – Draft Risk Appetite Statement and Risk Management Plan
Date:	5 May 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee recommend that Council adopt the revised risk appetite statement and risk management plan.

Moved Cr Cvitan, Seconded Cr Miles

PROPOSED AMENDMENT

Moved Mr Kumar, seconded Cr Miles

That the recommendation be amended to read as follows:

That the Audit and Risk Committee recommend that Council:

- 1) Adopt the revised risk appetite statement and risk management plan.**
- 2) Directs the CEO to review the risk appetite statement and risk management plan annually.**

Reason for amendment

For the purposes of good governance and oversight

(CARRIED UNANIMOUSLY 5/0)

This report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f)(ii) of The <i>Local Government Act 1995</i> as the report deals with matters concerning risks to the MRC.	
7.3 BUSINESS CONTINUITY – INFORMATION TECHNOLOGY	
File No:	GF-21-0000518
Attachment (s)	Attachment 3 – Business Continuity – Information Technology
Date:	17 August 2022
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee note the Action list from the recent Business Continuity Exercise.

Moved Cr Vernon, Seconded Cr Cvitan

PROPOSED AMENDMENT

Moved Cr Re, Seconded Cr Vernon

Delete the word “note” and insert the word “endorse”

Reason for Amendment:

For the purposes of good governance and oversight

(CARRIED UNANIMOUSLY)

SUBSTANTIVE RECOMMENDATION AS AMENDED

That the Audit and Risk Committee endorse the Action list from the recent Business Continuity Exercise.

(CARRIED UNANIMOUSLY)

Moved Cr Vernon, seconded Cr Cvitan

To re-open the meeting to the public

(CARRIED UNANIMOUSLY 5/0)

There were no members of the public present.

Doors reopened at 8.21 pm

The Chair declared the meeting re-opened at 8.21pm, and noted the resolutions passed behind closed doors.

8 NEW BUSINESS

Nil

9 NEXT MEETING

The next meeting date is to be confirmed

10 CLOSURE

The Chair closed the meeting at 8.21 pm

These minutes were confirmed by the Audit and Risk Committee as a true and accurate record of the Audit and Risk Committee meeting held on 07 September 2022

Signed Chair

Dated..... day of2022
