



Shire of
Peppermint Grove

AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING

AGENDA

This meeting is not open to the public. All recommendations of this committee are referred to Council.

**TO BE HELD ON THE
23 MARCH 2021
AT 5pm**



Shire of
Peppermint Grove

NOTICE OF MEETING

Dear Committee Member

It is advised that the **Audit, Risk and Governance Committee Meeting** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on 23 March 2021 at 5.00pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', written in a cursive style.

Mr Don Burnett
CHIEF EXECUTIVE OFFICER

19 March 2021



Shire of
Peppermint Grove

AUDIT RISK AND GOVERNANCE COMMITTEE MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

At _____ pm, the Presiding Member opened the meeting

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President
Deputy Shire President
Elected Member
Elected Member

Cr R Thomas
Cr C Hohnen (Presiding Member)
Cr P Macintosh
Cr P Dawkins

Chief Executive Officer
Manager Corporate and Community Services

Mr D Burnett
Mr M Costarella

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE



Shire of Peppermint Grove

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3 DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

3.1 FINANCIAL INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

3.2 PROXIMITY INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

3.3 IMPARTIALITY INTEREST

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

3.4 INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

3.5 STATEMENT OF GIFTS AND HOSPITALITY

Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.

4 CONFIRMATION OF MINUTES

4.1 AUDIT RISK AND GOVERNANCE COMMITTEE MEETING 15 DECEMBER 2020

OFFICER RECOMMENDATION – ITEM 4.1

Moved:

Seconded:

That the Minutes of the Audit Committee Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 15 December 2020 be confirmed as a true and accurate record.

5.OFFICER REPORTS

5.1 COMPLIANCE AUDIT RETURN 2020

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item refers	Compliance Audit Return 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Governance Reporting
Disclosure of any Interest	:	Nil
Author	:	Michael Costarella
Responsible Officer	:	Chief Executive Officer, Don Burnett

PURPOSE OF REPORT

The purpose of this report is to present to Council the 2020 Compliance Audit Return (CAR) for adoption and endorsement

SUMMARY AND KEY ISSUES

The compliance audit return is an annual self-assessment of the legislative requirement of the Local Government Act and its Regulations.

LOCATION

N/A

BACKGROUND

Completion of the Compliance Audit Return is a Statutory requirement and requires endorsement by the Audit Committee and adoption by Council.

Following the CAR being presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information be submitted to the Director General of the Department of Local Government no later than the 31 March 2021. (certified means Signed by the President and the CEO).

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996- Clause 14

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 the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.*

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.*

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The 2020 CAR consisted of 102 Questions within the following compliance areas:-

- Commercial Enterprises by Local Governments – 5 Questions
- Delegation of Power / Duty- 13 Questions
- Disclosure of Interest- 21 Questions
- Disposal of Property- 2 Questions
- Elections- 3 Questions
- Finance- 11 Questions
- Integrated Planning and Reporting- 3 Questions
- Local Government Employees- 6 Questions
- Official Conduct- 4 Questions
- Optional Questions- 10 Questions
- Tenders for Providing Goods and Services- 24 Questions

There are two items of non-compliance in the 2020 return. This relates to the review of the Corporate Business Plan and the Community Strategic Plan. Both these plans will be reviewed prior to the 30 June 2021.

OFFICER RECOMMENDATION/S – ITEM NO 5.1

That Council adopts the 2020 Compliance Audit Return as attached to the Audit, Risk and Governance Management Committee Agenda of 23 March 2021.

6. CONFIDENTIAL REPORTS

NIL

7. CLOSURE

There being no further business, the meeting closed at