

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Minutes

#### **Audit and Governance Committee Meeting**

**Monday 27 March 2023, 1.00pm (CKI time)  
2.30pm (Perth time) via Video Conferencing  
Platform**

**Council Chamber, Administration Building**

**Lot 256 Jalan Bunga Melati, Home Island**

## **OUR VALUES**

### **Service**

Provide the best service we can.

We serve the community and each other.

### **Accountability**

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

### **Support**

We support our team and our community.

Look for opportunities to help each other.

### **Respect**

We respect and value others.

Our interactions are always respectful towards others.

### **Integrity**

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

### **Achievement**

Being proactive and enabling the outcomes.

Be creative and think outside the square.

### **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to the reproduction.

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## 1. OPENING/ANNOUNCEMENTS OF VISITORS

The meeting was formally opened by the Chair of the Audit and Governance Committee, Cr Young at 4.02pm.

Request to attend the meeting via virtual platform has been received by Cr Lacy.

The Shire President approved the request to attend by electronic means, in accordance with regulation 14C of *Local government (Administration) Regulations 1996*.

## 2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Presiding member Cr Young

Committee member Cr Lacy (via telephone link)  
Mr Anastasakis (via video link)

Staff Chief Executive Officer, Frank Mills  
Manager Finance and Corporate Services, Vicki Lauritsen  
Governance and Risk Coordinator, Ibrahim Macrae

Visitors Nil

Apologies Cr Minkom

## 3. DECLARATION OF INTERESTS

Members of the Committee are bound by the provisions of *the Local Government Act 1995, Section 5.65* with respect to disclosure of financial, impartiality or proximity interests.

Name	Item No	Interest	Nature
NIL			

## 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

4.1 Audit Committee Meeting held on 25 January 2023  
Attachment 4.1

PURSUANT TO *SECTIONS 3.18 AND 5.22(2) OF THE LOCAL GOVERNMENT ACT 1995*, THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 25 JANUARY 2023, ARE PRESENTED IN ATTACHMENT 4.1 FOR CONSIDERATION BY THE AUDIT AND GOVERNANCE COMMITTEE.

**COMMITTEE RESOLUTION - ITEM NO 4.1**

**MOVED CR LACY**

**SECONDED MR ANASTASAKIS**

**PURSUANT TO *SECTIONS 3.18 AND 5.22(2) OF THE LOCAL GOVERNMENT ACT 1995*, THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 25 JANUARY 2023, ARE PRESENTED IN ATTACHMENT 4.1 FOR CONSIDERATION BY THE AUDIT AND GOVERNANCE COMMITTEE.**

**THE MOTION WAS PUT AND DECLARED CARRIED (3/0)**

**FOR: ANASTASAKIS, LACY, YOUNG**

**AGAINST: NIL**

**5. PRESENTATIONS**

Nil

**6. OFFICER'S REPORTS**

## 6.1 PRESENTATION OF THE COMPLIANCE AUDIT RETURN 2022

### Report Information

Date: 14 March 2022  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Location: Not Applicable  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 6.1.1 - Compliance Audit Return 2022

### Authority / Discretion

### Definition

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

To refer the Shire's responses to the Department of Local Government Compliance Audit Return 2022 to Council for its consideration and adoption.

## **Relevant Documents**

Available for viewing at the meeting

Nil

## **Background**

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* each local government in Western Australia must carry out an annual audit of statutory compliance for the period 1 January to 31 December, in the form of Department of Local Government Compliance Audit Return.

The 2022 Compliance Audit Return focuses on high-risk areas of compliance and statutory reporting as prescribed in regulation 13 of the *Local Government (Audit) Regulations 1996*.

The Audit Committee is required to review the completed CAR and report the results to Council, prior to CAR adoption by Council and submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

## **Comment**

Any reporting of non-compliance in the CAR is a reminder for local government officers to engage with elected members via the audit committee to provide Council with a plan and timeframe within which to address non-compliance.

## **Policy and Legislative Implications**

*Local Government (Audit) Regulations 1996*

## **Financial Implications**

Nil

## **Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2037

*Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.*



### Risk Implication

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Compliance	It is a Legislative requirement of council which must be adhered to.	Med (1)	A monthly Compliance Calendar assists the Shire to ensure Legislation is adhered to.

### Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Conclusion

The CAR is a timely reminder of the various areas of compliance required by local governments and is a sound mechanism to test compliance and areas on which to focus improvements

### OFFICER RECOMMENDATION – ITEM NO 6.1

1. THAT THE AUDIT AND GOVERNANCE COMMITTEE, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:
  - a. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2022 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND
  - b. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2022 FOR THE SHIRE OF COCOS (KEELING) ISLANDS.

**COMMITTEE RESOLUTION - ITEM NO 6.1**

**MOVED MR ANASTASAKIS                      SECONDED CR LACY**

- 1. THAT THE AUDIT AND GOVERNANCE COMMITTEE, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:**
  - a. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2022 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND**
  - b. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2022 FOR THE SHIRE OF COCOS (KEELING) ISLANDS AS AMENDED BY THE AUDIT AND GOVERNANCE COMMITTEE.**

**THE MOTION WAS PUT AND DECLARED CARRIED (3/0)**

**FOR: ANASTASAKIS, LACY, YOUNG**

**AGAINST: NIL**

## 6.2 AUDIT ACTIONS STATUS REPORT – MARCH 2023

### Report Information

Date: 16 March 2023  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Location: Not Applicable  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 6.2.1 - Confidential Attachment - Audit Actions Status Report

### Authority / Discretion

### Definition

<input type="checkbox"/>	Advocacy	<i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>when Council determines an application / matter that directly affects a person’s right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

For the Committee to receive a report on the status of Audit Actions presented by internal and external auditors and other improvements as identified by officers.

## Relevant Documents

Available for viewing at the meeting

Nil

## Background

Local governments are required by the *Local Government Act* and associated regulations to carry out a number of audits/reviews, being:

- Annual financial audit – conducted by the Office of the Auditor General (s7.12AB)
- Systems and Controls Audit (LG Audit Regulation 17.)
- Review of Financial Management Systems and Procedures (LG Financial Management Regulation 5.) – conducted internally or by external consultant/auditor
- Other supplementary or performance audits as directed by the Office of the Auditor General (s7.12AF/s7.12AJ)

Some local governments are additionally utilising a formal internal audit program to ensure risk is managed, and opportunities for continuous improvement are identified.

At the conclusion of any of these audits, the auditor/reviewer, where required, will issue a management report, outlining any identified issues/risks and in most cases a recommendation for improvement. It is then up to management to determine the solution to be implemented and carry out the action.

## Comment

It is important for the Audit Committee to maintain oversight of the status of any required actions, ensuring risks are managed effectively. For many councils, it is common practice that audit actions (be it internal or external audits) statuses are reported to the Committee to ensure that actions are closed out. To date, the Shire of Cocos (Keeling) Islands reports to the Committee at the conclusion of each Audit the management letter and any issues identified, provide comment, however where actions may not have been closed out, these can fall away and remain open/unactioned for a many reasons.

Officers have reviewed all Audit reports going back three years, collated all issues/actions listed and provided an update to the status as contained in Confidential Attachment 6.2.1. By incorporating this as a regular report to the Audit Committee it will ensure that accountability and transparency is maintained, and the Committee maintains oversight, identifying any high risks to the Shire.

This is a new process for the Shire and officers, and actions will be progressed as a matter of importance, however it must be noted that this will require a change management

focus within the organisation and the process and report will continue to evolve over time.

## **Policy and Legislative Implications**

### Section 7.12A of the Local Government Act (WA) (CKI)

#### Local Government (Audit) Regulations 1996

##### 17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(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 not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

#### Local Government (Financial Management) Regulations 1996

##### 5. CEO's duties as to financial management

(1) Efficient systems and procedures are to be established by the CEO of a local government —

(a) for the proper collection of all money owing to the local government; and

(b) for the safe custody and security of all money collected or held by the local government; and

(c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and

(d) to ensure proper accounting for municipal or trust —

(i) revenue received or receivable; and

(ii) expenses paid or payable; and

(iii) assets and liabilities; and

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and

(f) for the maintenance of payroll, stock control and costing records; and

(g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed; and
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

### **Financial Implications**

Nil

### **Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2037

*Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.*

### **Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Financial	High risk actions may remain outstanding, putting the Shire's financial controls at risk, and open to fraudulent action.	Moderate	Close out all actions as soon as possible and look for continuous improvement opportunities.
Reputation	Consecutively not completing audit recommendations can result in reputation risk to the Shire, and Local Government.	Moderate (6)	Providing the report to the Committee will ensure that transparency and accountability is maintained.
Fraud	High risk actions may remain outstanding, putting the Shire's financial controls at	Moderate	Close out all actions as soon as possible and look for continuous improvement opportunities.

	risk, and open to fraudulent action.		
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**Risk Matrix**

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

**Conclusion**

That the Audit Committee receive the Audit Actions Status report for March 2023.

**OFFICER RECOMMENDATION – ITEM NO 6.2**

THAT THE AUDIT AND GOVERNANCE COMMITTEE, PURSUANT TO *REGULATION 16 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 (WA) (CKI)* RECOMMENDS THAT COUNCIL RECEIVE THE AUDIT ACTIONS STATUS REPORT FOR MARCH 2023 AS CONTAINED IN CONFIDENTIAL ATTACHMENT 6.2.1.

**COMMITTEE RESOLUTION - ITEM NO 6.2**

**MOVED MR ANASTASAKIS                      SECONDED CR LACY**

**THAT THE AUDIT AND GOVERNANCE COMMITTEE, PURSUANT TO *REGULATION 16 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 (WA) (CKI)* RECOMMENDS THAT COUNCIL RECEIVE THE AUDIT ACTIONS STATUS REPORT FOR MARCH 2023 AS CONTAINED IN CONFIDENTIAL ATTACHMENT 6.2.1.**

**THE MOTION WAS PUT AND DECLARED CARRIED (3/0)**

**FOR: ANASTASAKIS, LACY, YOUNG**  
**AGAINST: NIL**

