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are yet to be confirmed as a
true record of proceedings

CITY OF BUSSELTON

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 8 MARCH 2023

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MINUTES

MINUTES OF THE AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 8 MARCH 2023 AT 9:00AM.

1. DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9:02am.

The Presiding Member acknowledged the Wadandi and Bibbulmun people as the traditional custodians of this region and paid respects to Elders past and present.

The Presiding Member advised the meeting was being recorded.

2. ATTENDANCE

Presiding Member:

Cr Paul Carter

Members:

Cr Grant Henley

Cr Phill Cronin

Cr Anne Ryan

Officers:

Mr Tony Nottle, Chief Executive Officer

Ms Sarah Pierson, Acting Director, Finance and Corporate Services

Mr Tim Allingham, Manager Information Services

Mrs Emma Heys, Governance Coordinator

Mr Andrew Pearce, Network and Systems Administrator

Ms Jo Barrett-Lennard, Governance Officer

Apologies:

Nil

Public:

1

3. PUBLIC QUESTION TIME

In accordance with Regulation 11 of the *Local Government (Administration) Regulations 1996*, the below is a summary of the questions received and responses provided during Public Question Time.

Responses to Previous Questions Taken on Notice

The following questions were taken on notice at the 23 November 2022 Audit and Risk Committee meeting. Prior to the meeting, the Presiding Member advised that the questions taken on notice had been responded to, were presented to the meeting and would be tabled in the minutes.

3.1 Mr Andrew Macnish

Question

Why does the Busselton City Audit and Risk Committee seemingly not accord, or indeed better all of the standards of the Departmental Guidelines on Audit Committees?

Response

(Mr Tony Nottle, Chief Executive Officer)

The functions of the City's Audit and Risk Committee are set out in the Terms of Reference. As noted in the Department's guideline, the model terms of reference provided by the Department is a guide only and may contain clauses that are not applicable to each local government. Each local government needs to consider what is relevant to them based on their requirements and overall resourcing capacities. The Council may in this context continue to review the operation of its ARC to ensure it is appropriate to its needs.

Question Time for Public

3.2 Mr Andrew Macnish

Question

Does this Audit and Risk Committee (ARC) concur with the Auditor General that an essential part of the City's governance is to ensure it provides independent advice and assurance on systems of risk and internal control fundamentally independent from management influence and how has this been demonstrated to date?

Response

(Cr Paul Carter, Presiding Member)

We will take the question on notice.

Question

Audit Regulation 9(2) requires Audits performed under part 7 of the *Local Government Act 1995* (the Act) to carry out an audit in accordance with the Australian Auditing Standards yet there is no such compliance statement in the Compliance Audit Return (CAR) agenda item. Does the ARC believe it improper to potentially expose the Council pursuant to its review by not requiring such a statement to accompany the recommended CAR?

Response**(Mr Tony Nottle, Chief Executive Officer)**

The Compliance Audit Return generated by the Department [of Local Government] determines what questions are asked within that return, and what the City responds to. Whilst there is a regulation which covers the audit, the audit was done by staff in a form prescribed by the Minister.

Question

The City's last Risk study required by Audit Regulation 17 adopted by the Council in mid-June 2020 included the financial year 2018/19. Why has there been no such study adopted for the subsequent 3 financial years and will the ARC confirm it will take direct charge to immediately address this situation and necessarily utilise external assessment calling for public submissions and confidential internal submissions as vital parts of the study?

Response**(Ms Sarah Pierson, Acting Director Finance and Corporate Services)**

The Regulation 17 report needs to be done once in every three financial years, the last one having been done in 2019/2020. The next one is due soon, and the City is currently looking at how it undertakes the review.

Question

The 2022 Compliance Audit Return states the *'CEO to officer delegations were reviewed in the 2021/2022 financial year, however this review was not documented in the register'*. What proof exists that this review occurred?

Response**(Ms Sarah Pierson, Acting Director Finance and Corporate Services)**

The City is not able to verify that all the CEO to officer delegations were reviewed, and the register has not been updated. There were numerous reviews done, but we are not able to verify that all of them were updated.

Question

Who supposedly conducted this 'non-documented review'? Was the review before or after the CEO was accused of failing to register a delegation?

Response**(Ms Sarah Pierson, Acting Director Finance and Corporate Services)**

Individual delegations from the CEO to employees have been reviewed over time. When there is a matter raised in relation to a sub-delegation, then we have undertaken a review of that sub-delegation, and amended and updated as required.

The matter of the delegation/ authorisation you refer to has no relevance to what the City does with sub-delegations. There was no holistic review where we updated the register and so it was not before or after.

Question

When is the last time the Compliance Audit Return was conducted by an external qualified auditor?

Response**(Mr Tony Nottle, Chief Executive Officer)**

There has not been a Compliance Audit undertaken by an external auditor in my time here. There is no requirement for an external auditor to undertake this audit, although the Council can look at an external auditor in the future.

Question

Does the City have an annual and long term strategic audit plan?

Response**(Mr Tony Nottle, Chief Executive Officer)**

No.

Question

Why was the meeting of the Audit and Risk Committee held 23 November 2022 not advertised in accordance with statutory requirements? Why did elected members receive their notice of the meeting before the public, seemingly breaching the statutory requirements, and in the interest of transparency clarify the breach and inadequacy of the answer previously supplied?

Response**(Ms Sarah Pierson, Acting Director Finance and Corporate Services)**

We will take that question on notice as I don't have the details on hand.

Question

Does this ARC consider a period of 1 business day between the publication of the Audit and Risk Committee agenda and the day of the meeting covering matters of an entire year's compliance, adequate, fair and encouragingly transparent to the public?

Response**(Cr Paul Carter, Presiding Member)**

We will take that question on notice.

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES**5.1 Minutes of the Audit and Risk Committee Meeting held 23 November 2022****COMMITTEE DECISION**

AU2303/061 Moved Councillor G Henley, seconded Councillor P Cronin

That the Minutes of the Audit and Risk Committee Meeting held 23 November 2022 be confirmed as a true and correct record.



CARRIED 3/1

FOR: CR CARTER, CR HENLEY, CR CRONIN

AGAINST: CR RYAN

6. REPORTS

6.1 2022 ANNUAL COMPLIANCE AUDIT RETURN

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Compliance Audit Return
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Acting Director, Finance and Corporate Services - Sarah Pierson
NATURE OF DECISION	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A City of Busselton 2022 Compliance Audit Return  

COMMITTEE RECOMMENDATION

AU2303/062 Moved Councillor P Cronin, seconded Councillor G Henley

That the Council, having received the 2022 Compliance Audit Return (Attachment A):

- 1. adopt the 2022 Compliance Audit Return; and**
- 2. authorises the Mayor and Chief Executive Officer to sign in joint the Certificate.**

CARRIED 3/1

FOR: CR CRONIN, CR HENLEY, CR CARTER

AGAINST: CR RYAN

OFFICER RECOMMENDATION

That the Council, having received the 2022 Compliance Audit Return (Attachment A):

1. adopt the 2022 Compliance Audit Return; and
2. authorises the Mayor and Chief Executive Officer to sign in joint the Certificate.

EXECUTIVE SUMMARY

The Compliance Audit Return (CAR) is a statutory reporting tool that evaluates the City's compliance with targeted sections of the *Local Government Act 1995* (the Act) during the period 1 January 2022 to 31 December 2022.

The City has completed the 2022 CAR and it is included in this report (Attachment A) for the Audit & Risk Committee's consideration. The 2022 CAR is recommended for adoption by Council, after which it will be lodged, as required, with the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March 2023.

BACKGROUND

Between 1 January 2023 and 31 March 2023, local governments are required to carry out an audit of compliance covering the period 1 January 2022 to 31 December 2022. The City's responses to the 2022 CAR are to be reviewed by the Audit and Risk Committee and then recommended to Council for adoption.

OFFICER COMMENT

In completing the 2022 CAR, officers have undertaken an audit of the relevant activities, practices and procedures in line with the Act and associated Regulations. The Audit results are summarised in the Table below:

Compliance Area	Number of Questions	Compliance
Commercial Enterprises by Local Government	5	YES - 100%
Disclosures of Interest	21	YES - 100%
Disposal of Property	2	YES - 100%%
Elections	3	YES - 100%%
Finance	7	YES - 100%%
Integrated Planning and Reporting	3	YES - 100%%
Local Government Employees	5	YES - 100%%
Official Conduct	4	YES - 100%%
Tenders for Providing Goods and Services	22	YES - 100%%
Delegation of Power/Duty	13	99%
Optional Questions	9	99%
Total	94	99.8%

The City has achieved a high level of compliance for the 2022 Compliance Audit Return. Two areas have been identified for improvement:

Delegation of Power/Duty

Question 12 of the Delegation of Power/Duty of the 2022 CAR deals with the review of delegations in accordance with section 5.46(2) of the Act. The City has complied with these requirements, with both Council to CEO and CEO to Officer Delegations being reviewed in the 2021/2022 financial year, however the review of CEO to Officer Delegations were not documented in the register. New procedures are now in place, reflecting a system improvement in this area with the implementation of Attain.

Optional Questions

Question 7 of the Optional Questions of the 2022 CAR deals with the requirement to develop and publish a report on the training undertaken by Elected Members in the financial year. Staff prepared the report on the training undertaken by Elected Members in the 2021/2022 financial year, but it was not published by 31st July 2022. The report is now published on the City's website in accordance with section 5.127 of the Act.

Statutory Environment

Section 7.13 of the *Local Government Act 1995* provides for the making of Regulations in regards to Audits.

Regulation 13 of the *Local Government (Audit) Regulations 1996* prescribes the statutory requirements for the compliance audit.

Regulations 14 and 15 state the following:

14. *Compliance audits by local governments*

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (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 subregulation (3A), the compliance audit return is to be –*
 - (a) *presented to council at a meeting of the council; and*
 - (b) *adopted by council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation – **certified** in relation to a compliance audit return means signed by –*
 - (a) *the mayor or president; and*
 - (b) *the CEO.*

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risk of a medium or greater level have been identified, with non-compliances identified being minor in nature.

Options

As an alternative to the proposed recommendation the Council may choose to request further information from officers prior to adopting the 2022 CAR. It is however a statutory requirement that the 2022 CAR is endorsed by Council and submitted to the Department prior to 31 March 2023.

CONCLUSION

It is recommended that the Council adopts the 2022 CAR for submission to the Department prior to 31 March 2023.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The 2022 CAR will be lodged with the Department prior to 31 March 2023.

C01-013 Complete the CAR		
Description	Complete the CAR and submit to DLGSC by 31 March	
Position responsible	Chief Executive Officer	
Status	Due 31 March 2023	
Checklist and outcome		
Completed	Ensure all subtasks have been finalised by completing all questions in the CAR section. Ensure where relevant/available, evidence supporting the responses has been included as either a reference in the comments, or attachment uploaded.	---
	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.	---
	The CAR is to be presented to the council and adopted by the council and recorded in the minutes of the meeting at which it is adopted.	---
	Regulation 15 of the Local Government (Audit) Regulations 1996 Ensure a joint certification of the CAR has been completed by the Mayor/President and Chief Executive Officer	---
	When all actions completed, forward CAR to the Department of Local Government, Sport and Cultural Industries through 'SmartHub'	---

C01-004 Disposal of Property		
Description	Disposal of Property	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s3.58(3) - Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	Yes
Completed	2. s3.58(4) - Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	Yes
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Disposal of Property	

C01-008 Tenders for Providing Goods and Services		
Description	Tenders for Providing Goods and Services	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. F&G Reg 11A(1) & (3) - Did the local government comply with its current purchasing policy, adopted under F & G Reg 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes
Completed	2. s3.57 F&G Reg 11 Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes
Completed	3. F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4) - When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes
Completed	4. F&G Reg 12 - Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Not applicable - The City did not enter into multiple contracts to avoid regulation 11(1)
Completed	5. F&G Reg 14(5) - If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes

Completed	6. F&G Regs 15 & 16 - Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes
Completed	7. F&G Reg 17 - Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes
Completed	8. F&G Reg 18(1) - Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	Yes
Completed	9. F&G Reg 18(4) - Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes
Completed	10. F&G Reg 19 - Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes
Completed	11. F&G Regs 21 & 22 - Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Not applicable: No expressions of interest were undertaken during the reporting period.
Completed	12. F&G Reg 23(1) & (2) - Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	Not applicable: No expressions of interest were undertaken during the reporting period.
Completed	13. F&G Reg 23(3) & (4) Were all expressions of interest that were not rejected under F&G Reg 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Not applicable: No expressions of interest were undertaken during the reporting period.
Completed	14. F&G Reg 24 - Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Not applicable: No expressions of interest were undertaken during the reporting period.

Completed	15. F&G Regs 24AD(2) & (4) and 24AE - Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	Yes
Completed	16. F&G Reg 24AD(6) - If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	Yes
Completed	17. F&G Reg 24AF - Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	Yes
Completed	18. F&G Reg 24AG - Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	Yes
Completed	19. F&G Reg 24AH(1) - Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	Yes
Completed	20. F&G Reg 24AH(3) - Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	Yes
Completed	21. F&G Reg 24AI - Did the CEO send each applicant written notice advising them of the outcome of their application?	Yes
Completed	22. F&G Regs 24E & 24F - Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Tenders for Providing Goods and Services	

C01-009 Finance		
Description	Finance	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s7.1A - Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes - 18 October 2021 (C2110/065)
Completed	2. s7.1B - Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Yes
Completed	3. s7.9(1) - Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?	Yes - 21 December 2022 (C2212/304)
Completed	5.Where matters identified as significant were reported in auditor's report, did local government prepare report that stated what action they had taken or intended to take with respect to each of those matters? Was copy of report given to the Minister within 3 months of audit report being received?	Not applicable - no matters were identified as significant in the reporting period
Completed	4. s7.12A(3) - Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes - the City is undertaking a review of the reserves.
Completed	6. s7.12A(5) - Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes
Completed	7. Audit Reg 10(1) - Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?	Yes
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Finance.	

C01-012 Elections		
Description	Elections	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. Did CEO establish & maintain an electoral gift register, ensuring that all disclosure of gifts completed by candidates & donors and received by CEO were placed on the electoral gift register at time of receipt by CEO that clearly identifies and distinguishes the forms relating to each candidate?	Not applicable - There was no election held in the reporting period
Completed	2. Elect Regs 30G(3) & (4) - Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	Not applicable - There was no election held in the reporting period
Completed	3. Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Not applicable - There was no election held in the reporting period
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Elections	

C01-015 Delegation of Power / Duty		
Description	Delegation of Power / Duty	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s5.16 - Were all delegations to committees resolved by absolute majority?	Yes
Completed	2. s5.16 - Were all delegations to committees in writing?	Yes
Completed	3. s.5.17 - Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	Yes
Completed	4. s5.18 - Were all delegations to committees recorded in a register of delegations?	Yes
Completed	5. s5.18 - Has council reviewed delegations to its committees in the 2021/2022 financial year?	21/22 Financial Year - completed in October 2021 Further completed in December 2022 (22/23 Financial Year)
Completed	6. s.5.42(1), s.5.43 & Admin Reg 18G - Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?	Yes
Completed	7. s5.42(1) - Were all delegations to the CEO resolved by an absolute majority?	Yes
Completed	8. S5.42(2) - Were all delegations to the CEO in writing?	Yes
Completed	9. s5.44(2) - Were all delegations by the CEO to any employee in writing?	Yes
Completed	10 s.5.16(3)(b) & s5.45(1)(b) - Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes
Completed	11. s5.46(1) - Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes
Completed	12. s.5.46(2) - Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2021/2022 financial year?	Council to CEO Delegations were reviewed 13 October 2021 (C2110/057). CEO to Officer Delegations were reviewed in the 2021/2022 financial year, however this review was not documented in the register.

Completed	13. s.5.46(3), Admin Reg 19 - Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	Yes
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Delegation of Power/Duty with the exception of Question 12: The CEO to Officer delegations were reviewed in the 2021/2022 financial year, however this was not documented in the register. New procedures are now in place, reflecting a system improvement in this area (implementation of Attain).	

C01-016 Commercial Enterprise by Local Governments		
Description	Commercial Enterprise by Local Governments	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1.s3.59(2)(a) F&G Regs 7,9,10 - Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022?	Not applicable - major trading undertaking was undertaken in the reporting period
Completed	2. s3.59(2)(b) F&G Regs 7,8A, 8, 10- Has the local government prepared a business plan for each major land transaction that was not exempt in 2022?	Not applicable - no major land transactions were undertaken during the reporting period
Completed	3. s3.59(2)(c) F&G Regs 7,8A, 8,10- Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2022?	Not applicable - no land transactions were undertaken during the reporting period
Completed	4. s3.59(4) - Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2022?	Not applicable - no major trading or land transactions were undertaken in the reporting period
Completed	5. s3.59(5) - During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Not applicable - no major land transaction or trading undertaking were undertaken during the reporting period
Details of outcome	The City has complied with the Local Government Act and Regulations in relation to Commercial Enterprises by Local Government.	

C01-017 Local Government Employees		
Description	Local Government Employees	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s5.36(4) & s5.37(3) Admin Reg 18A - Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	Yes
Completed	2. Admin Reg 18E - Was all information provided in applications for the position of CEO true and accurate?	Yes
Completed	3. Admin Reg 18F - Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	Yes
Completed	4. s5.37(2) - Did the CEO inform council of each proposal to employ or dismiss senior employee?	Not applicable - no senior employees were employed or dismissed in the reporting period.
Completed	5. s5.37(2) - Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	Not applicable - no senior employees were employed or dismissed in the reporting period.
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Local Government Employees	

C01-018 Official Conduct		
Description	Official Conduct	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s5.120 - Has the local government designated an employee to be its complaints officer?	Yes - the employee holding the position of Director, Finance and Corporate Services
Completed	2. s5.121(1) & (2) - Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	Yes
Completed	3. S5.121(2) - Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes
Completed	4. s5.121(3) - Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes
Details of outcome	The City is compliant with the requirements of the Local Government Act and Regulations in relation to Official Conduct	

C01-023 Disclosure of Interest		
Description	Disclosure of Interest	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. s5.67 - Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes
Completed	2. s5.68(2) & s5.69(5) Admin Reg 21A - Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required the Local Government (Admin) Regulations 21A, recorded in the minutes of the relevant council or committee meeting?	Yes
Completed	3. s5.73 - Were disclosures under section sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes
Completed	4. s5.75 Admin Reg 22, Form 2 - Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes
Completed	5. s5.76 & Admin Reg 23, Form 3 - Was an annual return in the prescribed form lodged by all relevant persons by 31 August?	Yes
Completed	6. s5.77 - On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes

Completed	7. s5.88(1) & (2)(a) - Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?	Yes
Completed	8. s5.88(1) & (2)(b) Admin Reg 28 - Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in Local Government (Administration) Regulations 1996, regulation 28	Yes
Completed	9. s5.88(3) - When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes
Completed	10. s5.88(4) - Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a	Yes
Completed	11. s5.89A(1), (2) & (3) Admin Reg 28A - Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes
Completed	12. s5.89A(5) & (5A) - Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes
Completed	13. s5.89A(6) - When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	Yes
Completed	14. s5.89A(7) - Have copies of all records removed from the register under section 5.89A(6) Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes

Completed	15. s5.70(2) & (3) - Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes
Completed	16.s5.71A & s5.71B(5)Where council applied to Minister to allow CEO to provide advice or a report to which a disclosure under s5.71A(1) of the Act relates, did application include details of nature of the interest disclosed & any information required by the Minister for the purpose of application?	No applications were made during the reporting period
Completed	17. s5.71B(6) & s5.71B(7) - Was any decision made by the Minister under subsection 5.71B(6) of the Local Government Act 1995 recorded in the minutes of the council meeting at which the decision was considered?	No such decision was made during the reporting period
Completed	18. s5.104(1) - Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	Yes - 28 April 2021 (C2104/082)
Completed	19. s5.104(3) & (4) - Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	No additional requirements were adopted
Completed	20. s5.104(7) - Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes
Completed	21. s5.51A(1) & (3) - Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government in accordance with section 5.51A(1) of the Local Government Act 1995?	Yes - CEO endorsement - 24 May 2021
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to Disclosures of Interest	

C01-024 Optional Questions		
Description	Optional Questions	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. FM Reg 5(2)(c) - Did the CEO review the appropriateness & effectiveness of the local government's financial management systems & procedures in accordance with FM Reg 5(2)(c) within the 3 years prior to 31 Dec 2022? If yes, please provide the date of council's resolution to accept the report.	Yes - 12 May 2021 (C2105/093)
Completed	2. Audit Reg 17-Did CEO review appropriateness & effectiveness of LG's systems & procedures in relation to risk management, internal control & legislative compliance in accordance with Reg 17 within 3 financial years prior to 31/12/22? If yes provide date of council's resolution to accept report	Yes - 10 June 2020 (C2006/043)
Completed	3. s5.87C - Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes
Completed	4. s5.90A(2) & (5) - Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events ?	Policy adopted 12 August 2020 with a 3 year review cycle - review scheduled prior to August 2023
Completed	5. s5.96A(1), (2), (3) & (4) - Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	Yes

Completed	6. s5.128(1) - Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes - Policy adopted 25 January 2022. Scheduled for review prior to the 2023 LG Elections
Completed	7. s5.127 - Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022?	A report on the training completed by council members in the 2021/2022 financial year was prepared, but not published by 31st July 2022. The report is now published.
Completed	8. s6.4(3) - By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022?	Yes
Completed	9. s.6.2(3) - When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes
Details of outcome	The City has complied with the requirements of the Local Government Act and Regulations in relation to these Optional Questions, with the exception of Question 7: a report on the training undertaken by Elected Members in the 2021/2022 financial year was prepared, but not published by 31st July 2022. The report is now published.	

C01-025 Integrated Planning and Reporting		
Description	Integrated Planning and Reporting	
Position responsible	Acting Director Finance and Corporate Services	
Checklist and outcome		
Completed	1. Admin Reg 19C - Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes - 9 June 2021 (C2106/118)
Completed	2. Admin Reg 19DA(1) & (4) - Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes - 11 August 2021 (C2108/167)
Completed	3. Admin Reg 19DA(2) & (3) - Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes
Details of outcome	The City is compliant with the requirements of the Local Government Act and Regulations in relation to Integrated Planning and Reporting	

9:37am: At this time, Mrs Heys left the meeting.

7. CONFIDENTIAL REPORTS

7.1 OAG GENERAL COMPUTER CONTROLS AUDIT 2022

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.4 Govern a professional organisation that is healthy, capable and engaged.
SUBJECT INDEX	Information Technology
BUSINESS UNIT	Information Technology
REPORTING OFFICER	Manager Information Services - Tim Allingham Information Technology Coordinator - Rowena Trott
AUTHORISING OFFICER	Acting Director, Finance and Corporate Services - Sarah Pierson
NATURE OF DECISION	Noting: The item is simply for information purposes and noting
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Confidential Final Management Letter Attachment B Confidential Final Management Letter - Attachment Attachment C Confidential Detailed Action Register

This item is confidential in accordance with section 5.23(2) (f)(ii) of the *Local Government Act 1995*, as it contains information relating to a matter that if disclosed, could be reasonably expected to endanger the security of the local government's property.

The Presiding Member called on a member to move a motion to close the meeting to the public. The motion was moved and carried.

COMMITTEE DECISION

AU2303/063 Moved Councillor G Henley, seconded Councillor P Cronin

That the meeting be closed to members of the public to discuss this item which is confidential for the reasons as shown.

CARRIED 4/0

9:38am: At this time, the Committee moved into a closed session and the recording of the meeting ceased.

COMMITTEE RECOMMENDATION

AU2303/064 Moved Councillor P Cronin, seconded Councillor A Ryan

That the Council:

- 1. Acknowledge the findings identified in the audit report;**
- 2. Acknowledge the register of actions being undertaken to mitigate the findings; and**
- 3. Acknowledge that the CEO will provide a progress update to the November 2023 Audit and Risk Committee and 6-monthly thereafter.**

CARRIED 4/0

OFFICER RECOMMENDATION

That the Council:

1. Acknowledge the findings identified in the audit report;
2. Acknowledge the register of actions being undertaken to mitigate the findings; and
3. Acknowledge that the CEO will provide a progress update to the November 2023 Audit and Risk Committee and 6-monthly thereafter.

The Presiding Member called on member to move a motion to open the meeting to the public. The motion was moved and carried.

COMMITTEE DECISION

AU2303/065 Moved Councillor P Cronin, seconded Councillor A Ryan

That the meeting be re-opened to the members of the public.

CARRIED 4/0

10:18am: At this time, the meeting was re-opened and the recording of the meeting was resumed.

8. NEXT MEETING DATE

Wednesday 8 November 2023.

9. CLOSURE

The meeting closed at 10:20am.

THESE MINUTES CONSISTING OF PAGES 1 TO 30 WERE CONFIRMED AS A TRUE AND
CORRECT RECORD ON .

DATE: 7/6/2023

PRESIDING MEMBER: 