



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

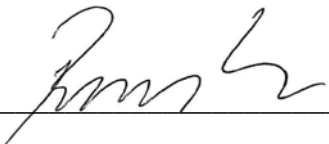
**MINUTES
(Public Document)**

**Ashburton Hall, Ashburton Avenue,
Paraburdoo
19 June 2018
11.00 am**

MINUTES - AUDIT AND RISK COMMITTEE MEETING 19 JUNE 2018

SHIRE OF ASHBURTON AUDIT AND RISK COMMITTEE MEETING

The Chief Executive Officer recommends the endorsement of these minutes at the next Audit and Risk Committee Meeting.

CEO: 

Date: 19/06/2018

These minutes were confirmed by the Committee as a true and correct record of proceedings of the Audit and Risk Committee Meeting held on 19 June 2018.

Presiding Member: _____

Date: ____/____/2018

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by the Committee and endorsement by the 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 11.12 am.

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 and present.

2. ATTENDANCE

2.1 PRESENT

Members:	Cr P Foster Cr K White Cr D Dias Cr M Lynch	Tom Price Ward (Presiding Member) Onslow Ward Paraburdoo Ward Tom Price Ward
Staff:	Mr R Paull Mr J Bingham Ms J Smith	Chief Executive Officer Director Corporate Services Executive Officer
Guests:	Cr L Rumble Cr D Diver	Paraburdoo Ward Tom Price Ward
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

3. ANNOUNCEMENT OF VISITORS

4. DECLARATION BY MEMBERS

4.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

Councillors Foster, White, Dias and Lynch are requested to acknowledge during the meeting that they have given due consideration to all matters contained in the Agenda.

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:

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- (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 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.
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:

Item Number/ Name	Type of Interest	Nature/Extent of Interest

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 AUDIT AND RISK COMMITTEE MEETING HELD ON 13 MARCH 2018

Officers Recommendation and Committee Decision

MOVED: Cr K White **SECONDED:** Cr M Lynch

That the Minutes of the Audit and Risk Committee Meeting held on 13 March 2018, be confirmed as a true and accurate record.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

ATTACHMENT 5.1

6. TERMS OF REFERENCE

Under the Local Government Act 1995, Local Governments are required to appoint an Audit Committee (section 7.1A of the Local Government Act 1995).

An Audit and Risk Committee is to provide guidance and assistance to the Local Government – as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the development of a process to be used to select and appoint a person to be an auditor and may provide guidance and assistance to the Local Government as to – matters to be audited, the scope of audits, its functions under Part 6 of the Act and the carrying out of its functions relating to other audits and other matters related to financial management (clause 16 Local Government (audit) Regulations 1996).

Committee Decision

MOVED: Cr K White **SECONDED:** Cr M Lynch

That Committee suspend standing orders at 11.13 am.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

Committee Decision

MOVED: Cr K White **SECONDED:** Cr D Dias

That Committee reinstate standing orders at 11.31 am.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

7. AGENDA ITEMS

7.1 REGULATION 17 - RISK AUDIT PROGRESS REPORT - JUNE 2018

MINUTE: 17/2018

FILE REFERENCE: FM14.16.17

AUTHOR'S NAME AND POSITION: Nicky Tyson
Procurement Coordinator

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 5 June 2018

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

PREVIOUS MEETING REFERENCE: 13 March 2018 – Audit and Risk Committee Meeting

Summary

This Risk Audit and review process is to occur at least once every two calendar years. The Shire's contracted Auditors, Moore Stephens Pty Ltd (MS) conducted the latest review in late 2016 and its report contains a list of improvements/opportunities.

At the March 2018 Audit and Risk Committee meeting it was reported that a number of suggestions and opportunities had already been completed and planning had commenced and/or systems had been put in place to address the remaining.

The Committee is now informed that further items have been completed with almost all outstanding items in the final stages of progression.

Background

Local Government (Audit) Regulations 1996 includes 'Local Government Operational Guideline – 9 – Audit in Local Governments'. Regulation 17 prescribes a number of matters that are to be reviewed by local government Audit Committees. These functions now include reviewing the appropriateness and effectiveness of the local government's systems in regard to risk management, internal control and legislative compliance; and reporting the results of the Committee's consideration of that review, to the Council. This Risk Audit and review process is to occur at least once every two calendar years.

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The latest review / audit was conducted onsite, 24 – 25 October 2016, by MS and a report was presented to the Audit and Risk Committee in December 2016. Further progress reports were presented to the committee each quarter with the most recent being March 2018.

Comment

The attached report from the Chief Executive Officer is referred to the Audit and Risk Committee and contains progress of action taken on the recommendations from MS in the Regulation 17 Audit for the Shire of Ashburton's consideration in the areas covered by the audit, that being:

Risk Management;
Internal Controls; and
Legislative Compliance.

There were no critical (i.e. legislative compliance) issues raised in the MS Regulation 17 Audit and attached is the CEO's report to the Audit & Risk Committee (which contains updated Officer Status/Progress Comments) outlining how the Shire's Governance propose to see the improvements recommended, progressed and finalised.

ATTACHMENT 7.1

As the attached report outlines, of the 43 improvement opportunities suggested in the report, all but 5 have been completed through new or existing actions, upon review and approval from the committee and Council. The remaining items are anticipated to be finalised in time for the September 2018 meeting.

Consultation

Chief Executive Officer
Director Corporate Services
Procurement Coordinator
Moore Stephens Australia (Pty) Ltd

Statutory Environment

Regulation 17 *Local Government Audit Regulations 1996* requires the following:

1. *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:*
 - a) *risk management;*
 - b) *internal control; and*
 - c) *legislative compliance.*
2. *The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every two calendar years.*
3. *The CEO is to report to the Audit Committee the results of that review.*

Financial Implications

Implementing the recommendations of the Report that have financial impacts will be processed through normal budgetary processes.

A suitable allocation will be made in the budget for future reviews, with the next review due late 2018.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & 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 (largely due to the costs of developing/implementing new procedures, etc.) but can be managed by routine procedures and monitoring by the Director Corporate Services.

Policy Implications

Various policies have been amended to align with new processes.

Voting Requirement

Simple Majority Required

Officers Recommendation and Committee Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That the Audit and Risk Committee with respect to the Review of Risk Management, Legislative Compliance and Internal Controls, Council:

- 1. Accept the Report (as per ATTACHMENT 7.1) which describes how the suggested improvements/opportunities will be implemented, including actions completed.**
- 2. Request the Chief Executive Officer to address and use best endeavours to complete all actions identified in ATTACHMENT 7.1 by September 2018.**

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

7.2 LOCAL GOVERNMENT ROAD INVENTORY DATA

MINUTE: 18/2018

FILE REFERENCE: GS05

AUTHOR'S NAME AND POSITION: Kevin Hannagan
Acting Director Infrastructure Services

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Local Government Grants Commission

DATE REPORT WRITTEN: 31 May 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

At the March 2018 meeting the Audit and Risk Committee resolved to request the Chief Executive Officer to provide an update on the resolutions adopted. This report gives an update on progression of the resolution items.

Background

At the 13 March 2018 Audit and Risk Committee meeting the following was resolved:

"Committee Decision:

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Local Government Road Inventory Data the Audit & Risk Committee recommend to Council, that Council:

- 1. Note this report; and*
- 2. Request an update report when the Local Government Grants Commission respond to the Shire's correspondence as outlined in this Report; and*
- 3. Request the Chief Executive Officer to provide further update to the Audit & Risk Committee when the Local Government Grants Commission responds to the Shire's correspondence as outlined in this Report; and*
- 4. Request the Chief Executive Officer to immediately review the road register and report back to the Audit and Risk Committee on 19 June 2018.*

CARRIED 4/0

Crs Foster, Lynch, White and Dias voted for the motion"

Comment

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The following update information is provided in relation to Resolutions 2, 3 and 4 above:

Resolutions 2 & 3 – The Shire has not yet received a response from the Local Government Grants Commission (LGGC) in response to the Shire's correspondence as outlined in the March 2018 Report.

Resolution 4 - Shire staff have undertaken a comprehensive review of the Assetic database information and the Chief Executive Officer has signed the "Declaration of Road Inventory Data" and this has been provided to the Local Government Grants Commission.

ATTACHMENT 7.2

Consultation

Not Applicable

Statutory Environment

There are no known statutory implications for this matter.

Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Infrastructure

Objective 01 – Quality Public Infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Framework. The perceived level of risk from the Risk Matrix is considered to be "Moderate / Likely (12)" in light of the potential reduction in grants. As the Risk Acceptance is considered to be "High", the Executive Management Team will monitor progress of this item.

Policy Implications

There are no known policy implications identified.

Voting Requirement

Simple Majority Required

Officers Recommendation and Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr D Dias

That the Audit and Risk Committee recommend to Council with respect to the Local Government Road Inventory Data, Council:

- 1. Notes this report, and**
- 2. Requests an updated report when the Local Government Grants Commission respond to the Shire's letter.**

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

7.3 INTERIM AUDIT 2017/18

MINUTE: 19/2018

FILE REFERENCE:	FM0909
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The Auditors conducted the 2017/18 Interim Audit during their visit to Tom Price in May 2018.

This report discusses the matters identified at the exit interview and also updates the Committee of recent changes made by the Office of Auditor General (OAG) in relation to the appointment of our External Auditor.

Background

The Auditors completed their fieldwork during a visit to Tom Price on 17 and 18 May 2018. An entry interview was conducted on 17 May 2018 via teleconference with Chai Wen Shien, Partner at Moore Stephens (MS).

Key Audit Risks and Focus Areas discussed during the interview included:

- Fixed Assets – Property Plant and Equipment plus Infrastructure Fair Value calculations;
- Provisions – Employee Benefits Provisions calculations using Net Present Values;
- Revenue – Grants and Rates; and
- Expenditure – Systems and procedures.

An Audit Strategy Memorandum for the Year Ending 30 June 2018 is attached.

CONFIDENTIAL ATTACHMENT 7.3A.

NB: The Audit Strategy Memorandum is strictly confidential and is not to be published or made publicly available.

Also discussed was the role of the Auditors as specified by the *Local Government (Audit) Regulations 1996*. Amongst other things it was noted the Auditors are to give an opinion, in material respects, as to whether the internal controls of the organisation are efficient and effective.

The entry interview and subsequent exit interview are new steps for the Shire in the audit process and come off the back of the OAGs new legislative mandate to audit local governments. In essence it is OAG practice to conduct a formal entrance and exit meeting.

On 1 September 2017 Parliament amended the *Local Government Amendment (Auditing) Act 2017* and is now the authority in charge of auditing local governments. The Shire is currently in contract with MS until 30 June 2018 so they (MS) will audit the accounts for the 2017/18 financial year.

For the 2018/19 financial year however the OAG officially becomes the Shires auditor. Given the OAG is the Shire's auditor, as appointed by Parliament, approval from Council is not required re: the appointment of an auditor. At this stage the OAG has confirmed it wishes to extend Council's contract with MS for at least one more year which means they (MS) will audit the 2018/19 accounts too.

The Budget implication is Council can expect an increase of up to 100% on previous Annual Report audit fees. This expenditure will go through the normal budgeting process to provision for auditing fees. A separate report to Council is unnecessary.

Comment

An exit interview was held with the Auditors on 18 May 2018 and three areas of discussion took place:

1. Internal Controls;
2. Matters Identified; and
3. Annual and Primary Returns.

As part of the field work the Shires internal controls were tested resulting in no significant deficiencies detected. Further it was mentioned the Shire is a strong performer amongst its neighbouring Shires recently visited and tested by the Auditors.

A list of matters identified was presented with one non-compliance matter detected:

1. *The Rates Notice or brochure accompanying it did not contain the reasons for the difference between the proposed differential rates advertised and those adopted by Council as required by Financial Management Regulation 56 (4) (b).*

When considering the Proposed Differential Rates for 2017/18 at the 20 June 2017 Ordinary Meeting of Council (OMC) Shire Officers recommended a 2% increase on 2016/17. A further recommendation however was later proposed and adopted at the 18 August 2017 OMC reducing the increase from 2% to 1.75%.

When the public notice was issued notifying ratepayers of the proposed rates in the dollar the 2% increase on the 16/17 rate in the dollar was used and not 1.75%. *In other words the original public notice had not been fully updated.*

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Where a difference exists between the adopted rate in the dollar and those set forth in the local public notice a qualification is required to be given on the Rates Notice or in the brochure that accompanies it. This was not done.

As the rates non-compliance matter relates to a *Financial Management Regulation*, it will be reported as a non-compliance matter in the audit report at year end. A copy of this report will also be sent to the Department and the Shire President. A list of the matters identified is attached.

ATTACHMENT 7.3B

The Annual and Primary Returns for 2016/17 were also audited and in some instances found to have omitted information or used incorrect dates. A list of the omissions and incorrect dates is attached.

ATTACHMENT 7.3C

Post exit interview the Director Corporate Services and Manager Finance reviewed the matters identified with a view to how these areas will be addressed through improving procedures and monitoring of systems.

The Auditor will be available on a phone link to enable the Committee for interview purposes to discuss the Draft Interim Management Report as attached.

ATTACHMENT 7.3D

Consultation

Executive Management Team
Finance Team
Moore Stephens Australia (Pty) Ltd

Statutory Environment

Local Government (Audit) Regulations 1996
Local Government (Finance) Regulations 1996

Financial Implications

No financial implications have been identified.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027
Goal 5 – Inspiring Governance
Objective 4 – Exemplary Team & 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 "Low" risk and can be managed by improved procedures and monitoring by the Corporate Services Directorate.

Policy Implications

FIN 07 – Investment Policy to be amended to reflect the change in *Financial Management Regulation* 19C allowing investment in Term Deposits with a maximum of three years.

Voting Requirement

Simple Majority Required

Officers Recommendation

That the Audit and Risk Committee recommend to Council with respect to the Interim Audit conducted on 17 and 18 May 2018, Council:

1. Note that the Committee conducted a phone interview with the Auditor in relation to the Report for the Interim Audit and the findings of the Audit; and
2. Receive the Report for the Interim Audit.

Committee Recommendation and Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That the Audit and Risk Committee recommend to Council with respect to the Interim Audit conducted on 17 and 18 May 2018, Council:

1. **Note that the Committee conducted a phone interview with the Auditor in relation to the Report for the Interim Audit and the findings of the Audit;**
2. **Receive the Report for the Interim Audit;**
3. **That the Chief Executive Officer provide a schedule of issues identified in the Interim Audit Report to addressed and presented to the next Audit and Risk Committee Meeting; and**
4. **The Chief Executive Officer to arrange appropriate training and guidance for elected members and relevant staff in relation to the preparation of primary and annual returns.**

CARRIED 4/0

Cr Foster, White, Dias and Lynch voted for the motion

Reason for Change: After discussion with the Auditor parts 3 and 4 are included for improvements for Audit arrangements.

7.4 2018-22 INFORMATION AND COMMUNICATIONS TECHNOLOGY STRATEGY

MINUTE: 20/2018

FILE REFERENCE:	IT01
AUTHOR'S NAME AND POSITION:	John Bingham Director Corporate Services
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 June 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Information and Communications Technology (ICT) is a strategic resource that underpins the key functions and decision making processes of a local government. This report introduces a strategy for the Shire describing how it can align its investment in ICT with its business objectives, while ensuring community expectations are met.

Background

The Integrated Planning and Reporting Framework (IPRF) sets out how local governments should plan for their future through the development of Strategic Community Plans (SCP) and Corporate Business Plans. The resources needed to implement these plans are identified and managed through Asset Management Plans, Workforce Plans and Long Term Financial Plans.

In a similar way, Information and Information Technology resources can be planned for and managed so that they support the strategic objectives and priorities of the organisation, as well as ensuring the business continuity of its day-to-day operations. ICT is also an important foundation for the other resourcing plans.

Comment

The 2018-2022 ICT Strategy incorporates the following visioning statement:

'The most effective role of ICT at the Shire of Ashburton is to enable the business to achieve operational excellence which in turn will drive customer satisfaction.'

Due to the number of internal and external influences affecting ICT this strategy serves as an important control tool for the Shire ensuring influences and changes are captured and managed proactively. The document therefore can be regarded as organic, enabling the organisation to meet new challenges and expectations, while ensuring an inherent link to the Shire's strategic objectives. The strategy also ensures that ICT objectives and actions are prioritised, allowing the organisation to more accurately predict future investment in ICT over the next five years.

To ensure the ICT Strategy maintains alignment with the Shire's SCP annual reviews will be conducted. These reviews will be undertaken in conjunction with any planned reviews of the SCP and CBP as required.

The 2018-22 ICT Strategy is attached.

ATTACHMENT 7.4

Consultation

Executive Management Team
ICT Team

Statutory Environment

Local Government Act 1995

Section 5.56. Planning for the Future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Financial Implications

Investments made into ICT will be used to populate the Shire's ICT Asset Management Plan and Long Term Financial Plan.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 5 – Inspiring Governance

Objective 4 – Exemplary Team & 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 "Low" risk and can be managed by routine procedures and monitoring.

Policy Implications

There are no policy implications for this matter.

Voting Requirement

Simple Majority Required

Officers Recommendation and Committee Decision

MOVED: Cr D Dias

SECONDED: Cr K White

That the Audit and Risk Committee recommend to Council with respect to the 2018-2022 Information and Communications Technology Strategy, Council:

- 1. Receive the report Information and Communications Technology (ATTACHMENT 7.4) as an informing strategy of the Shire's Integrated Planning and Reporting Framework.**

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

8. CONFIDENTIAL MATTERS

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

(2) *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.

Council Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That Council close the meeting to the public at 11.49 am pursuant to sub section 5.23 (2) of the Local Government Act 1995.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

Note: The Chairperson invited Councillors not part of the Committee and staff to remain in the room for this Confidential Item.

8.1 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION

MINUTE: 21/2018

FILE REFERENCE: LS34

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

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 6 June 20118

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 – Meeting of the Audit and Risk Committee 13 March 2018

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 K White

SECONDED: Cr M Lynch

That the Audit and Risk Committee receive the “*Confidential Item – Update on Wittenoom Litigation*” report and that it remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

Council Decision

MOVED: Cr K White

SECONDED: Cr D Dias

That Council re-open the meeting to the public at 11.51 am.

CARRIED 4/0

Crs Foster, White, Dias and Lynch voted for the motion

8. NEXT MEETING

The next Audit and Risk Committee Meeting will be held on 19 September 2018, at the Mayu Mayu / Barry Lang Centre, Pannawonica, commencing at a time to be determined.

9. CLOSURE OF MEETING

The Presiding Member closed the meeting at 11.51 am.