



**SHIRE OF ASHBURTON  
AUDIT AND RISK COMMITTEE MEETING  
PUBLIC MINUTES**

**MAYU MAYA CENTRE  
PANNAWONICA**

**18 SEPTEMBER 2019  
9.30 am**

**PUBLIC MINUTES - AUDIT AND RISK COMMITTEE MEETING  
18 SEPTEMBER 2019**

**SHIRE OF ASHBURTON  
AUDIT AND RISK COMMITTEE MEETING**

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.

CEO: 

Date: 18.09.2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Audit and Risk Committee Meeting on the 18/09/2019.

Presiding Member: 

Date: 

**DISCLAIMER**

*The resolutions contained in the Minutes are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.*

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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 9.30am.

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past, present and future.

**2. ATTENDANCE**

**2.1 PRESENT**

<b>Members:</b>	Cr P Foster Cr K White Cr D Dias Cr M Lynch	Tom Price Ward (Presiding Member) Onslow Ward Paraburdoo Ward Tom Price Ward
<b>Staff:</b>	Mr. R Paull Mr. J Bingham Ms C Bryce Mrs. S Johnston Mr. M Richardson Mrs J Fell Ms A Del Rio Mrs. M Lewis	Chief Executive Officer Director Corporate Services Acting Director Property and Development Services Acting Director Community Services Manager Waste Services Manager Land and Asset Compliance Tourism and Economic Development Specialist Council Liaison Officer
<b>Guests:</b>	Cr L Rumble, Paraburdoo Ward Cr M Gallanagh, Pannawonica Ward Cr D Diver, Tom Price Ward	
<b>Members of Public:</b>	There were no members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were no members of the media in attendance at the commencement of the meeting.	

**2.2 APOLOGIES**

There were no apologies.

**2.3 APPROVED LEAVE OF ABSENCE**

There were no Councillors on approved leave of absence.

**3. ANNOUNCEMENT OF VISITORS**

There were no visitors in attendance.

**4. DECLARATION BY MEMBERS**

**4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

Councillors Foster, White, Lynch and Dias noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

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**4.2 DECLARATIONS OF INTEREST**

**Councillors to Note**

A member who has an Impartiality, Proximity or Financial 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 Chief Executive Officer before the Meeting  
Or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

**NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)**

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.

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6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
- 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act*, with or without conditions.

**Declarations of Interest provided:**

<b>Item Number/ Name</b>	<b>Type of Interest</b>	<b>Nature/Extent of Interest</b>
There were no Declarations of Interest for this meeting.		

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**5.1 AUDIT AND RISK COMMITTEE MEETING HELD ON 18 JUNE 2019**

<p><b>Committee Decision</b></p> <p><b>MOVED: Cr D Dias</b> <span style="float: right;"><b>SECONDED: Cr M Lynch</b></span></p> <p><b>That the Unconfirmed Minutes of the Audit and Risk Committee Meeting held on 18 June 2019 (ATTACHMENT 5.1) be confirmed as a true and accurate record.</b></p> <p style="text-align: right;"><b>CARRIED 4/0</b></p> <p style="text-align: center;"><b>Councillors Foster, White, Lynch and Dias voted for the motion</b></p>
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## **6. TERMS OF REFERENCE**

### **Audit Committee**

#### **Purpose**

The Audit Committee's role in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1995* is to provide assistance and guidance to Council on the discharge of its duties under Part 6 and 7 of the *Local Government Act 1995 (the Act)*. The Audit Committee assists Council to monitor the integrity of the Shire's financial statements, risk management, internal controls and compliance with legislative requirements.

#### **Responsibilities**

The Audit Committee is responsible for:

- 1.1 Guiding and assisting Council in carrying out its functions under:
  - (a) Part 6 of the Act and its functions relating to other audits and other matters related to financial management; and
  - (b) Part 7 of the Act in relating to auditing the Shire's financial accounts.
- 1.2 Reviewing the CEO's report required under regulation 17(3).
- 1.3 Monitoring and advising the CEO when the CEO is carrying out functions in relation to a review under:
  - (a) regulation 17 (1); and
  - (b) the *Local Government (Financial Management) Regulations 1996*, regulation 5(2)(c).
- 1.4 Support the Auditor conducting an audit and carrying out the Auditor's other duties under the Act.
- 1.5 Oversee the implementation of any action that Council
  - (a) is required to take, has stated it has taken or intends to take in respect to matters raised by the audit report;
  - (b) has accepted should be taken on receipt of the CEO's report of a review under regulation 17(1); and
  - (c) has accepted should be taken on receipt of the CEO's report under regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.
- 1.6 The Audit Committee's duties include;
  - (a) considering the Auditor's interim audit of the Shire's accounting and internal control procedures for the financial year;
  - (b) reviewing the audited financial report for the previous financial year;
  - (c) reviewing the interim and final audit reports for the financial year;
  - (d) reviewing the annual Compliance Audit Return;
  - (e) reviewing the CEO's triennial report on the appropriateness and effectiveness of the Shire's systems and procedures regarding risk management, internal controls and legislative compliance;
  - (f) reviewing the CEO's triennial report on the appropriateness and effectiveness of the Shire's financial management systems and procedures; and
  - (g) considering the proposed timeline for Council to adopt the budget and the ten-year financial plan for the following financial year; and providing a report to council on those matters

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**7. AGENDA ITEMS**

**7.1 AUDITOR GENERAL REPORT, VERIFYING EMPLOYEE IDENTITY AND CREDENTIALS**

**MINUTE:** 628/2019

<b>FILE REFERENCE:</b>	PE01.01
<b>AUTHOR'S NAME AND POSITION:</b>	Carla Loney Manager Human Resources
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	27 August 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Auditor General has conducted an audit on a number of Local Governments and found they need to improve controls for verifying the identity and credentials of new employees and monitoring the status of existing employees.

**Background**

In June 2019, the Auditor General released a report regarding [‘Verifying Employee Identity and Credentials’](#).

**ATTACHMENT 7.1**

This related to a number of performance audits of local governments, which were found to be deficient in their policies, procedures and practices of verifying the credentials of new and existing employees: Areas highlighted by the Auditor General included:

- Checking of identity
- Verifying the right to work in Australia
- Referee checks
- Criminal background checks (including ongoing checks during employment)

The Auditor General has proposed the following recommendations, in relation to this matter.



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1. Have approved policies and procedures for verifying employee identity and credentials which cover:
  - using a 100-point identity check
  - criminal background checks, based on the risks associated with the position
  - periodic monitoring of existing employees
2. Assess the positions which may require a criminal background or working with children check and ensure that these requirements are clearly documented in position description forms
3. For high risk positions, or positions where there is an ongoing requirement to hold a licence or professional qualification, obtain regular declarations from employees that there is no significant change in their circumstances
4. Ensure that sufficient documentary evidence is obtained prior to appointment which supports an employee's
  - identification and right to work in Australia
  - professional qualifications and memberships
  - criminal background or capacity to work with children (where necessary)
5. Perform appropriate referee checks for all potential employees and ensure that all employees' reference checks are retained in their employee or recruitment file
6. Develop a procedure for monitoring the expiry dates of licences, certificates or working with children checks so that they can be followed up with the employee close to expiry date
7. Perform periodic criminal background checks for positions which require it
8. Under section 7.12A of the *Local Government Act 1995*, all sampled entities are required.

**Comment**

In relation the recommendations the Shire currently has in place policies, procedures and practices in place for the matters listed, with the exception of ongoing checks for current employees. The Shire is currently reviewing EMP27 Recruitment and Selection Directive and will address all matters raised by the Auditor General to ensure compliance. The Shire is also developing a Directive in relation to contractor management, which will also contain these provisions, specifically in relation to labour hire arrangements.

**Consultation**

Executive Management Team  
Manager Governance

**Statutory Environment**

*Fair Work Act 2009 (Cth)*  
*Local Government Act 1995 (WA)*

**Financial Implications**

The implementation of the recommendations of the Auditor General can be covered by the current operating budget for the Human Resources Department, as most checks are currently being undertaken already.

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**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance  
Objective 4 Exemplary Team and Work Environment

**Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Moderate' risk that will be managed by policy, procedures and monitoring by Governance and the CEO.

There is a level of reputational risk to the organisation in not achieving the proposed projects, this will be closely managed by the Chief Executive Officer and Manager Governance along with the individual responsible owners of each linked project.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Committee Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Dias**

**That with respect to the Auditor General Report, Verifying Employee Identity and Credentials, the Audit and Risk Committee recommend Council:**

**1. Note the matters addressed in the Report.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**

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**7.2 POOL INSPECTION REPORT 2018/19**

**MINUTE:** 629/2019

<b>FILE REFERENCE:</b>	GR02
<b>AUTHOR'S NAME AND POSITION:</b>	Kathy Cameron Pool Compliance / Governance Officer
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	8 August 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

A formal request has been received from the Department of Mines, Industry Regulation and Safety Building and Energy (DMIRS) regarding the Shire of Ashburton's Pool Inspection Report for the 2018/19 year.

**Background**

As part of an Ombudsman Report, recommendation 7 - *Investigation into ways to prevent or reduce death of children by drowning* (Ombudsman Western Australia 2017).

In accordance with Part 8 Division 2 of the Building Regulations 2012 (the Regulations), all swimming pools within the Shire Town Boundaries must be inspected at least once within a 4 year period.

**Comment**

An Inspection Program was implemented and conducted between January 2019 and July 2019. The Shire is found to have 532 pools on its register. During this time, a total of 520 pools were inspected. To date there is nil pools overdue for inspection.

**Consultation**

Executive Management Team

**Statutory Environment**

*Part 8 Division 2 of the Building Regulation 2012 (the Regulations)*

**Financial Implications**

There were no known financial implications for this matter.

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**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04      Quality Services and Infrastructure  
Objective 2    Accessible and safe towns

Goal 04      Quality Services and Infrastructure  
Objective 3    Well planned towns

**Risk Management**

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "High." As a high risk matter, the Chief Executive Officer is monitoring progress.

**Policy Implications**

There are no known policy implications for this matter.

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Committee Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Dias**

**That with respect to the Pool Inspection Report 2018/19, the Audit and Risk Committee recommend Council:**

- 1. Note that the Shire undertook a Pool Inspection Program between January 2019 and July 2019 whereby:**
  - The Shire has 532 pools on its register; and**
  - 520 pools were inspected during the Inspection program with nil pools overdue for inspection.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**

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**7.3 LOCAL GOVERNMENT INSURANCE SCHEME OCCUPATIONAL  
HEALTH AND SAFETY AUDIT**

**MINUTE:** 630/2019

<b>FILE REFERENCE:</b>	PE12.01
<b>AUTHOR'S NAME AND POSITION:</b>	Carla Loney Manager Human Resources
<b>AUTHORISING OFFICER AND POSITION:</b>	Rob Paull Chief Executive Officer
<b>NAME OF APPLICANT/ RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	27 August 2019
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
<b>PREVIOUS MEETING REFERENCE:</b>	Not Applicable

**Summary**

The Shire's insurers, Local Government Insurance Scheme (LGIS) conducted an Occupational Health and Safety (OSH) Systems Audit of the Shire in July 2019.

**Background**

LGIS last conducted an audit into the Shire's OSH Systems and Processes in 2014, with the Shire receiving an overall rating of 44%.

On 1 July 2019, the Shire was subject to a week-long audit by Mr Mide Babalola, Senior OSH Consultant from LGIS. The Shire achieved an overall rating of 61%, with a breakdown of areas assessed, as follows:

- Management commitment 81%
- Planning 42%
- Consultation and Reporting 57%
- Hazard Management 46%
- Training and Supervision 79%

**Comment**

The OSH Audit focused on verification activity at the Shire in areas of health and safety.

**CONFIDENTIAL ATTACHMENT 7.3**

The Shire was represented by Mr Gary Maynard, Health & Safety Coordinator and Mr Riaan Richards, Health & Safety Advisor for the duration of the assessment. The assessment was undertaken from the 1 to 5 July 2019, with the following sites visited and reviewed:

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**Onslow**

Administration Building  
Works Depot  
Multi-Purpose Centre  
Waste Transfer Station

**Paraburdoo**

Waste Transfer Station  
Works Depot  
Library

**Tom Price**

Waste Transfer Station  
Works Depot  
Library  
Visitor Centre

The LGIS OSH Audit results of 61% reflect the Shire's compliance with its obligations under the *Occupational Health and Safety Act 1984 (WA)* and *Occupational Health and Safety Regulations 1996 (WA)*. The Shire is of the view that while the report is accurate in its depiction of the Shire's level of compliance, the majority of the issues outlined in the report in terms of findings had in most part been identified prior to the scheduled audit. The Shire has, in most cases, developed draft documents such as Directives and/or procedures which as the time of the Audit, were already written and under review, which address the findings.

The Shire has also developed an LGIS Audit Action Plan to address the noted areas for rectification and improvement, with the relevant responsible officers being identified and notified. The Action Plan is being implemented and is expected to be concluded in the near future.

**Consultation**

Executive Management Team  
Manager Governance

**Statutory Environment**

*Occupational Health and Safety Act 1984 (WA)*

**Financial Implications**

There are no known financial implications for this matter.

**Strategic Implications**

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05      Inspiring Governance  
Objective 4    Exemplary team and work environment

**Risk Management**

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Moderate' risk that will be managed by policy, procedures and monitoring by Governance and the CEO.

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There is a level of reputational risk to the organisation in not achieving the proposed projects, this will be closely managed by the Chief Executive Officer, Manager Governance along with the individual responsible owners of each linked project.

**Policy Implications**

There are no known policy implications for this matter

**Voting Requirement**

Simple Majority Required

**Officers Recommendation and Committee Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr D Dias**

**That with respect to the Local Government Insurance Scheme Occupational Health and Safety Audit, the Audit and Risk Committee recommend Council:**

- 1. Receive the Confidential Item – Local Government Insurance Scheme Occupational Health and Safety Audit (CONFIDENTIAL ATTACHMENT 7.3) and remain confidential in accordance s5.23 (2)(b) & (d) of the Local Government Act 1995; and**
- 2. Note the matters addressed in the Report.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**

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**8. CONFIDENTIAL MATTERS**

*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

**1. If a meeting is being held by a Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:**

**(a) a matter affecting an employee or employees;**

**(b) the personal affairs of any person;**

**(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**

**(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**

**(e) a matter that if disclosed, would reveal:**

**(I) a trade secret;**

**(II) information that has a commercial value to a person; or**

**(III) information about the business, professional, commercial or financial affairs of a person.**

*Where the trade secret or information is held by, or is about, a person other than the local government.*

**(f) a matter that if disclosed, could be reasonably expected to:**

**(I) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;**

**(II) Endanger the security of the local government's property; or**

**(III) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety.**

**(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and**

**(h) such other matters as may be prescribed.**

**Committee Decision**

**MOVED: Cr K White**

**SECONDED: Cr M Lynch**

**That Council close the meeting to the public at 9.49 am pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**



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**8.1 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION,  
WITTENOOM STEERING COMMITTEE, SENIOR COUNSEL LEGAL  
ADVICE AND ROEBOURNE - WITTENOOM ROAD**

**MINUTE:** 631/2019

**FILE REFERENCE:** LS34

**AUTHOR'S NAME AND  
POSITION:** Keith Pearson  
Special Projects Advisor

Janyce Smith  
Executive Officer

**AUTHORISING OFFICER AND  
POSITION:** Rob Paull  
Chief Executive Officer

**NAME OF APPLICANT/  
RESPONDENT:** Not Applicable

**DATE REPORT WRITTEN:** 3 September 2019

**DISCLOSURE OF FINANCIAL  
INTEREST:** The author and the authorising officer have no financial  
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING  
REFERENCE:** Confidential Agenda Item 8.1 (Minute No 578/2019) –  
Audit and Risk Committee Meeting 18 June 2019

**REASON FOR CONFIDENTIALITY**

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (b) *the personal affairs of any person;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

**Officers Recommendation and Committee Decision**

**MOVED:** Cr M Lynch

**SECONDED:** Cr D Dias

That with respect to the Confidential Item – Update on Wittenoom Litigation, Wittenoom Steering Committee, Senior Counsel Legal Advice and Roebourne - Wittenoom Road, the Audit and Risk Committee recommend Council:

1. Receive the Confidential Item – Update on Wittenoom Litigation, Roebourne - Wittenoom Road and Wittenoom Steering Committee Report (**CONFIDENTIAL ATTACHMENT 8.1**) and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*; and

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- 2. Ensure that the Shire management continue to provide Wittenoom related reports to the Audit and Risk Committee.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**

**Committee Decision**

**MOVED: Cr M Lynch**

**SECONDED: Cr K White**

**That Council re-open the meeting to the public at 10.04 am pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.**

**CARRIED 4/0**

**Councillors Foster, White, Lynch and Dias voted for the motion**

**9. NEXT MEETING**

The next Audit and Risk Committee Meeting will be held on 17 December 2019 at the Council Chambers, Onslow Shire Complex, Onslow at a time to be advised.

**10. CLOSURE OF MEETING**

The Presiding Member closed the meeting at 10.05 am.