



Agenda

Audit Committee Meeting
Tuesday, 19 March 2024
Commencing at 4.00pm

NOTICE OF MEETING

Notice is hereby given that the

Shire of Ravensthorpe
Audit Committee Meeting

will be held on
Tuesday, 19 March 2024
commencing at 4.00pm

Council Chambers
Ravensthorpe Cultural Precinct

Matthew Bird
Chief Executive Officer

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

No responsibility whatsoever is implied or accepted by the Shire of Ravensthorpe for any act, omission, statement or intimation occurring during the Council/Committee meetings or during formal/informal conversations with staff. The Shire of Ravensthorpe disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation. 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 broader 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 Ravensthorpe during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Ravensthorpe. The Shire of Ravensthorpe warns that anyone who has an application lodged with the Shire of Ravensthorpe must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attached to the decision made by the Shire of Ravensthorpe in respect of the application.

DISCLOSURE OF INTEREST FORM

(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70, 5.71 & 5.71(B))

To: Chief Executive Officer

Name _____

Elected Member Committee Member Employee Contractor

Ordinary Council Meeting held on _____

Special Council Meeting held on _____

Committee Meeting held on _____

Other _____

Report No _____

Report Title _____

Type of Interest (*see overleaf for further information)

Proximity Financial Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Signed: _____ Date: _____

- **Note 1 - Elected Members/ Committee Members/Employees refer to the Disclosure of Interest Declaration card when disclosure is being read out at Council or Committee Meeting.**
- **Note 2: For Ordinary meetings of the Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.**
- **Note 3: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.**

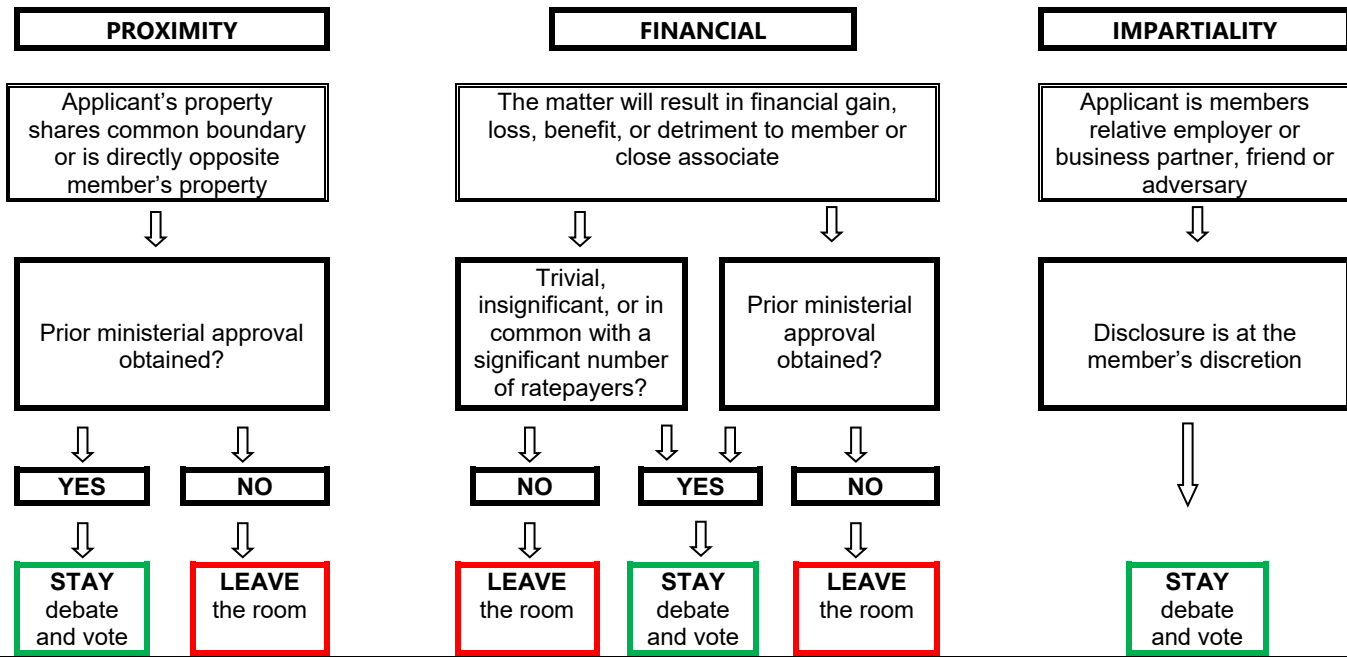
CEO: _____ Signed: _____ Date: _____

OFFICE USE ONLY

Particulars recorded in Minutes

Particulars recorded in Register

*** Declaring an Interest**



Local Government Act 1995 – Extract

s.5.60A - Financial Interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

s.5.60B – Proximity Interest

A person has a proximity interest in a matter if the matter concerns —

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest:

(a) in a written notice given to the CEO before the meeting; or (b) at the meeting immediately before the matter is discussed. (Penalties apply).

(2) It is a defence to a prosecution under this section if the member proves that he or she did not know:

(a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.

(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

(1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.

(3) An employee who discloses an interest under this section must if required to do so by the council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

5.71A. - CEOs to disclose interests relating to gifts in connection with advice or reports

(1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council.

(2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6).

(3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Local Government (Administration) Regulations 1996 – Extract - In this clause and in accordance with Regulation 19AA "Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an association.

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AGENDA

Mission Statement *To grow our community through the provision of leadership, services and infrastructure.*

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Shire President to declare the meeting open.

The Shire President acknowledges the Traditional Owners of the land on which we meet, and pays respect to Elders past, present, and emerging.

The Shire President advises visitors in adhering to both the *Local Government Act 1995*, and the Shire of Ravensthorpe Meeting Procedures Local Law 2022, it is an offence to record the proceedings of this meeting and visitors are to switch off any recording devices, including phones.

2. RECORD OF ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

ELECTED MEMBERS:

Cr Thomas Major (Shire President)
Cr Mark Mudie (Deputy Shire President)
Cr Rachel Gibson
Cr Robert Miloseski
Cr Rachel Livingston (Electronic Attendance)
Cr Graham Richardson
Cr Sue Leighton (Electronic Attendance)

OFFICERS:

Matthew Bird (Chief Executive Officer)
Paul Spencer (Executive Manager Infrastructure Services)
Natalie Bell (Executive Manager Projects and Regulatory Services)
Les Mainwaring (Executive Manager Corporate Services)

VISITORS

APOLOGIES

Nil.

LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

Nil.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MINUTES FROM PREVIOUS MEETINGS

AUDIT COMMITTEE MEETING HELD 19 DECEMBER 2023 (ATTACHMENT 4.1)

Statutory Environment:

Section 5.22 of the *Local Government Act 1995* provides that minutes of all meeting to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

COMMITTEE RECOMMENDATION:

That the Minutes and associated attachments of the Audit Committee of the Shire of Ravensthorpe held on 19 December 2023 (Attachment 4.1) be confirmed as a true and correct record.

Moved: _____

Seconded: _____

Carried __ / __

5. REPORTS OF OFFICERS

5.1 EXECUTIVE SERVICES

5.1.1 2023 COMPLIANCE AUDIT RETURN

| | |
|--------------------------------|--|
| File Reference: | GR AU1 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| Author: | Executive Manager Corporate Services |
| Authorising Officer | Chief Executive Officer |
| Date: | 12 March 2024 |
| Disclosure of Interest: | Nil |
| Attachments: | 5.1 Ravensthorpe Compliance Audit Return 2023 |
| Previous Reference: | Nil |

PURPOSE

1. This report seeks Audit Committee endorsement that recommends the adoption of the Local Government Compliance Audit Return for the 2023 calendar year period 1 January 2023 to 31 December 2023.

BACKGROUND

2. Section 7.13(i) of the Local Government Act 1995 requires that each local government completes a Compliance Audit Return for each calendar year for the period 1 January to 31 December.
3. The document is provided by the Department of Local Government, Sport and Cultural Industries (DLGSCI) in a prescribed manner and is designed to be a tool of self-assessment by local governments allowing identification of areas where compliance has been met or is not applicable for that particular year. It also provides guidance for improvement in instances of non-compliance.

COMMENT

4. The Compliance Audit Return for 2023 includes 94 compliance questions (95 last year), which requires Yes or No answers, however where an item has not occurred during the calendar year a response of not applicable (N/A) is provided. Any answers of No have been supported by management comment.

The areas of compliance this year have focused on commercial enterprises by local governments, delegation of powers, disclosures of interest, disposal of property, elections, finance, integrated planning and reporting, local government employees, official conduct, optional questions and tenders for providing goods and services.

The 2023 return has been completed in good faith to the best of available records and the knowledge of senior officers.

5. After the Compliance Audit return has been presented to Council, a certified copy of the return, signed by President and Chief Executive Officer, along with the relevant section of the minutes and any additional

information detailing the contents of the return are to be submitted to the DLGSCI by 31 March of each year.

CONSULTATION

6. Nil

STATUTORY ENVIRONMENT

7. Section 7.13 Local Government Act 1995
Regulations 14 & 15 Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

8. Nil

FINANCIAL IMPLICATIONS

9. Nil

RISK MANAGEMENT

10. The following risks have been identified as part of this report;

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--------------------------|------------|-------------|---------------|-------------------|
| Governance (operational) | Possible | Minor | Medium | Policy/Procedures |
| Financial | Unlikely | Minor | Low | Controls |

ALTERNATE OPTIONS

11. Nil

STRATEGIC ALIGNMENT

12. This item is relevant to the Councils approved Strategic Community Plan 2020-2030 and Corporate Business Plan 2020-2024.

Outcome 1: Economy - The population is growing, in tandem with a thriving, resilient local economy

| Item | Objectives and Strategies |
|------|---------------------------|
|------|---------------------------|

Outcome 2: Community - This is a safe and family-friendly community where people of all ages have access to services and facilities, and there is plenty to blow your socks off

| Item | Objectives and Strategies |
|------|---------------------------|
|------|---------------------------|

Outcome 3: Built Environment - The built environment is accessible, honours history and provides for the economic and social needs of residents, industry and visitors

| Item | Objectives and Strategies |
|------|---------------------------|
|------|---------------------------|

Outcome 4: Natural Environment - Our unique world class biosphere is valued and protected for the enjoyment of current and future generations

| Item | Objectives and Strategies |
|------|---------------------------|
|------|---------------------------|

Outcome 5: Governance and Leadership - The Shire of Ravensthorpe partners the community, and is an effective advocate and responsible steward

| Item | Objectives and Strategies |
|------|---|
| 5.4 | The Shire of Ravensthorpe is known as a good employer, and staff have the capacity and skills to deliver identified services and strategies |
| 5.5 | The value of community owned assets is maintained |
| 5.6 | Financial systems are effectively managed |
| 5.7 | Customer service and other corporate systems are of high quality |

VOTING REQUIREMENT

13. Simple Majority

OFFICER RECOMMENDATION

That the Audit Committee recommend to Council that:

Council ADOPT the Compliance Audit Return for the period 1 January 2023 to 31 December 2023 and that a certified copy by the President and Chief Executive Officer be forwarded to the Department of Local Government, Sport and Cultural Industries within 14 days of adoption.

Moved: _____ Seconded: _____

Carried: _/_

6. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

7. CLOSURE

The Presiding Member to declare the meeting closed.