



SHIRE OF CARNARVON
AGENDA
AUDIT AND RISK MANAGEMENT
COMMITTEE MEETING
TUESDAY 16 JANUARY 2024

Shire Council Chambers,
Stuart Street Carnarvon,
West Australia
Phone: (08) 9941 000
Fax: (08) 9941 1099
Website – www.carnarvon.wa.gov.au

The Shire of Carnarvon acknowledges and respects the Yinggarda (Carnarvon) and Baiyungu (Coral Bay) as the traditional custodians of the lands where we live and work. We pay our respects to Elders, past, present and emerging. The Shire of Carnarvon is committed to honouring the traditional custodians' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

NOTICE OF MEETING

Notice is hereby given

Shire of Carnarvon
Audit and Risk Management Committee Meeting
will be held
on Tuesday 16 January 2024
at the Shire Council Chambers, Stuart Street
Carnarvon,
commencing at 9.00am.



Andrea Selvey
CHIEF EXECUTIVE OFFICER

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Carnarvon for any act, omission or statement or intimation occurring during Council/Committee Meetings or during formal/informal conversations with Staff or Councillors. The Shire of Carnarvon disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee Meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Carnarvon during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Carnarvon. The Shire of Carnarvon warns that anyone who has an application lodged with the Shire of Carnarvon must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Carnarvon in respect of the application.

INFORMATION ON PUBLIC QUESTION TIME

The following information is provided should you wish to ask a question of Council at the Ordinary Meetings held on a monthly basis.

Please note that questions that have not been filled out on the Submission Form will not be accepted.

- The Local Government Act 1995 allows members of the public to ask questions in regard to any issue relating to the Shire.
- A maximum of 15 minutes will be allowed for public question time and the Presiding Member will allow a maximum of three (3) verbal/written questions per person.
- Prior to asking a question, the speaker must state his/her name and address.
- Members of the public are discouraged from asking questions which contain defamatory remarks, offensive language or questioning the competency of staff or Council members.
- The Presiding Member may nominate a member or officer to answer the question and may also determine that any complex questions requiring research be taken on notice and answered in writing.
- No debate or discussion is allowed to take place on any question or answer.
- A summary of each question asked and the response given will be included in the minutes of the meeting –

Local Government (Administration) Regulations 1996 – Pt 2, r.11 – (in part reads -)
11. Minutes, content of (Act s.5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include –
(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question.

Responses to questions that are taken on notice will be responded to as soon as possible.

- If you wish to ask a question, please complete the Public Question Time Submission Form at the back of this information sheet. Alternatively, questions can be submitted in writing to the Shire of Carnarvon 3 days prior to the meeting.

SPECIAL MEETINGS OF COUNCIL

Members of the public are welcome to attend a Special Meeting of Council if open, and ask questions of the Council within the allotted public question time *subject to the questions being asked only relating to the purpose of the Special Meeting (s5.23 of the Act and regulation 12 (4) of the Local Government (Administration) Regulations 1996, the Department of Local Government and Communities Guide to Meetings and Governance Bulletin April 2014 and Guideline No. 3 Managing Public Question Time.)*

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1 ATTENDANCE AND APOLOGIES

(The Local Government Act 1995 Section 2.25 provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. The leave cannot be granted retrospectively and an apology for non-attendance at a meeting is not an application for leave of absence.)

2 PUBLIC QUESTION TIME

(In accordance with Section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them. All questions are to be provided on the Public Question Time Submission Form.)

3 DECLARATIONS OF INTEREST

(Councillors and Staff are reminded of the requirements of Section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting or when the matter is to be discussed.)

4 CONFIRMATION OF MINUTES

4.1 Minutes of the Audit and Risk Management Committee Meeting - 11 July 2023

5 REPORTS

5.1 2022/2023 REPORT TO THE AUDIT AND RISK COMMITTEE, INDEPENDENT AUDITORS REPORT, FINAL MANAGEMENT LETTER AND AUDITED ANNUAL FINANCIAL REPORT.

File No:	ADM0032
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Previous Report:	9 March 2023
Schedules:	<ol style="list-style-type: none"> 1. Exit Meeting Agenda 2. Report to the Audit Committee 3. Independent Auditors Report 4. Final Management Letter 5. Financial Report as at 30 June 2023

Authority/Discretion:

<input type="checkbox"/>	Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
<input checked="" type="checkbox"/>	Executive	The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets
<input type="checkbox"/>	Legislative	Includes adopting local laws, town planning schemes and policies.
<input type="checkbox"/>	Information	Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting).
<input type="checkbox"/>	Quasi-judicial	When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses

Summary of Report

The purpose of this report is to present a copy of the audited annual Financial Report for the year ended 30 June 2023 including the Independent Auditor's Report and Management Letter to the Audit and Risk Committee for consideration.

Background

As part of the Council's committee structure, the Audit and Risk Committee has been established to review areas of an audit. The Independent Auditor's Report and the audited annual Financial Report are presented as Schedules to this report.

Each year the Shire is to produce its annual Financial Report and send the report to the Shire's auditor by 30 September (6.4 (3) of the Local Government Act). The Audit and Risk Committee accepts responsibility for reviewing the annual external audit documents and to liaise with the Auditor so that Council can be satisfied with the performance of the Local Government in managing its financial affairs.

Stakeholder and Public Consultation

- Office of the Auditor General (OAG),
- William Buck Accountants & Advisors (contracted auditor by OAG),
- AccWest (the Shire’s financial services provider).

Statutory Environment

Division 3, Section 7.9 Local Government Act 1995
 Local Government (Audit) Regulations 1996.

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications from this report.

Risk Assessment

The role of the Audit and Risk Committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability.

The Committee is required to examine the audit and management reports provided by the external auditor. The Committee would then determine if matters raised in the reports require action to be taken by the local government and ensure that appropriate action is implemented.

Failure to prepare and adopt the annual Financial Report would result in non-compliance with its statutory responsibilities under the Local Government Act 1995

STEP 3 – Risk Tolerance Chart Used to Determine Risk						
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↘						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	Transparency in the Shire’s financial position and management of financial affairs is	Low	The unqualified audit will assist in managing any reputational risk regarding the Shire’s financial position and management.

	important to manage any reputational risk.		
Service disruption	N/A	N/A	N/A
Compliance	The Shire does not maintain a high standard of governance and accountability	High	Determine if matters raised in the reports require action and ensure that appropriate action is implemented.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	The risk of fraud is always present in any financial management system and the audit considers that risk.	High	The audit progress is rigorous, involving the checking of many samples to check for potential fraud. The audit process also provides recommendations for improving internal controls to reduce the risk of fraud. These recommendations are with the Management Letter and will be actioned by Management as soon as possible.

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The OAG using, contractors William Buck, have completed their audit of Council’s financial affairs for the financial year ended 30 June 2023. There are five primary financial statements which have been prepared to finalise the report for 2022/2023:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Statement of Cash Flows;
- Statement of Financial Activity; and
- Transfers to Reserves

Statement of Comprehensive Income

The Statement of Comprehensive Income shown on page 3 of the Financial Report shows a Net result (including capital grants) for the period of \$(32,550,962) mainly due to changes in asset revaluation surplus resulting in a decrease in the revaluation surplus.

Statement of Financial Position

The Statement of Financial Position shows on page 4 of the Financial Report total equity of \$315,616,387 for the 2022/2023.

Statement of changes in equity

The Statement of Changes in Equity shows the movement of equity of \$(32,550,362) (as per the Statement of Comprehensive Income).

Statement of Cash Flows

The Statement of Cash Flows shown on page 6 of the Financial Report has a decrease in cash flow of \$2,591,294 over the financial year leaving a total balance of Cash and Cash equivalents being \$11,951,376.

Statement of Financial Activity

The Statement of Financial Activity shown on page 7 of the Financial Report shows a total surplus to be carried through to the 2022/23 year of \$7,824,352.

Transfers to Reserves

Council has increased its reserve balance by \$1,013,579, as shown on page 44.

After receiving the auditor reports, the Audit and Risk Committee is to examine the report of the auditor and determine if any matters raised by the report require action to be taken and ensure appropriate action is taken in the future. The Independent Auditor's Report is produced by the Office of the Auditor General after a detailed assessment and consultation process, including a requirement for the Chief Executive Officer to sign the annual Financial Report once satisfied that it is representative and accurate.

OFFICER'S RECOMMENDATION

That the Audit and Risk Management Committee recommends to Council that Council, by Absolute Majority pursuant to s5.8 of the Local Government Act 1995:

- 1. Adopts the audited 2022/2023 annual Financial Report;***
- 2. Notes that the Independent Auditor's Report is to be included as the final page of the annual Financial Report; and***
- 3. Notes the response from management to the items raised in the Auditor's Management Letter.***

5.2 AUDIT AND FINANCIAL REVIEW STATUS REPORT

File No:	ADM031
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	Simple
Previous Report:	Nil
Schedules:	1. Audit and Financial Review Status Report

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input checked="" type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | Quasi-judicial | When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses |

Summary of Report

To present to the Audit and Risk Committee (Committee) the Audit and Financial Review Status Report. The main purpose of the Audit and Financial Review Status Report is to monitor the progress of the annual financial audits and financial reviews.

Background

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

As part of the Council's committee structure, the Audit and Risk Committee has been established to review areas of an audit.

The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c), requires the Chief Executive Officer to undertake financial Management reviews regularly.

The main purpose of the annual financial audit and financial reviews is to examine the appropriateness and effectiveness of the financial management systems and procedures of the Shire.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996 5(1)
Local Government (Financial Management) Regulations 1996 5(2)(c)
Division 3, Section 7.9 Local Government Act 1995
Local Government (Audit) Regulations 1996.

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications from this report.

Risk Assessment

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↘						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	The Committee needs to ensure the efficient and effective management of the Shire’s financial and accounting systems, risk management systems which is important to managing any reputational risk.		Monitoring Audit and Financial Review Status Reports will assist in managing any reputational risk regarding the Shire’s financial position and management.
Service disruption	N/A	N/A	N/A
Compliance	The Shire does not maintain a high standard of governance and accountability		Determine if matters raised in the reports require further action and ensure that appropriate action is implemented.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

The Audit and Financial Review Status Report provides the Committee with the status and progress information of audit and financial review findings and recommendations. The Audit and Financial Review Status Report will assist the Committee in ensuring the efficient and effective management of the Shire's financial and accounting systems, risk management systems and compliance with legislation by reviewing the allocation of Shire finances and resources and mitigating risk where possible.

A current Audit and Financial Review Status Report will be presented to the Committee at each Audit and Risk Committee meeting.

OFFICER'S RECOMMENDATION

That the Audit and Risk Management Committee Meeting, by Simple Majority pursuant to Section 3.18 of the Local Government Act, 1995, receive the Review Status Report – January 2024 as per Schedule 1.

5.3 APPOINTMENT OF AN INDEPENDENT CHAIR FOR THE AUDIT AND RISK COMMITTEE

File No:	ADM0308
Location/Address:	N/A
Name of Applicant:	Shire of Carnarvon
Name of Owner:	N/A
Author(s):	Alan Thornton, Deputy Chief Executive Officer
Authoriser:	Andrea Selvey, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirement:	N/A
Previous Report:	11 July 2023
Schedules:	Nil

Authority/Discretion:

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency. |
| <input checked="" type="checkbox"/> | Executive | The substantial direction setting and oversight role of the Council. E.g., adopting plans and reports, accepting tenders, directing operations, setting and amending budgets |
| <input type="checkbox"/> | Legislative | Includes adopting local laws, town planning schemes and policies. |
| <input type="checkbox"/> | Information | Includes items provided to Council for information purposes only that do not require a decision of Council (i.e. – for noting). |
| <input type="checkbox"/> | Quasi-judicial | When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses |

Summary of Report

This item presents information to the Audit and Risk Committee in relation to the appointment of an independent chair to the Committee. This information is presented for the Committee to consider and enable the Committee to make a recommendation to Council.

Background

A report to the Audit and Risk Committee (Committee) at the meeting held on 9 March 2023, advised the Committee that the Local Government Reforms will require that an independent chair is appointed to Local Government Audit Committees. The Committee resolved to recommend to Council that the Terms of Reference for the Committee be amended to include an independent chair of the Committee. The Committee's recommendation was put to Council at the Ordinary Meeting of Council on 28 March 2023 and Council resolved to support the Committee's recommendation.

Following the Council's decision, recruitment for an independent chair commenced. From the recruitment process a preferred candidate was presented to the Committee at the 11 July 2023 Committee meeting. The Committee resolved (ARMC 02/07/23) to recommend to Council the preferred candidate, as per officer's recommendation.

At the 25 July 2023 Ordinary Council meeting the Audit and Risk Committee’s recommendation (as per resolution ARMC 02/07/23) was lost four votes to one vote. The Council resolution required an Absolute Majority and as this was not achieved, the motion was lost.

From the Ordinary Council meeting held 28 November 2023 Council resolved to adopt the presented Audit and Risk Committee’s Terms of Reference which includes the appointment of an independent chair to the Committee.

Stakeholder and Public Consultation

Nil

Statutory Environment

Local Government Act 1995

Relevant Plans and Policy

Nil

Financial Implications

There are no financial implications from this report; however, should an independent chair be appointed Council may need to consider remuneration. The reforms suggest that local governments will be allowed to pay fees with the Salaries and Allowances Tribunal limits.

Risk Assessment

		STEP 3 – Risk Tolerance Chart Used to Determine Risk				
Consequence →		Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Likelihood ↘						
Almost certain	A	High	High	Extreme	Extreme	Extreme
Likely	B	Moderate	High	High	Extreme	Extreme
Possible	C	Low	Moderate	High	Extreme	Extreme
Unlikely	D	Low	Low	Moderate	High	Extreme
Rare	E	Low	Low	Moderate	High	High

Risk Category	Description	Rating	Mitigating Action/s
Financial	N/A	N/A	N/A
Health & Safety	N/A	N/A	N/A
Reputation	N/A	N/A	N/A
Service disruption	N/A	N/A	N/A
Compliance	Appointment of an independent chair for Audit Committees will be a legislative requirement as part of the reforms currently being progressed by the State Government. It may be more difficult to attract an appropriately qualified and skilled person once legislation is		Appointment of an independent chair prior to the legislation taking effect reduces this risk

	in place and the Shire of Carnarvon is competing with other local governments.		
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A
Fraud	N/A	N/A	N/A

Community and Strategic Objectives

The proposal aligns with the following desired objectives as expressed in the *Community Strategic Plan 2022-2032*:

OBJECTIVES

In 2040 Carnarvon is a place where:

- *Our community is engaged, inclusive and supportive*

ADDITIONAL FOCUS AREAS:

- *Improve the trust between citizens and the Shire of Carnarvon*

BIG IDEAS FOR THE FUTURE OF CARNARVON:

- *N/A*

Comments

Following the Committee's deliberations, the Committee may wish to put forward a recommendation to Council to re-commence the recruitment for appointing an independent chair as stated in the Committee's Terms of Reference. Alternatively, the Committee may wish to present a recommendation to Council to amend the Terms of Reference to remove reference to the appointment of an independent chair.

The Committee's Terms of Reference stipulates that the appointment of an independent chair would be for a maximum of two years and that the appointment should align with the commencement of the new financial year.

OFFICER'S RECOMMENDATION ONE

That the Audit and Risk Management Committee recommends to Council that Council, by Absolute Majority pursuant to s5.8 of the Local Government Act 1995 appoints an independent chair of the Shire of Carnarvon Audit and Risk Management Committee for a period of two years following appointment.

OFFICER'S RECOMMENDATION TWO

That the Audit and Risk Management Committee recommends to Council that Council, by Absolute Majority pursuant to s5.8 of the Local Government Act 1995 amends the Shire of Carnarvon Audit and Risk Committee's Terms and References to remove the requirement of an independent chair.

6 DATE OF NEXT MEETING

7 CLOSE