



Shire of  
Serpentine  
Jarrahdale

# Audit, Risk and Governance Committee

## Confirmed Minutes

Monday, 15 November 2021

5:30pm

[Rescheduled from Monday, 1 November 2021]

Received by Council

13 December 2021 – OCM332/12/21

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Open Monday to Friday 8.30am-5pm (closed public holidays)



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Minutes of the Audit, Risk and Governance Committee Meeting held in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong on Monday, 15 November 2021.

The Chief Executive Officer, Mr Paul Martin declared the meeting open at 5:30pm and welcomed Councillors, Committee Members and Staff, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

The Chief Executive Officer, Mr Martin advised he would be presiding over the meeting until the appointment of the Presiding Member.

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**In accordance with Schedule 2.3 of the *Local Government Act 1995* the Chief Executive Officer shall preside at the commencement of this Audit, Risk and Governance Committee Meeting to enable the election of the Presiding Member and the Deputy Presiding Member.**

## Minutes

### 1. Attendances and apologies (including leave of absence)

**Councillors:** L Strange.....Presiding Member (Presiding Member from 5:35pm)  
R Coales  
T Duggin (From 5:31pm)  
M Rich  
G Singh

**External Members:** Kelly Berry  
Jacob Curulli  
Eileen Newby  
Reinder Ruiter

**Officers:** Mr P Martin.....Chief Executive Officer  
Ms H Sarcich.....Deputy CEO / Director Community and  
Organisational Development  
Mr F Sullivan .....Director Corporate Services  
Mr A Trosic.....Director Development Services  
Mr R Najafzadeh.....Director Infrastructure Services  
Dr K Parker .....Manager Governance and Strategy  
Mr R Kahango.....Internal Auditor  
Ms M Gibson .....Governance Officer – Council and Committees  
(Minute Taker)

**Apologies:** Nil.

**Observers:** Councillor Strautins (From 5:33pm)  
Councillor Atwell (From 5:49pm)



### **1.1 Election of Presiding Member**

The Chief Executive Officer, Mr Paul Martin called for nominations for the position of Presiding Member for the period ending at the next Ordinary Local Government Election in October 2023.

One nomination was received in writing prior to the meeting from Councillor Lauren Strange.

The Chief Executive Officer, Mr Martin asked if there were any further nominations.

No further nominations were received.

There being no further nominations, the Chief Executive Officer, Mr Martin declared Councillor Strange as Presiding Member for the period ending at the next Ordinary Local Government Election in October 2023.

Councillor Strange assumed the Chair as Presiding Member of the Audit, Risk and Governance Committee at 5.35pm.

### **1.2 Election of Deputy Presiding Member**

The Presiding Member, Councillor Strange called for nominations for the position of Deputy Presiding Member for the period ending at the next Ordinary Local Government Election in October 2023.

No nominations were received prior to the meeting.

Mr Jacob Curulli nominated himself from the floor.

The Presiding Member, Councillor Strange asked if there were any further nominations.

No further nominations were received.

There being no further nominations, the Presiding Member, Councillor Strange declared Mr Curulli as Deputy Presiding Member of the Audit, Risk and Governance Committee for the period ending at the next Ordinary Local Government Election in October 2023.

## **2. Petitions and deputations:**

Nil.

## **3. Declaration of Councillors and Officer's interest:**

Nil.



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**4. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:**

**4.1 Minutes of previous Audit, Risk and Governance Committee Meeting:**

**4.1.1 Audit, Risk and Governance Committee Meeting – 23 August 2021**

**ARG013/11/21**

**AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION**

**Moved Cr Rich, seconded Ms Newby**

**That the minutes of the Audit, Risk and Governance Committee Meeting held on 23 August 2021 be CONFIRMED (E21/9809).**

**CARRIED UNANIMOUSLY 9/0**



## 5. Reports for consideration:

### 5.1 Reports:

<b>5.1.1 – Regulation 17 and Regulation 5 Reviews (SJ2196)</b>	
<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Information	For the Council / Committee to note.
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### Report Purpose

The purpose of this report is to enable the Audit, Risk and Governance Committee to note the progress of the Regulation 17 and Regulation 5 reviews which will be completed in 2021-22 in accordance with the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*.

### Relevant Previous Decisions of Council

Nil.

### Background

Like all local governments, the Shire has statutory obligations to review financial management systems and the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance.

The timeframes for these reviews are set in legislation and due to be completed in 2021-22.

### Community / Stakeholder Consultation

Nil.

### Statutory Environment

Regulation 5 of the *Local Government (Financial Management) Regulations 1996* requires that the CEO undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government not less than once in every three financial years and report to the local government the results of that review.

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance not less than once in every three financial years and report to the audit committee the results of that review.

Under Regulation 16 of the *Local Government (Audit) Regulations 1996* the functions of the audit committee include to monitor and advise the CEO when the CEO is conducting the Regulation 5 and 17 reviews.



## Comment

To aid in independence in conducting the review and in accordance with best practices adopted in peer local governments across the State, the Regulation 5 and Regulation 17 reviews will be conducted by an external consultant.

A procurement process has been conducted to select the external consultant that exceeds the standards required by the Shire's purchasing policy.

Namely, in September 2021, an invitation to offer to conduct the reviews was circulated to thirteen audit and governance consultancy firms. The firms were selected through a combination of the State Government's Common Use Agreement and the WALGA Preferred Supplier Scheme. Companies were given three weeks to respond.

The Shire received five responses to the invitation to offer. Offers were assessed based on a weighted criteria of experience, key personnel, skills and resources, demonstrated understanding and organisation capacity.

Paxon Group was assessed as the offer that represented the best value for money in accordance with the Shire's Policy 3.2.4 – Purchasing – Procurement of Goods or Services up to \$250,000.

Paxon Group will undertake the review with reports on the findings anticipated to be reported for the Committee's consideration in February 2022.

## Options and Implications

### Option 1

That the Audit, Risk and Governance Committee recommends Council NOTES progress of the reviews conducted in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*.

### Option 2

That the Audit, Risk and Governance Committee recommends Council DOES NOT NOTE progress of the reviews conducted in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*.

Option 1 is recommended.

## Conclusion

In accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*, *this report has been prepared to enable the audit committee to fulfil its obligations to monitor and advise the Regulation 5 and 17 reviews.*

## Attachments (available under separate cover)

Nil.

## Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources



## Financial Implications

In adopting to the 2021-22 Annual Budget, Council allocated funding to Governance & Risk - Consultancy. This budget allocation covers several projects identified in the Directorate's Service Team Plans. The R5 and R17 reviews can be accommodated within the budget allocation and within the tolerances and expectations for project cost within the consultancy budget.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	Nil						
2	The Audit Committee would not be fulfilling its legislative responsibilities		Reputation	Rare	Minor	LOW	

**Voting Requirements:** Simple Majority

### ARG014/11/21

**AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION / Officer Recommendation**

**Moved Mr Curulli, seconded Ms Newby**

**That the Audit, Risk and Governance Committee recommends Council NOTES progress of the reviews conducted in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996* and *Local Government (Audit) Regulations 1996*.**

**CARRIED UNANIMOUSLY 9/0**

*Please note that the Audit, Risk and Governance Committee does not have delegated authority to make decisions. All recommendations of the Audit, Risk and Governance Committee are presented to Council for ratification.*





<b>5.1.2 – Internal Audit Plan 2021-2022 (SJ2895)</b>	
<b>Responsible Officer:</b>	Internal Auditor
<b>Senior Officer:</b>	Deputy CEO / Director Community and Organisational Development
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### **Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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### **Report Purpose**

That the Audit, Risk and Governance Committee considers recommending to Council, adoption of the Internal Audit Plan 2021-2022, to guide Internal Audit activities for the 12 month period November 2021 to November 2022.

### **Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 20 May 2019 - OCM074/05/19 - COUNCIL RESOLUTION  
That the minutes and resolutions contained therein of the Audit, Risk and Governance Committee held on 6 May 2019 be endorsed. (E19/5477).*

*Audit, Risk and Governance Committee – 6 May 2019 - ARG006/05/19 - AUDIT, RISK & GOVERNANCE COMMITTEE RESOLUTION / Officer Recommendation  
That the Audit, Risk and Governance Committee recommends that Council:  
ADOPTS the 2019 Interim Internal Audit Plan to guide Internal Audit activities to December 2019.*

### **Background**

This report supports the methodical process for the Chief Executive Officer to review appropriateness and effectiveness of a local government through the proposed Internal Audit Plan 2021-2022 as contained in **attachment 1**. The plan details matters to be audited as well as associated scope with oversight by the Council and the Audit, Risk and Governance Committee (ARG).

### **Community / Stakeholder Consultation**

The Internal Auditor has discussed the proposed Internal Audit Plan 2021-2022 with the Executive Management Group.

### **Statutory Environment**

*Local Government (Audit) Regulations 1996:*

*Section 16. Functions of audit committee*

*An audit committee has the following functions-*



- (a) to guide and assist the local government in carrying out
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under
  - (i) regulation 17(1); and
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government
  - (i) is required to take by section 7.12A(3); and
  - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law

**Section 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;
  - b. internal control; and
  - c. legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (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



## Comment

Seven audit areas are proposed in this plan. The majority of the internal audits will be completed in this financial year (2021/22) with the last few being completed in following financial year (2022/23).

The proposed Internal Audit Plan details that each audit is anticipated to be completed in the period it is scheduled, provided that no unexpected delays arise. In developing this plan it is recognised that the successful completion of each audit is also dependent on the availability of Shire staff for their input as necessary and that significant workloads are being experienced across the organisation, which may impact on the ability to contribute to the audits and may in some instances result in delays to the internal audit process. Updates on the progression of the delivery of the audits will be provided in reports to the Audit, Risk and Governance Committee and subsequently to Council over the 12 month period.

A detailed overview of the proposed Internal Audit Plan 2021-2022 is included with this report as **attachment 1**.

Carry Over from 2020 Internal Audit Plan, New or Ongoing	Internal Audit Activity	Frequency	2021			2022
			Nov - Jan	Feb - May	June - Aug	Sept - Nov
--	Internal Audit Plan 2022					
New	Youth Services (1)	<b>Scheduled</b>	●			
New	Asset Management (2)	<b>Scheduled</b>		●		
Carry over	Payroll and Leave Management (3)	<b>Scheduled</b>			●	
New	Event Management (4)	<b>Scheduled</b>			●	
Carry Over	Swimming Pool Inspections (5)	<b>Scheduled</b>				●
New	IT General Management Controls	<b>Scheduled</b>				●
Carry Over	Firebreak Inspections / Management (6)	<b>Scheduled</b>				●
Ongoing	Compliance Audit Return	<b>Annually</b>	●			
Ongoing	Annual Report	<b>Annually</b>				●
Ongoing	Quarterly Reporting	<b>Quarterly</b>	●	●	●	●
Ongoing	Status Report – Internal Audit	<b>Quarterly</b>	●	●	●	●
Ongoing	Audit Recommendation Tracking	<b>Quarterly</b>	●	●	●	●



Carry Over from 2020 Internal Audit Plan, New or Ongoing	Internal Audit Activity	Frequency	2021			2022
			Nov - Jan	Feb - May	June - Aug	Sept - Nov
--	Other Activities	Ad-hoc				
Ongoing	CEO / Director Requests	Ad-hoc				
Ongoing	Office of the Auditor General Audit Reports (Health Checks)	Ad-hoc				
Ongoing	Advisory and Education	Ad-hoc				

The Internal Audit Plan also allows for the Internal Auditor to participate in the Annual Report development process and completion of the Compliance Audit Return. The plan also allows for quarterly reporting to ARG in regard to the progression of the delivery of the plan and flexibility to respond to requests that may arise, provide advisory and educational services to the organisation and undertake assessments against the relevant Office of the Auditor General Audit Reports as they are released.

It is anticipated that the internal audit activities can be undertaken with existing internal audit resources, however if the IT General Management Controls Audit requires support from specialist external providers, these costs will be required to be considered through the 2022/2023 financial year budget setting process.

### Options and Implications

#### Option 1

The Audit, Risk and Governance Committee recommends Council ADOPTS the Internal Audit Plan 2021-2022 as contained in **attachment 1**, to guide Internal Audit Activities for the period November 2021 to November 2022.

#### Option 2

The Audit, Risk and Governance Committee recommends Council ADOPTS the Internal Audit Plan 2021-2022 as contained in **attachment 1**, with variation detailed at the meeting, to guide Internal Audit Activities for the period November 2021 to November 2022.

#### Option 3

The Audit, Risk and Governance Committee recommends Council:

1. DOES NOT ADOPT the Internal Audit Plan 2021-2022 as contained in **attachment 1**; and
2. REQUESTS the Chief Executive Officer undertakes further review of the draft Internal Audit Plan 2021-2022 and provides a revised document for consideration at the next Audit, Risk and Governance Committee meeting.

The implication if either Option 1 or 2 is not chosen is that Internal Audit will operate without an accepted Internal Audit Plan. The purpose of the plan is to guide significant Internal Audit activities and subsequently assist Council / ARG fulfil oversight responsibilities.



Option 1 is recommended.

### Conclusion

Once endorsed, Internal Audit will commence activities in accordance with the Plan and report quarterly on the status of the audit reports and associated recommendations.

### Attachments (available under separate cover)

- 5.1.2 - attachment 1 - Internal Audit Plan 2021-2022 (E21/11760)

### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### Financial Implications

Delivery of the Internal Audit plan can be undertaken with current internal resources. Should specialist IT audit services be required to assist with Item 7 - IT General Computer Controls, these costs will be considered through the 2022/2023 annual budget setting process.

### Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	That Council does not adopt an Internal Audit Plan resulting in Internal Audit activities not being undertaken in a planned manner.	The <i>Local Government (Audit) Regulations 1996</i> :  Internal Audit Charter – Internal Audit (SJ2895)	Organisational Performance	Unlikely	Moderate	MODERATE	Internal Audit Plan tabled, read and adopted.
2	Inadequate Internal Audit Planning resulting in processes not supporting Council oversight responsibilities.	The <i>Local Government (Audit) Regulations 1996</i> :  Internal Audit Charter – Internal Audit (SJ2895)	Organisational Performance	Unlikely	Moderate	MODERATE	Internal Audit Plan tabled, read and adopted.



3	Unclear purpose and intention of Internal Audit resulting in lack of understanding of Internal Audit activities.	The <i>Local Government (Audit) Regulations 1996</i> :  Internal Audit Charter – Internal Audit (SJ2895)	Organisational Performance	Unlikely	Moderate	MODERATE	Internal Audit Plan and overarching report
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**Voting Requirements:** Simple Majority

### ARG015/11/21

#### **AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION / Officer Recommendation**

**Moved Ms Newby, seconded Cr Singh**

**The Audit, Risk and Governance Committee recommends Council ADOPTS the Internal Audit Plan 2021-2022 to guide Internal Audit Activities for the period November 2021 to November 2022.**

**CARRIED UNANIMOUSLY 9/0**

*Please note that the Audit, Risk and Governance Committee does not have delegated authority to make decisions. All recommendations of the Audit, Risk and Governance Committee are presented to Council for ratification.*



<b>5.1.3 – Abernethy Road Inquiry (SJ2196)</b>	
<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Chief Executive Officer
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i>

#### **Authority / Discretion**

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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#### **Report Purpose**

The purpose of this report is to enable the Committee to make a recommendation to Council on the entity to conduct an Inquiry into the Management of the Abernethy Road Project.

#### **Relevant Previous Decisions of Council**

*Ordinary Council Meeting – 21 June 2021 - OCM131/06/21 – COUNCIL RESOLUTION - extract*

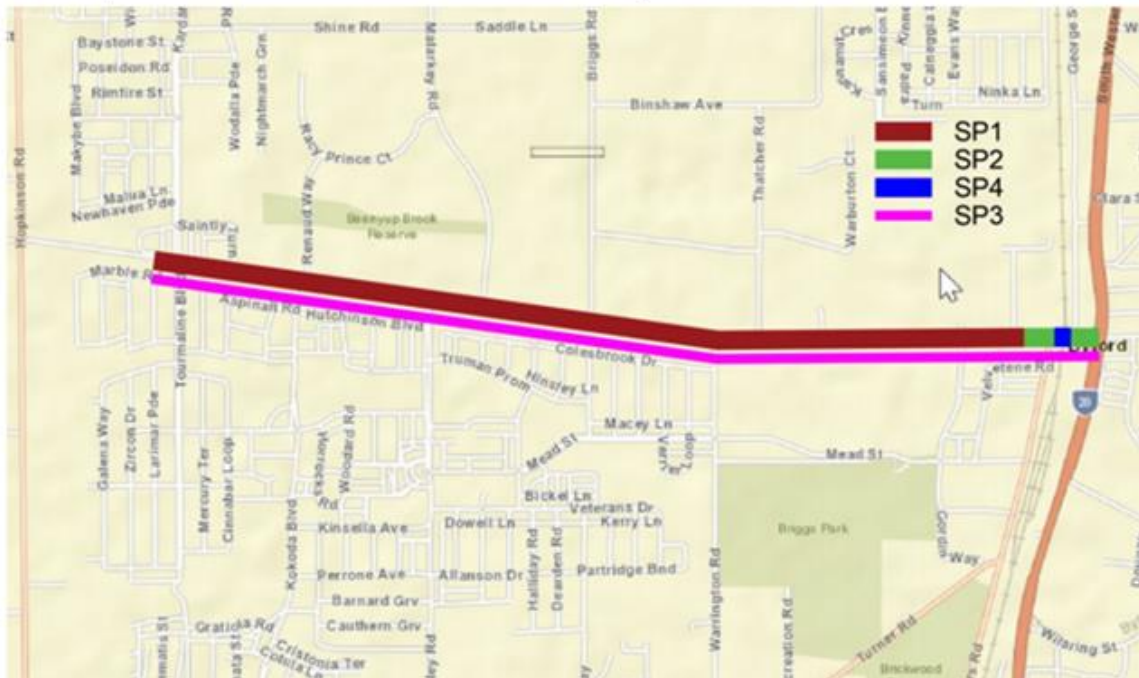
*That Council:*

- 5. That Council ADOPTS Audit, Risk and Governance Committee Resolution ARG010/05/21 and RESOLVES that the Council resolutions OCM091/04/21 and SCM042/02/21 related to an inquiry into and lessons learnt project from the Abernethy Road Upgrade (to include, but not limited to, a review of the Tendering Process, development of the Contract, review of variations, Project Management lessons learnt) are to be given effect through an independent inquiry following a competitive procurement process as outlined in the report.*
- 6. REQUESTS that the Chief Executive Officer present an assessment report of the responses received from the competitive process with a recommendation to Council to undertake the Inquiry.*



## Background

Abernethy Road is a locally controlled road within the Shire of Serpentine Jarrahdale. In 2017, Council agreed to award tenders related to an upgrade of Abernethy Road that would be undertaken in separable portions. Tenders for Separable Portions 1, 2, and 3 were awarded in April 2017, while Separable Portion 4 (SP4) was awarded in November 2017.



While the contract for SP4 was provided for the contractor to take possession of the site on 31 January 2018, the site works did not commence until November 2020 and were completed in 2021. The final deed of agreement to settle terms was signed in September 2021.

The original contract sum for SP4 awarded to contract via Tender RFT 09/2017 was \$824,917. The Council approved additional variations of \$440,000 for SP4 on 17 February 2020 and \$1.238m in February 2021.

At the 21 June 2021 Ordinary Council Meeting, Council resolved that an independent inquiry be undertaken into the Abernethy Road upgrade. The scope of the inquiry is to include, but not limited to:

- review of the tendering process;
- development of the Contract;
- review of variations; and
- project management lessons learnt.

## Community / Stakeholder Consultation

Nil.

## Statutory Environment

Nil.





## Comment

Following signing of the final deed of agreement, an invitation to offer was distributed on 1 October 2021 to 14 audit organisations. As identified in the previous report to Council, these 14 suppliers are registered on the State Government's Common Use Arrangement (CUA) as providing a combination of Forensic Audit services, Procurement Advisory Services, and Program Reviews under the general category of Audit and Financial Advisory Services.

The invitation sought bids from these organisations to conduct the Inquiry and advised that offers received would be presented to the Audit Committee with an Officer's Recommendation on awarding to the selected provider in accordance with the Shire's purchasing policy.

The invitation to offer closed on 15 October 2021.

The organisations invited were:

- 2020 Global Business Consultants
- AOT Consulting Pty Ltd
- Assurance Advisory Group Pty Ltd
- BDO
- Crowe
- Deloitte Touche Tohmatsu
- Ernst & Young
- KPMG
- Protiviti Pty Ltd
- PwC
- RSM
- Stantons International
- Ubique
- William Buck

A reminder of the invitation was distributed by the Shire on 21 September 2021 and closed on 13 October 2021.

Formal declines were received from four organisations. The primary reason listed was competing work priorities and potential conflicts with other parties as current or potential clients involved in the construction project.

One response was received to the invitation. The response is contained in **CONFIDENTIAL attachment 1**.

Officers have assessed the offer and concluded that the response to the offer is acceptable.

## Options and Implications

### Option 1

That the Audit, Risk and Governance Committee recommends that Council REQUESTS the Chief Executive Officer appoint Stantons International as the preferred supplier to conduct the Inquiry into the Abernethy Road project.

### Option 2

That the Audit, Risk and Governance Committee recommends that Council REQUESTS that the Chief Executive Officer re-issues an invitation to offer.

Option 1 is recommended.



## Conclusion

In accordance with Council’s resolution, an invitation to offer was distributed to 14 suppliers registered with the State Government’s CUA. One response was received, which Officers have concluded represents an acceptable offer.

## Attachments (available under separate cover)

- **5.1.3 – CONFIDENTIAL attachment 1** – Stantons International response to invitation to offer (E21/11993)

## Alignment with our Strategic Community Plan:

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

## Financial Implications

Council allocated funds in the 2021-22 budget to undertake the work. The offer received is within this budget allocation.

## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no material risks associated with this option.						
2	Re-issuing the invitation to offer will result in delay to the commencement of the Inquiry	Nil	Organisational Performance	Unlikely	Minor	MODERATE	Nil



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**Voting Requirements:** Simple Majority

**ARG016/11/21**

**AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION / Officer  
Recommendation**

**Moved Cr Rich, seconded Ms Newby**

**That the Audit, Risk and Governance Committee recommends that Council  
REQUESTS the Chief Executive Officer appoint Stantons International as the  
preferred supplier to conduct the Inquiry into the Abernethy Road project.**

**CARRIED UNANIMOUSLY 9/0**

*Please note that the Audit, Risk and Governance Committee does not have delegated authority to make decisions. All recommendations of the Audit, Risk and Governance Committee are presented to Council for ratification.*



<b>5.1.4 – Work Health and Safety Reforms and Bushfire Brigade Volunteer Management (SJ403)</b>	
<b>Responsible Officer:</b>	Director Development Services
<b>Senior Officer:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Legislative	Includes adopting local laws, local planning schemes and policies.
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### Report Purpose

The purpose of this report is to advise the Council (via its Audit, Risk and Governance Committee), in respect of the Work Health and Safety reforms, and considerations pertaining to Bushfire Brigade Management.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this matter.

### Background

The State of Western Australia is soon to introduce a range of new work health and safety reforms. Like all reforms pertaining to continuous improvement in work safety and best management practices, the Shire supports the need for changes. However, as with all significant reforms, Officers need to carefully and comprehensively assess the potential implications, so that it can manage risks for the Shire organisation, for the Shire Council and for the Shire community. This report is specific to the potential implications of the reforms associated with the Shire's establishment and maintenance of bushfire brigades (BFBs) and their volunteers.

### Community / Stakeholder Consultation

Nil.

### Statutory Environment

- *Bush Fires Act 1954*
- *Work Health and Safety Act 2020*

### Comment

The *Work Health and Safety Act 2020* (WHS) passed the Western Australian Parliament on 3 November 2020 and was assented by the Governor on 10 November 2020. The WHS Act will commence when the Regulations and Codes of Practice are completed, which is estimated by March 2022. The WHS Act replaces the *Occupational Safety and Health Act 1984*; *Mines Safety and Inspection Act 1994*; and *Petroleum and Geothermal Energy Safety Levies Act 2011*.

Part 2 Divisions 2, 3 and 4 of the WHS Act set out 'health and safety duties' and Part 2 Division 5 of the WHS Act set out offences and penalties. The 'primary duty of care', which are set out in section 19 of the WHS Act, will be imposed on a 'person conducting a business



or undertaking' (PCBU). The WHS Act includes volunteers in the definition of a 'worker' (section 7), essentially providing volunteers with the same level of protection as an employee. The Shire has in excess of 250 active BFB volunteers, who come under the auspices of the new WHS Act.

#### How is this so?

Local Governments are responsible for recruiting, training and equipping Bushfire Brigade volunteers under the auspices of the *Bush Fires Act 1954*. This is under the powers of establishment and maintenance of BFBs, under s41 of the BF Act. The State Government agency of the Department of Fire and Emergency Services, provides grant funding via the Emergency Services Levy (ESL) to local governments for the operation of BFBs. The Shire, like all local governments, relies extensively on the ESL in respect of key, if not fundamental, aspects which pertain to workplace safety. These include:

- Providing volunteers with appropriate station infrastructure, vehicles, appliances, equipment and personal protective clothing to carry out their functions;
- Ensuring the suitability of new vehicles and equipment, and the associated research and development of such;
- Providing comprehensive training and development avenues for volunteers, and maintaining up to date model standard procedures of operation.

The Shire equally fulfills a range of critical workplace safety responsibilities pertaining to its BFB volunteers, such as:

- Having up-to-date standing operating procedures and directives applicable to incident response based on the DFES standard, and creating the arrangements in which to institutionalise and maintain accordance with these;
- Providing for volunteer welfare, including first aid, refreshments, relief for fatigued crews and counselling for critical incident support.

#### What needs consideration?

The new Work Health and Safety Reforms require careful consideration by the Shire, as they pertain to its establishment and maintenance of its six BFBs and one emergency support brigade volunteers. The reason for this is the broader definition of a 'worker' (which leaves no doubt that it extends to BFB volunteers) and the introduction of a term of person in charge of business or undertaking (PBCU).

The reforms legislate that a PCBU must ensure, *as far as reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person, and workers activities carrying out work are influenced or directed by the person.*

This contemplates all relevant matters such as work environment safety; plant and structures; safe systems of work; handling and storage of equipment; provision of welfare; training and supervision; fatigue management; ongoing monitoring and review; to name just a few matters. The definition of reasonably practicable is also comprehensive, elevating the responsibilities placed upon the PCBU in light of the following:

*In this context, reasonably practicable means that which is, or was at a particular time, reasonably able to be done to ensure health and safety, taking into account and weighing up all relevant matters, including:*



- (a) *the likelihood of the hazard or the risk concerned occurring;*
- (b) *the degree of harm that might result from the hazard or the risk;*
- (c) *what the person concerned knows, or ought reasonably to know, about the hazard or risk, and ways of eliminating or minimising the risk;*
- (d) *the availability and suitability of ways to eliminate or minimise the risk; and*
- (e) *after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.*

Officers are presenting this report to Council, via the ARG Committee, to present the importance of a due diligence process that needs to be performed in lead up to the new WHS Act coming into operation. This due diligence would extend in particularly unique ways to the Shire's BFB volunteers, based on the following aspects:

1. Knowledge – to build and maintain up-to-date knowledge of the new WHS Act, not just from an organisational perspective, but also from a worker/volunteer perspective;
2. Understand risks – to build and maintain a breadth and depth of the BFB operations and their associated risks and hazards;
3. Resources and processes – to 'ensure' the provision of appropriate risk management processes, there is a need to define current resources, processes, funding, and systems of incident reporting;
4. Using information – to ensure a culture of receiving, assessing and considering incidents/hazards/risks, and ensure these are responded to in an appropriate timeframe;
5. Legal Compliance – to ensure fully independent assessment and audit type activities take place to assess and ensure legal compliance;
6. Provision of resources – to secure resource provision via ESL allocations.

Through Council noting these activities, there is a sense of gravitas to herald what is a significant transformation in the approach of work health and safety. Officers are also reporting to the next Bushfire Advisory Committee Meeting, regarding this program of due diligence in readying for the WHS reforms.

#### What else are we doing to prepare the wider organisation

Perth Workplace Safety Consultants, an organisation specialising in providing review, audits and guidance on Workplace Health and Safety matters has been engaged to do an intensive review and gap analysis of our whole organisation to ensure we meet all requirements necessary to comply with the *Work Health and Safety Act 2020* when it comes into effect in 2022.

It is expected that a report setting out the details of the review and gap analysis and providing recommendations will be completed by 19 November 2021. This report will be provided to the Audit, Risk and Governance Committee and Council for consideration once complete.



## Options and Implications

### Option 1

That the Audit, Risk and Governance Committee recommends that Council:

1. NOTES the due diligence actions as detailed in this report, pertaining to the Work Health and Safety Reforms and their impact on bushfire brigade volunteers.
2. REQUESTS the Chief Executive Officer to identify the suitable funding source for the project.

### Option 2

That the Audit, Risk and Governance Committee recommends that Council DOES NOT NOTE the actions.

Option 1 is recommended.

## Conclusion

Officers are presenting this report to Council, via the ARG Committee, to present the importance of a due diligence process that needs to be performed in lead up to the new WHS Act coming into operation.

## Attachments (available under separate cover)

Nil.

## Alignment with our Strategic Community Plan

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

## Financial Implications

It is considered that a budget allocation of \$40,000 will be required for the due diligence processes. The costs of the organisational wide review will be met through the 2021/2022 People and Development Group budget. It is anticipated that these additional costs of \$40,000 will exceed current budget, however the work is significantly important and must continue as a priority so any additional budget required for this project will be considered through the half yearly budget review process.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	This option manages the predicted risks associated with the Reforms						
2	The Shire would not be performing due diligence in respect of a high risk activity of bushfire management	Nil	Financial	Likely	Catastrophic	HIGH	Accept Officer recommendation

**Voting Requirements:** Simple Majority

### ARG017/11/21

#### AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION / Officer Recommendation

Moved Cr Rich, seconded Mr Curulli

That the Audit, Risk and Governance Committee recommends that Council:

1. **NOTES** the due diligence actions as detailed in this report, pertaining to the Work Health and Safety Reforms and their impact on bushfire brigade volunteers.
2. **REQUESTS** the Chief Executive Officer to identify the suitable funding source for the project.

**CARRIED UNANIMOUSLY 9/0**

*Please note that the Audit, Risk and Governance Committee does not have delegated authority to make decisions. All recommendations of the Audit, Risk and Governance Committee are presented to Council for ratification.*





<b>5.1.5 – Strategic Risk Register Quarterly Review Report – November 2021 (SJ2881)</b>	
<b>Responsible Officer:</b>	Manager Governance and Strategy
<b>Senior Officer:</b>	Director Corporate Services
<b>Disclosure of Officers Interest:</b>	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Information	For the Council / Committee to note.
Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.

### Report Purpose

The purpose of this report is to provide the Audit, Risk and Governance Committee (the Committee) an overview of the quarterly review undertaken on the Shire's Strategic Risk Register and provide the Committee with the updated Strategic Risk Register for recommendation to Council for endorsement.

### Relevant Previous Decisions of Council

<p><i>Ordinary Council Meeting – 20 September 2021 – OCM237/09/21 - COUNCIL RESOLUTION - extract</i></p> <p>2. That Council <b>ADOPTS</b> Audit, Risk and Governance Committee Resolution ARG012/08/21 and <b>NOTES</b> the Strategic Risk Register Review as contained within this paper; and <b>ENDORSES</b> the updated Strategic Risk Register as contained within attachment 1, with the following amendments:</p> <ul style="list-style-type: none"><li>• Insertion of “Loss of grant funding due to the untimely delivery of works” as a cause to Risk 3 – Financial Sustainability;</li><li>• Insertion of “Investigate routine reporting to Council on the status of grant funded works” as a risk mitigation action to Risk 3 – Financial Sustainability with a due date of 31 December 2021.</li></ul> <p>3. <b>NOTES</b> the improvements made to the overall risk environment.</p>
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### Background

Risk Management is a framework of culture, processes and structures directed towards the effective management of risk. This includes consideration of both potential opportunities and adverse effects on existing operations. As all actions and transactions involve risk, effective Risk Management involves the anticipating, understanding and monitoring of risk. It contributes to good corporate governance by providing reasonable assurance to Council, Executive Management and the community that the organisational objectives will be achieved within a tolerable degree of residual risk.

In September 2020, Council, on recommendation from the Committee, endorsed the Shire's new Strategic Risk Register and approved the revised Council Policy Risk Management (OCM281/09/20). These are important achievements towards improving the risk



management processes at the Shire as they provide a mechanism for Shire executives to manage risk at a strategic level and an avenue for the Committee and Council to monitor strategic risk through quarterly reporting.

### **Community / Stakeholder Consultation**

N/A.

### **Statutory Environment**

Regulation 17 of the *Local Government (Audit) Regulations 1996 (WA)* ('the Regulations') require the CEO to review the appropriateness and effectiveness of the Shire's systems and processes in relation risk management, internal control and legislative compliance (r. 17(1)). The review may include any or all of the abovementioned matters (r. 17(2)) and the results of any review must be reported to the Shire's Audit, Risk and Governance Committee (r. 17(3)). Each matter must be the subject of a review not less than once in every 3 financial years (r. 17(2)).

The most recent review of risk management was completed by the Shire in the 2018-19 financial year and led to Council's adoption of the Risk Maturity Journey in May 2019. The next review is due no later than the 2021-22 financial year.

### **Comment**

#### **Strategic Risk Register Quarterly Review – November 2021**

In accordance with Council Policy Risk Management, the Executive Management Group reviewed the Strategic Risk Register. Following this, Officers have prepared the following quarterly report for the Committee's noting. Committee members and Councillors agreed to the structure of this report at the Strategic Workshop held 4 November 2020.

#### **Strategic Risk Register Quarterly Review – November 2021**

##### **1. Changes to Risk Ratings**

- Risk 7 (Environment Sustainability) – In light of the amendments made to this risk's causes, controls and mitigation strategies (detailed below), the Likelihood Rating has been upgraded from 'Unlikely' to 'Possible', resulting in an overall level of risk increase from 'MODERATE' to 'SIGNIFICANT'. Importantly, several new mitigation strategies have been added to this risk for the Shire to carry out to lower this rating.

All other risk ratings were determined as accurate.

##### **2. New and Emerging Risks**

- Risk 15 (Employee Work, Health and Safety) – at the August 2021 meeting, the Committee were advised that the Executive Management team were investigating whether employee work, health and safety should be detailed as a Strategic Risk. Since this time, a review and gap analysis into the Shire's safety systems has been initiated and further information on legislation amendments has come to light. As such, the new risk '*Inadequate processes and systems in place for the management of workplace health and safety*' has been added to register and detailed accordingly. The recommendations from the review and gap analysis will be detailed as mitigation strategies to work towards lowering the risk rating.



### 3. Updates to Risk Mitigation Strategies

#### **Actions complete and moved to controls**

##### Risk 6 (Bush Fire Management)

- Action 9 – *Install a backup generator for the communications tower in Jarrahdale* is complete and added as Control 29.

##### Risk 11 (Community Engagement)

- Action 2 – *Implement IAP2 engagement methodology and training* is complete and added as Control 10. 28 staff completed the training and future training will be provided as needed.

##### Risk 14 (Emergency Management)

- Action 3 – *Review the Emergency Management Plan (Shire Office)* is complete and control 6 has been updated.

#### **Actions amended**

##### Risk 2 (Organisational Workforce)

- Action 1 – *Review staff recognition and reward program* **due date** amended to 1 December 2021 (was 1 October 2021). Work is underway on this action however additional time is required to finalise. The People and Culture team continue to experience a high demand for recruitment support caused by significant vacancies across the organisation.

##### Risk 3 (Financial Sustainability)

- Action 2 - *Investigate routine reporting to Council on the status of grant funded works* **status** amended to 'In Progress' (was Not Started). Officers are in the process of investigating the appropriate reporting mechanism.

##### Risk 7 (Environment Sustainability)

- Action 1 – *Update and review environmental policies and management plans* **removed** and replaced with actions 4 and 5 (refer new actions below). This is to ensure the actions being undertaken to further mitigate this risk are specific and tangible.
- Action 2 - *Create the Significant tree register / tree protection registers* **description** updated to include '*...focused initially on Crown land, Shire owned land and Shire managed reserves only*' to clarify the action's scope.
- Action 3 - *Enhance the Shire's processes to ensure the environmental team are involved / consulted in environmentally impacted projects across the Shire* **description** updated to "*Enhance the Shire's processes to ensure environmental impacts are considered for all major projects across the Shire*".

##### Risk 8 (Asset management)

- The following actions **status** amended to 'In Progress' (was Not Started)
  - Action 2 – *Undertake Asset Rationalisation*
  - Action 3 - *Develop a Bridge Asset Register and Management Plan*



○ Action 5 – Asset Maturity Project

Risk 12 (Desirable place – Economy)

- Action 3 - *Trails Planning (Masterplan for Equine Trails and a Design and Implementation Plan for the Mounts Track Loop)* **due date** amended to 31 March 2022 (was 31 December 2021). A draft Masterplan is anticipated to be provided to Council at the December OCM, but more time will be needed in order to undertake public consultation. In addition, discussions regarding equine crossing locations and associated trail connection needs for the Tonkin Highway and Thomas Road Over Rail have been finalised and will need to be included in the draft Masterplan prior to presentation to Council.
- Action 6 - *Masterplan of Trails Centre at Lot 814 Jarrahdale Road, Jarrahdale* **due date** amended to 30 June 2023 (was 30 June 2022). This aligns to the Jarrahdale Trail Town Business Case adopted by Council in October that defers this project to the 2022-23 financial year to allow feasibility work to be undertaken first. The feasibility work has also been added as an additional action no. 10 (refer new actions below).

Risk 13 (Desirable place - Vibrant community in a rural setting)

- Action 5 - *Equine Facility Feasibility Study* **status** updated to 'In Progress' (was not Started).

**New actions**

Risk 7 (Environment Sustainability)

- Action 4 - *Report to Council on options to respond to the prospect of further bauxite mining within the State forest surrounds of Jarrahdale* due by 31 December 2021.
- Action 5 - *Research and report to Council on options for a Climate Change action plan for the Local Government* due by 31 December 2021.
- Action 6 - *Negotiate a sustainable power purchase agreement through WALGA for high power use sites that provides for the use of power generated through renewable sources* due by 31 December 2021.
- Action 7 - *Implementation of FOGO* due by 30 June 2023.
- Action 8 - *Investigate use of recycled material for road construction* due by 30 June 2023.

Risk 8 (Asset Management)

- Action 6 - *Implement a process for the acceptance of state government land management orders to ensure these reserves are adequately maintained* due by 31 December 2022
- Action 7 - *Implement a process for transfer of asset information from developers to Shire's Operations Team to ensure maintenance of parks and gardens are appropriately resourced at time of handover* due by 30 June 2022.

Risk 11 (Community engagement)



- Action 3 – *Consult with Council to ascertain mitigation strategies for the community engagement risk and detail these on the register once known due by 30 June 2022.*

Risk 12 (Desirable place - Economy)

- Action 10 – *Investigate the commercial feasibility of developing LOT 814, Jarrahdale to support the Jarrahdale Trail Town Initiative due by 30 June 2022.*

Risk 14 (Emergency Management)

- Action 4 - *Undertake Emergency Response Training for Emergency Response Procedures due by 31 December 2021.*
- Action 5 - *Undertake Warden Training due by 31 December 2021.*
- Action 6 - *Undertake Evacuation Exercise due by 31 December 2021.*

#### 4. Other

Risk 6 (Bush Fire Management)

- Added control 30 - *Annual Fire Control Notice and property inspections*

Risk 7 (Environment Sustainability)

- Minor wording updates to causes as shown in tracked changes at **attachment 2**
- Addition of the following controls:
  - 17 - *Local Planning Framework (Scheme, Strategy, Structure Plans, Policies)*
  - 18 - *Bushfire Mitigation Works cognisant of environmental issues*
  - 19 - *Waste Management Strategy*
- Change of Risk Owner to Director of Development Services (was Director of Infrastructure Services)

The updated Strategic Risk Register incorporating the amendments from the above review is contained within **attachment 1**.

### Options and Implications

#### Option 1

That the Audit, Risk and Governance Committee recommends that Council:

1. NOTES the Strategic Risk Register Review as contained within this paper.
2. ENDORSES the updated Strategic Risk Register as contained within **attachment 1**.

#### Option 2

That the Audit, Risk and Governance Committee recommends that Council:

1. DOES NOT NOTE the Strategic Risk Register Review as contained within this paper.
2. DOES NOT ENDORSE the updated Strategic Risk Register as contained within **attachment 1**.



### Option 3

That the Audit, Risk and Governance Committee recommends that Council:

1. NOTES the Strategic Risk Register Review as contained within this paper.
2. REQUESTS that the CEO make revisions as specified by the Committee to the Strategic Risk Register.

Option 1 is recommended.

### **Conclusion**

The ongoing reporting and monitoring of Strategic Risk provides assurance to the Committee and Council that the register is being monitored and mitigation actions are underway. It is also a key tool in supporting the Committee's and Council's responsibilities pertaining to risk management.

This quarterly report outlines 3 mitigation actions now complete and an additional 5 now underway. 12 additional actions have been added through this review which highlights the relevance of the strategic risk register and its integration within the business. The addition of a new risk provides assurance that the risk management process is not narrowed by the contents of the register.

### **Attachments (available under separate cover)**

- **5.1.5 - attachment 1** – Strategic Risk Register (E20/8711)
- **5.1.5 – attachment 2** - Strategic Risk Register – Tracked Changes (E21/12268)

### **Alignment with our Strategic Community Plan**

<b>Outcome 4.1</b>	A resilient, efficient and effective organisation
<b>Strategy 4.1.1</b>	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources
<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions
<b>Strategy 4.2.3</b>	Provide clear strategic direction to the administration

### **Financial Implications**

There are no financial implications associated with this report.



## Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with this option.						
2	If the Committee recommend Council DOES NOT NOTE this report or endorse the updated register <u>without reason</u> , then there is a risk the committee will be seen as non-compliant with its responsibility to monitor risk and support Council. This could lead to impacts on organisational performance as specialist input is not obtained.	Nil.	Organisational Performance	Rare	Insignificant	LOW	Nil.
3	If the Committee recommends revision to the register, these may not be informed by sufficient operational information.	Nil.	Organisational Performance	Rare	Insignificant	LOW	Nil.

**Voting Requirements:** Simple Majority

### Officer Recommendation

That the Audit, Risk and Governance Committee recommends that Council:

1. NOTES the Strategic Risk Register Review as contained within this paper.
2. ENDORSES the updated Strategic Risk Register as contained within attachment 1.



**ARG018/11/21**

**AUDIT, RISK AND GOVERNANCE COMMITTEE RESOLUTION**

**Moved Cr Rich, seconded Ms Newby**

**That the Audit, Risk and Governance Committee recommends that Council:**

- 1. NOTES the Strategic Risk Register Review as contained within this paper.**
- 2. ENDORSES the updated Strategic Risk Register as contained within attachment 1, with the inclusion of:**
  - A new action under Risk Reference 6, being the preparation of a Register of Properties where an incident must be responded to by career Fire Officers, with a report on the matter being presented to Council.**
  - In Risk Reference 8, include future reference to Asset Replacement Funding.**

**CARRIED UNANIMOUSLY 9/0**

*Reason for difference to Officer Recommendation*

*To capture risks within the Shire.*

*Please note that the Audit, Risk and Governance Committee does not have delegated authority to make decisions. All recommendations of the Audit, Risk and Governance Committee are presented to Council for ratification.*





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**6. Motions of which notice has been given:**

Nil.


**7. Urgent business:**

Nil.

**8. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 6:38pm.

I certify that these minutes were confirmed at the Audit, Risk and Governance  
Committee Meeting held on 28 February 2022

.......... Presiding Member – Councillor Strange

.....9.3.22..... Date