



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

**MINUTES
(Public Document)**

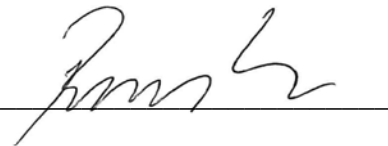
**Mayu Maya Centre, Pannawonica
19 September 2018**

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 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: 19/09/2018

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 September 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.

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

1.	DECLARATION OF OPENING	4
1.1	ACKNOWLEDGEMENT OF COUNTRY	4
2.	ATTENDANCE	4
2.1	PRESENT	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE.....	4
3.	ANNOUNCEMENT OF VISITORS	4
4.	DECLARATION BY MEMBERS	4
4.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	4
4.2	DECLARATIONS OF INTEREST	4
5.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
5.1	AUDIT AND RISK COMMITTEE MEETING HELD ON 19 JUNE 2018	6
6.	TERMS OF REFERENCE	6
7.	AGENDA ITEMS	7
7.1	REGULATION 17 - RISK AUDIT PROGRESS REPORT SEPTEMBER 2018.....	7
7.2	CORPORATE BUSINESS PLAN - QUARTERLY PROGRESS REPORT	10
7.3	WESTERN AUSTRALIA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (WANDRRA) CASH FLOW THRESHOLDS - PROGRESS REPORT	13
8.	CONFIDENTIAL MATTERS	17
8.1	CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION AND APPOINTMENT OF DELEGATE ON THE WITTENOOM STEERING COMMITTEE	18
8.2	CONFIDENTIAL ITEM - SAFETY, RISK AND COMPLIANCE REPORT, SHIRE OF ASHBURTON	20
8.3	CONFIDENTIAL ITEM - ONSLOW AIRPORT LANDING FEES.....	22
9.	NEXT MEETING	23
10.	CLOSURE OF MEETING	23

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

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.
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.

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

7. AGENDA ITEMS

7.1 REGULATION 17 - RISK AUDIT PROGRESS REPORT SEPTEMBER 2018

MINUTE: 22/2018

FILE REFERENCE:	FM14.16.17
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 7.1 (Minute No. 17/2018) – Audit and Risk Committee Meeting 19 June 2018

Summary

The Shire's contracted Auditors, Moore Stephens Pty Ltd (MS) conducted the most recent Risk Audit and review process in late 2016. Its report contains a list of improvements/opportunities.

At the June 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 now to occur at least once every three calendar years.

**MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018**

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 June 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 and 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 2 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 by December 2018.

Consultation

Executive Management Team
Manager Governance & Corporate Strategy
Moore Stephens Australia (Pty) Ltd

Statutory Environment

Recent audit reforms have now been implemented with changes to the reporting period. This review is now only required once every three financial years.

Regulation 17 Local Government Audit Regulations 1996 requires the following:

A suitable allocation has been made in the budget for future reviews, with the next review due late 2019.

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 three calendar years.*
3. *The CEO is to report to the Audit Committee the results of that review.*

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Financial Implications

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

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 "Medium" 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 *Review of Risk Management, Legislative Compliance and Internal Controls* recommend Council to:

- 1. Note the updated Chief Executive Officer (CEO)'s Report (as per ATTACHMENT 7.1) which describes how the suggested improvements/opportunities will be implemented, including actions completed.**
- 2. Request the CEO to use all reasonable endeavours to address and complete all actions by December 2018.**

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

7.2 CORPORATE BUSINESS PLAN - QUARTERLY PROGRESS REPORT

MINUTE: 23/2018

FILE REFERENCE:	CM03
AUTHOR'S NAME AND POSITION:	Nicky Tyson Manager Governance & Corporate Strategy
AUTHORISING OFFICER AND POSITION:	Rob Paull Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 2018
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Agenda Item 12.4 (Minute No. 391/2018) – Ordinary Meeting of Council 18 June 2018

Summary

Council adopted its latest iteration of the Shire of Ashburton Corporate Business Plan (CBP) 2018 – 2022 on 18 June 2018.

While formal reporting of progress in relation to the Corporate Business Plan is to occur annually, via the Shire's Annual Report, it was recommended that progress reports are presented to Council on more regular basis.

The intention is to provide progress reports to Council on a three monthly basis. This is the first status report of the newly adopted CBP.

Background

The Corporate Business Plan (CBP) outlines the strategic and operational objectives to be achieved in the four year period. The CBP demonstrates activities and projects that are fully resourced and have appropriate timelines and performance measures.

This is underpinned by a series of informing strategies and plans which include:

- our 10 year Long-Term Financial Plan;
- our Workforce Plan that is reviewed every four years in conjunction with the CBP;
- our Asset Management Plans for the life cycle of all assets including maintenance and replacement programs;

MINUTES - AUDIT AND RISK COMMITTEE MEETING 19 SEPTEMBER 2018

- Our adopted Annual Budget; and
- Any relevant issue specific strategies and plans for major projects or key developments.

Comment

The Corporate Business Plan identifies five Focus Areas in line with our Strategic Community Plan, as shown below:

1. Vibrant and Active Communities;
2. Economic Prosperity;
3. Unique heritage and Environment;
4. Quality Services and Infrastructure; and
5. Inspiring Governance

The attached document is a condensed version of the adopted CBP that reports directly on each project included in the priority areas for the 18/19 financial year, with commentary on the relevant projects status.

Any projects or priorities not allocated or achieved within this financial year will be the focus of the following annual budget review for the subsequent years of the plan.

Each action links to our Strategic Community Plan and allows us to ensure we are meeting our requirements for the 'Plan for the Future'.

ATTACHMENT 7.2

Consultation

Executive Management Team
Manager Governance & Corporate Strategy

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

Local Government (Administration) Regulations 1996

Section 19DA Corporate Business Plans, requirements for (Act s 5.56)

Section 19DB (5) Corporate Business Plans, requirements for (Act s 5.56).

Financial Implications

All items as per the adopted 18/19 budget.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Multiple Goals and Objectives will be achieved over the course of the financial year. Attachment 7.3 references actions linked to the relevant Goal and Objective.

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

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, Manager Governance along with the individual responsible owners of each linked project.

Policy Implications

ELM11 Integrated Planning Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr K White

That the Audit and Risk Committee with respect to *Corporate Business Plan – Quarterly Progress Report* recommend Council:

- 1. Accept the first quarterly report of the Shire of Ashburton Corporate Business Plan 2018 - 2022; and**
- 2. Request the Chief Executive Officer to continue providing *Corporate Business Plan – Quarterly Progress Reports*, with the next report being made available to the December 2018 Audit and Risk Committee.**

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

7.3 WESTERN AUSTRALIA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS (WANDRRA) CASH FLOW THRESHOLDS - PROGRESS REPORT

MINUTE: 24/2018

FILE REFERENCE:	CM02.18
AUTHOR'S NAME AND POSITION:	James Muir (Contractor)
AUTHORISING OFFICER AND POSITION:	Ian Hamilton Director Infrastructure Services
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	5 September 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

Delays with Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) recoup funding approvals have placed significant pressure on Council cash flow. Main Roads Western Australia (MRWA) and the Office of Emergency Management (OEM) are responsible for WANDRRA reimbursement funding.

The intention of this report is to provide Council with the understanding that we may have to cease works where the turnaround time of reimbursements significantly impacts cash flow.

Background

On 13 February 2017 the Western Australian Government proclaimed the flooding events which occurred in January and February 2017 is an eligible natural disaster event under WANDRRA.

WANDRRA is jointly funded by the State and Commonwealth Governments and administered by the OEM, with assistance from other agencies. Through WANDRRA, the Western Australian and Commonwealth Governments provide help to people who have suffered the direct impact of a proclaimed natural disaster event.

The Shire of Ashburton was listed as an authority subject to the above proclamation and the Australian Government Reference Number for the event is 743 (AGRN743).

**MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018**

Comment

Under the WANDRRA program flood damage works are carried out by an appointed construction contractor and Shire of Ashburton is reimbursed by OEM through MRWA. Typical approval times are four to six weeks.

Recently the Shire have been experiencing approval turnaround times of 12 weeks. MRWA have not been able to provide a response to these lengthy delays apart from that "they have been very busy". It is a tiered approval process whereby MRWA approves and forwards to OEM for approval, which in turn forwards back to MRWA (Perth) for final checking and onto, MRWA Pilbara for Shire notification and submission of invoice. Payment of invoice usually takes two weeks.

Shire Administration has established mitigation measures to ensure appropriate escalation and resolution of the delays in recoup approval. Any cessation in works could potentially trigger litigation by the contractor and the Shire may be responsible for substantial stand down costs. MRWA has indicated that future approvals will be forthcoming in a timelier manner.

A review of the current WANDRRA process has recently been undertaken to determine what is required to meet the changes associated with the introduction of the new Disaster Recovery Funding Arrangements (DRFA), coming into effect 1 November 2018.

For all events prior to 1 November 2018 the process will remain the same apart from quarterly estimate figures which will now be managed by Department of Fire and Emergency Services (DFES). The main focus by DFES will be accurate estimates and precise variation reporting. This shall provide a more detailed process but deliver a smoother process for approval with elimination of unsubstantiated variations.

Consultation

Executive Management Team

Statutory Environment

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150, 000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program;*

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Financial Implications

For 2018/19 the Shire is limited in terms of free cash-flow available to fund large projects. In the case of AGRN 743, a \$10.5M works program, the Shire has planned for:

- A cash-flow turnaround on re-coups of two months - i.e. from the date the re-coup is prepared and sent to MRWA to the time payment is received in the Shire's bank account; and
- A provisional maximum of \$2M negative cash-flow at any one time to ensure payments to our operational activities and cash reserve investment arrangements are not disrupted.

Re-coup no.1 was submitted on 30 May 2018. As at 22 August the recoup had not been paid – a period of 84 days or nearly three months. In addition the Shire had submitted recoup no's 2 to 6 in mid-July and early August resulting in the total accumulated outstanding recoups at around \$2.9M.

The main financial implication of recoups going beyond the set limits of two months and \$2M is to place significant strain on free cash-flow for operational and investment activities e.g. it becomes necessary to 'call' funds away from investment grade returns into working accounts. This results in a significant reduction to interest earnings and the potential requirement to access Restricted Funds.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027

Goal 4 – Quality Services and Partnerships

Objective 01 – Quality public infrastructure

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 "High" (consequences "Major", likelihood "Possible"). This level of risk is being driven by the value of the WANDRRA Claim, and the fact that prolonged interruption of services will result from delays. It is considered that the likelihood of a risk event occurring is "possible" but it will be managed by specific monitoring response procedures by senior management/executive and subject to monthly reporting.

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 delays in recoup approval. As the Risk Acceptance is considered to be "High", the Executive Management Team will monitor progress of this item.

Policy Implications

CORP5 Risk management Policy

FIN06 Significant Accounting Policy

Voting Requirement

Simple Majority Required

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr K White

That the Committee suspend Standing Orders at 9.46 am.

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

Committee Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That the Committee reinstate Standing Orders at 9.56 am.

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

Officers Recommendation and Committee Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That with respect to *WANDRRA Cash Flow Thresholds – Progress Report* the Audit and Risk Committee recommend Council:

- 1. Receive the WANDRRA AGRN 743 report of the Shire of Ashburton; and**
- 2. Request the Chief Executive Officer to report any delays in recoup approval of more than 12 weeks to the Audit and Risk Committee.**

CARRIED 3/0

Councillors Foster, White 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.

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Committee Decision

MOVED: Cr M Lynch

SECONDED: Cr K White

That Council close the meeting to the public at 9.59 am pursuant to sub section 5.23 (2) (b) and (d) of the Local Government Act 1995.

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

8.1 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION AND APPOINTMENT OF DELEGATE ON THE WITTENOOM STEERING COMMITTEE

MINUTE: 25/2018

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 2018

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

PREVIOUS MEETING REFERENCE: Confidential Agenda Item 8.1 (Minute No. 17/2018) – Audit and Risk Committee Meeting 19 June 2018
Confidential Agenda Item 8.1 (Minute: 21/2018) - 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* because it deals with matters affecting s5.23 (2):

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

- (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

That the Audit and Risk Committee with respect to Confidential Item – Update on Wittenoom Litigation and Appointment of Delegate on the Wittenoom Steering Committee recommend Council:

1. Receive the Confidential Item – Update on Wittenoom Litigation and Appointment of Delegate on the Wittenoom Steering Council report and remain confidential in accordance s5.23 (2)(b) & (d) of the Local Government Act 1995;
2. Request Shire management continue to provide Wittenoom Litigation progress reports to the Audit and Risk Committee; and
3. Appoint the Chief Executive Officer as the delegate on the Department of Planning, Lands and Heritage’s Wittenoom Steering Committee.

Committee Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Audit and Risk Committee with respect to *Confidential Item – Update on Wittenoom Litigation and Appointment of Delegate on the Wittenoom Steering Committee* recommend Council:

1. **Receive the *Confidential Item – Update on Wittenoom Litigation and Appointment of Delegate on the Wittenoom Steering Council* report and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*;**
2. **Request Shire management continue to provide Wittenoom Litigation progress reports to the Audit and Risk Committee; and**
3. **Appoint the Chief Executive Officer as the delegate and the Executive Officer as the deputy on the Department of Planning, Lands and Heritage’s Wittenoom Steering Committee.**

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

Reason for Change:

Acknowledge that should the CEO be unavailable a deputy is able to attend the Wittenoom Steering Committee.

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

**8.2 CONFIDENTIAL ITEM - SAFETY, RISK AND COMPLIANCE REPORT,
SHIRE OF ASHBURTON**

MINUTE: 26/2018

FILE REFERENCE: GV05

AUTHOR'S NAME AND POSITION: Rick Muller
Safety and Wellbeing Coordinator

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

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

DATE REPORT WRITTEN: 3 September 2018

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

PREVIOUS MEETING REFERENCE: Not Applicable

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 with respect to *Confidential Item - Safety, Risk and Compliance Report, Shire of Ashburton* recommend Council:

1. **Receive *Confidential Item - Safety, Risk and Compliance Report, Shire of Ashburton* report and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*.**

CARRIED 3/0

Councillors Foster, White and Lynch voted for the motion

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Note:

Australian Standard AS/NZS 4801:2001 (**ATTACHMENT 8.2H**) will be provided to Councillors under separate cover as an attachment to the minutes.

UNCONFIRMED MINUTES

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

8.3 CONFIDENTIAL ITEM - ONSLOW AIRPORT LANDING FEES

MINUTE: 27/2018

FILE REFERENCE: TT06

AUTHOR'S NAME AND POSITION: Rob Paull
Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Rob Paull
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 10 September 2018

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

PREVIOUS MEETING REFERENCE: Agenda Item 12.3 (Minute No. 303/2018) – Ordinary Meeting of Council 13 February 2018
Agenda Item 11.5 (Minute No. 345/2018) – Ordinary Meeting of Council 23 April 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 with respect to *Confidential Item – Onslow Airport Landing Fees* recommend to Council without prejudice, and after full consideration of all available facts and legal advice, that Council not seek to pursue reimbursement of any potential outstanding landing fees from Chevron at the Onslow Airport prior to 1 September 2017.

**CARRIED BY ABSOLUTE MAJORITY 3/0
Councillors Foster, White and Lynch voted for the motion**

MINUTES - AUDIT AND RISK COMMITTEE MEETING
19 SEPTEMBER 2018

Committee Decision

MOVED: Cr K White

SECONDED: Cr M Lynch

That Council re-open the meeting to the public at 10.19 am.

CARRIED 3/0

Councillors Foster, White & Lynch voted for the motion

9. NEXT MEETING

The next Audit and Risk Committee Meeting will be held at a date and time to be determined in consultation with the Presiding Member.

10. CLOSURE OF MEETING

The Presiding Member closed the meeting at 10.21 am.

UNCONFIRMED MINUTES