



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES AUDIT (FINANCE AND RISK) COMMITTEE

12 SEPTEMBER 2022

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**SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES OF THE
AUDIT (FINANCE AND RISK) COMMITTEE
KUNUNURRA COUNCIL CHAMBERS
HELD ON TUESDAY, 12 SEPTEMBER 2022 AT 5:00 PM**

1. DECLARATION OF OPENING

Members of the Public are advised that recommendations to Council contained within this Agenda and decisions arising from the Council meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

An audio and/or video record will be made of these proceedings to assist in the taking of minutes.

All public Meetings of Council now allow patrons to attend in person from the Gallery.

I now declare the meeting open at 5:03pm

2. RECORD OF ATTENDANCE / APOLOGIES

Attendance

Cr T Chafer	Councillor
Cr D Hearty	Councillor
Cr J Farquhar	Councillor
V Lawrence	CEO
F Heading	Director of Corporate Services
K Guerin	Shire Officer
M Blair	Shire Officer

Apologies

Cr M McKittrick	Councillor
Cr B Kyne	Councillor

3. PUBLIC QUESTION TIME / PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. DECLARATION OF INTEREST

- Financial Interest - Nil

- Impartiality Interest – Nil
- Proximity Interest - Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

That the Minutes of the Audit (Finance and Risk) Committee meeting of 13 June 2022 be accepted as a true and accurate record of proceedings.

COMMITTEE RESOLUTION

Minute Number: AC536

That the Minutes of the Audit (Finance and Risk) Committee meeting of 13 June 2022 be accepted as a true and accurate record of proceedings.

Moved: Cr Hearty

Seconded: Cr Chafer

Decision: 3/0

Note: The Minutes of the Audit (Finance and Risk) Committee are provided under separate cover via www.swek.wa.gov.au.

6. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

7. REPORTS

The Committee to move in camera to discuss the confidential attachments.

Members of the public are now asked to leave the room, except for the minute taker.

COMMITTEE RESOLUTION

Minute Number: AC537

That the Committee move-in camera to discuss confidential attachments at 5:04pm. Officers to remain.

Moved: Cr Chafer

Seconded: Cr Hearty

Decision: 3/0

COMMITTEE RESOLUTION

Minute Number: AC545

That the Committee move out of camera 5:41pm.

Moved: Cr Chafer

Seconded: Cr Farquhar

Decision: 3/0

7.1. STANDING ITEM - RATES DEBTORS

DATE:	12 September 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.11.166
DISCLOSURE OF INTERESTS:	Nil
VOTING REQUIREMENT	Simple Majority
NATURE OF COUNCIL'S ROLE IN THE MATTER	Leader - plan and provide direction through policy and practices.

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process, are sufficient and appropriate.

COMMITTEE RESOLUTION

Minute Number: AC538

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to rates debtors, including rates debts in legal process, are sufficient and appropriate.

Moved: Cr Farquhar
Seconded: Cr Hearty

Decision: 3/0

PURPOSE

To review the status of rates debtors and those rates debts that are in legal process.

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

At the Ordinary Council Meeting, 16 October 2007, Council resolved the following:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting on 18 March 2008, Council resolved the following:

Minute No: 8148

Moved: Cr J Parker Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.***
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.***
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.***
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.***

Carried Unanimously 8/0

This requirement is now fulfilled by a combination of this report and Standing Item – Sundry Debtors.

The Outstanding Rates Debtors over three years report has also been incorporated into the confidential attachment to this item to give a complete picture of rates debtors.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors in accordance with section 5.23.(2)(e)(iii) of the *Local Government Act 1995* because the item may disclose information about the business, professional, commercial or financial affairs of a person.

POLICY IMPLICATIONS

The following Council Policies are relevant to this item:

CP/FIN-3212 Rates and Charges Debt Collection

CP/FIN-3219 Covid-19 Financial Hardship - Rates and Sundry Debtors

CP/COM-3582 Community Grant Program

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable. Should debts become not recoverable it affects the cash position of the Shire. Provision is made for debts that are not recoverable at the end of each financial year.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Controls: Policies updated in accordance with schedule and operational requirements. Implementation of Long Term Financial Plan and Annual Budget.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required however regular communication is had with ratepayers.

COMMENTS

Rates and Services Debtors Summary

Rates & Services Levied 2022/23 (including arrears) at 06 September 2022	Overdue at 06 September 2022
\$14,619,422	\$4,500,420

Rates for the financial year of 2022/23 were raised on 17 July 2022 and notices issued on 29 July 2022. Interim rating occurs periodically throughout the year. Annual rates were due for payment on 2 September 2022. The Overdue amount of \$4,500,420 is analysed in the Confidential Attachment. Details of rates debtors provided in this report are as at 6 September 2022.

Comparison of Rates received 2021/22 and 2022/23

NB: It should be noted that the table below includes Rates, Waste Management Charges, Waste Receptacle Charges, Back Rates, ESL & Deferred Rates.

		2021/22			2022/23		
Days from Billing		Total Outstanding	Received	% of Total Outstanding at Billing Received	Total outstanding	Received	% of Total Outstanding at Billing Received
		\$	\$	%	\$	\$	%
0	Notices Issued	13,400,297			14,507,172		
7		12,971,055	429,243	3.20%	14,095,693	411,479	2.84%
14		12,077,485	1,322,812	9.87%	13,345,969	1,161,203	8.00%
21		11,537,328	1,862,970	13.90%	12,634,998	1,872,174	12.91%
28		10,387,700	3,012,597	22.48%	11,706,759	2,800,413	19.30%
35		5,804,063	7,596,235	56.69%	6,236,183	8,270,989	57.01%
42		5,323,931	8,076,366	60.27%			
2nd Instalment		3,880,755	9,519,543	71.07%			
3rd Instalment		2,916,039	10,484,258	78.24%			
Final Instalment		1,957,079	11,443,219	85.40%			
30 June Following		1,571,136	11,829,161	88.28%			
Total			11,829,161			8,270,989	

Instalment Status Report at 06 September 2022

Instalment Option	Number of Properties	% Total Properties*	Properties up to date	Properties Behind	Instalments Overdue \$	% of Properties Overdue
2 Instalment	138	4.93%	132	6	\$149	4.35%
4 Instalment	366	13.06%	347	19	\$252	5.19%
All Instalment Payers	504	17.99%	479	25	\$401	4.96%
2,802	*excluding non-rateable properties					

Additional Information

Impact of COVID-19

It should be noted that in response to the COVID-19 pandemic a number of initiatives have been put in place to assist ratepayers, businesses and the community in general that impact the Shire's debt collection processes. These include the adoption of Council policy *CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors* to allow those experiencing financial hardship to apply for debt relief including the waiver of interest and fees and charges, and minor amendments to the existing policy *CP/FIN-3212 Rates and Charges Debt Collection* to allow for extended payment arrangement terms and for greater discretion in debt collection. During the 2020/21 financial year legal action was placed on hold for all accounts. For the 2021/22 financial year legal action will commence with only those ratepayers approved under Council policy *CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors* being exempt.

To date Fourteen applications for Financial Hardship have been received from ratepayers. Fourteen have been approved. Since introducing the Policy in April 2020, two of the eligible properties have since sold leaving twelve approved ratepayers. Outstanding balance of approved assessments totals \$183,097, of which approximately \$29,029 relates to arrears.

ATTACHMENTS

(Confidential attachment provided under separate cover)

Confidential Attachment - Rates Debtors September 2022

7.2. STANDING ITEM - SUNDRY DEBTORS

DATE:	12 September 2022
AUTHOR:	Finance Officer
RESPONSIBLE OFFICER:	Felicity Heading - Director Corporate Services
FILE NO:	FM.07.02
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

COMMITTEE RESOLUTION

Minute Number: AC539

That the Audit (Finance and Risk) Committee reports to Council that the actions being undertaken by the administration in regard to sundry debtors including sundry debts in legal process are sufficient and appropriate.

Moved: Cr Chafer

Seconded: Cr Farquhar

Decision: 3/0

PURPOSE

To review the status of sundry debtors, including airport debtors, and sundry debts in legal process.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices.

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The listing of 90+ day sundry debtors was provided at the Ordinary Council Meeting on a monthly basis until March 2009 when Council resolved that the 90+ days debtor list be removed from the Council Agenda as a standing item and be presented to the Audit (Finance and Risk) Committee (Committee) for consideration and to make recommended actions to Council as this falls within the scope of the committee's purpose.

In line with the more strategic focus of the new Committee the report in April 2012 only included debtor balances at 90+ days and over \$500.

To further progress this strategic focus this item has been changed to provide summary information regarding all sundry debts including airport landing fees administered by Avdata on the Shire's behalf.

Further changes were recommended to the Audit Committee at the February 2014 meeting to modify the report by removing the categories previously reported and to report sundry debtors as a whole, with airport debtors still being identified separately and that only debtors in excess of \$20,000 be provided with more detail. These changes were supported by the Committee and have been considered in the writing of this report.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the *Local Government Act 1995* because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contains legal advice to the Council.

POLICY IMPLICATIONS

Policies relevant to this item:

Council Policy *CP/FIN-3214 Sundry Debt Collection*

Council Policy *CP/FIN-3219 Covid-19 Financial Hardship - Rates and Sundry Debtors*

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

It should be noted however, that as outlined in section 9 of the *CP/FIN-3214 Sundry Debt Collection Policy*, when possible 'Debt collection and legal fees associated with the recovery of outstanding debts will be recovered from the sundry debtor to the extent allowable under legislation and will be assessed on a case by case basis'.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley CP/COM-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required however there is regular contact with debtors generally.

COMMENTS

Sundry Debtors (General) Summary as at 31 August 2022

Categories	90 Days		60 Days	30 Days	Current	Total
	<u>No</u>	\$	\$	\$	\$	\$
Sundry Debtors	42	307,646	26,422	197,148	3,708,513	4,239,729

Note: The information in the above table is from the Shire's Debtors System. The revenue is recognised when the debt is raised.

Sundry Debtors (Airport Landing Fees) Summary as at 31 August 2022

Categories	90 Days		60 Days	30 Days	Current	Total
	<u>No</u>	\$	\$	\$	\$	\$
Kununurra Airport	20	58,351	1,059	112,200	163,556	335,166

Wyndham Airport	1	59	332	384	2,234	3,009
Total	21	58,410	1,391	112,584	165,790	338,175

Note: The information in the above table is provided by Avdata. The revenue is recognised on a monthly basis from invoicing details provided.

Additional Information

Virgin Administration

It should be noted that Virgin Australia Holdings Limited and its related entities were placed into Voluntary Administration effective from 20 April 2020. Further details are provided in confidential attachment 1.

Impact of COVID-19

In response to the COVID-19 pandemic the Shire has put in place a number of initiatives to assist ratepayers, businesses, and the community in general that have an impact on the Shire's debt collection processes. These include the adoption of Council policy *CP/FIN-3219 Financial Hardship - Rates and Sundry Debtors* to allow those experiencing financial hardship to apply for debt relief including the waiver of interest and fees and charges, and minor amendments to the existing policy *CP/FIN-3214 Sundry Debt Collection* to allow for extended payment arrangement terms. In addition to this legal action has been placed on hold for most outstanding sundry debtors.

ATTACHMENTS

(Confidential attachment provided under separate cover)

Confidential Attachment 1 - Sundry Debtors at 31 August 2022

7.3. STANDING ITEM - INSURANCE CLAIMS

DATE:	12 September 2022
AUTHOR:	Finance Officer
RESPONSIBLE OFFICER:	Felicity Heading - Director Corporate Services
FILE NO:	RM.01.2
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to Council that it notes the Insurance Claims Report and associated attachments.

COMMITTEE RESOLUTION

Minute Number: AC540

That the Audit (Finance and Risk) Committee recommends to Council that it notes the Insurance Claims Report and associated attachments.

Moved: Cr D Hearty

Seconded: Cr J Farquhar

Decision: 3/0

PURPOSE

To report to the Audit (Finance and Risk) Committee (the Committee) the insurance claims that have been lodged for the 2020/21, 2021/22 and 2022/23 financial years, the associated costs and the status of the claims.

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The Audit (Finance and Risk) Committee has as one of its functions to facilitate the effective management of financial and other risks and the protection of Council assets. The Shire

administration is currently allocating time and resources to risk management and it is appropriate that the Shire's risk performance is reported to the Committee as a standard report on a quarterly basis.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23.(2)(a) and Section 5.23.(2)(e)(iii) of the *Local Government Act 1995* because the item deals with a matter affecting an employee or employees, and because the item may disclose information about the business, professional, commercial or financial affairs of a person.

POLICY IMPLICATIONS

The following Shire documents are relevant to this report:

- Corporate Insurance Strategy
- CP GOV-3108 Risk and Opportunity Management Policy

FINANCIAL IMPLICATIONS

Insurance premiums have been considered in the 2021/22 and 2022/23 budget processes. The Shire has, in terms of its insurance policies, insurance excesses that it has to absorb as a "first loss" in the event of a claim. These excesses are set out in the detailed insurance schedules accompanying the insurance policies.

There are no other financial implications arising out of the preparation of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to manage the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance.

Control: Audit Regulation 17 Conducted every three years and recommendations implemented.

Annual review of insurance cover.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's *CP/GOV-3100 Community Engagement Policy* has been considered in relation to this item.

No community engagement is required.

COMMENTS

The Terms of Reference for the Audit (Finance and Risk) Committee set out as one of the objectives to "facilitate the effective management of financial and other risks and the protection of Council assets". Part of the *Local Government Operational Guidelines Number 09 - Audit in Local Government* identifies that "good audit committee practices in monitoring internal control and risk management programs typically include: assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance."

The attachments detail the cost of claims across four categories where claims were made for the financial years 2020/21, 2021/22 and 2022/23. These can be summarised as follows:

	2020/21 (Q1 - Q4)		2021/22 (Q1 - Q4)		2022/23 (Q1)	
	Estimated Costs	Number of Claims	Estimated Costs	Number of Claims	Estimated Costs	Number of Claims
WorkCare	\$266,379	9	\$12,682	6	\$1,000	1
Property	\$105,818	9	\$342,160	5	\$0	0
Liability	\$0	0	\$2,203	5	\$0	0
Motor Vehicle	\$1,405	1	\$1,250	1	\$0	0
Total	\$373,602	19	\$358,295	17	\$1,000	1

WorkCare

There were nine WorkCare claims submitted in 2020/21 with the total paid to date of \$256,856, outstanding amounts of \$9,523 and estimated total costs of \$266,379. Eight of these claims have been finalised and one is current. It should be noted that the estimated costs are a conservative estimate and it is anticipated that actual costs will be considerably less than this amount. There were six claims submitted in 2021/22 with costs paid to date of \$2,682, outstanding amounts of \$10,000 and estimated total costs of \$12,682. Four of these claims have been finalised and two are current, one of which is pending acceptance.

The Shire recruited a Safety and Wellbeing Officer in 2019 to assist in the development, implementation and management of the Shire's Workplace OSH processes, procedures, as well as coordinating health and wellbeing programs and initiatives. The Shire has also been working closely with its insurers, LGIS, to provide training to all staff on their responsibilities for maintaining a safe workplace. This has resulted in more instances of reporting but has not changed the number of claims made. Incident reporting has provided valuable data to enable the Shire to better manage its risk. This has positive implications for the cost of insurance.

Property

There were nine claims for property damage lodged during the 2020/21 year all of which have been finalised. The total cost of the claims was \$105,818. There were five claims lodged in 2021/22, one of which has been finalised and four that are current. The total estimated costs are \$342,160. There have been no claims to date in 2022/23..

Liability

There were no liability claims lodged for the 2020/21 year. There were five liability claims lodged in 2021/22, three of which have been denied. The total estimated costs for the remaining two claims is \$2,203. There have been no claims lodged to date in 2022/23

Motor Vehicle

One motor vehicle claim was lodged for the 2020/21 year with costs totaling \$1,405. There was one claim lodged in 2021/22 with estimated total costs of \$1,250. There have been no claims lodged to date in 2022/23

ATTACHMENTS

(Confidential attachment provided under separate cover)

Attachment 1 - LGIS WorkCare Claims Report

Attachment 2 - LGIS Property Claims Report

Attachment 3 - LGIS Liability Claims Report

Attachment 4 - LGIS Motor Vehicle Claims Report

7.4. STANDING ITEM - LEASES

DATE:	12 September 2022
AUTHOR:	Finance Officer
RESPONSIBLE OFFICER:	Felicity Heading - Director Corporate Services
FILE NO:	CP.07 and CP.16
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Committee recommends to Council that it notes the Confidential Lease Schedule and the New and Renewal Lease Schedule attached.

COMMITTEE RESOLUTION

Minute Number: AC541

That the Committee recommends to Council that it notes the Confidential Lease Schedule and the New and Renewal Lease Schedule attached.

Moved: Cr J Farquhar
Seconded: Cr D Hearty

Decision: 3/0

PURPOSE

To consider the attached Confidential Lease Schedule and New and Renewal Lease Schedule.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Provider - provide physical infrastructure and essential services.

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The Shire of Wyndham East Kimberley administers over thirty five leases including airport leases, commercial leases and leases to community organisations.

In December 2007 the Audit (Risk and Finance) Committee resolved:

Minute No. A066

Moved: Cr Keith Wright

Seconded Cr Frederic Mills

- 1. That the Audit Committee note that the responsibility for the management of leases and periodical contracts is that of the Executive Manager Corporate Services.**
- 2. That the Audit Committee note that the Executive Manager Corporate Services monitors the leases and coordinates the lease database and reporting to Executive Managers, the Audit Committee and Council.**
- 3. That the Audit Committee request staff to present an updated Lease Spreadsheet certified by Executive Manager Corporate Services to each Audit Committee meeting as a standing item.**

Carried Unanimously 4/0

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23.(2)(e)(iii) of the *Local Government Act 1995* because the item may disclose information about the business, professional, commercial or financial affairs of a person.

POLICY IMPLICATIONS

CP/PMG-3780 Leasing of Council Managed Reserve Land – Community is relevant.
CP/PMG-3781 Leasing of Council Managed/Owned Land – Commercial is relevant.

FINANCIAL IMPLICATIONS

There are no direct financial implications from the preparation of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2017-2027

Focus Area 4: Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Strategy 4.3.2: Create a culture that encourages innovation, collaboration, best practice and organisational discipline to improve efficiency, effectiveness and productivity

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to provide community services which meet the needs and expectations of the community to support social cohesion and participation.

Control: Provide community leases to various community groups in line with Council Policy CP PMG-3780 Leasing of Council Managed Reserve Land - Community to support community organisations in the provision of services, facilities and events.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

Shire officers are currently working on two outstanding new and renewal leases. While the Shire is making every attempt to finalise the remaining leases as soon as possible, control over the timeline in progressing the leases is not vested entirely in the Shire. Details of outstanding leases are contained in Attachment 2.

ATTACHMENTS

(Confidential attachment provided under separate cover)

Confidential Attachment 1 - Lease Schedule

Confidential Attachment 2 - New and Renewal Lease Schedule

7.5. REVIEW OF FINANCIAL MANAGEMENT, RISK MANAGEMENT, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROLS

DATE:	12 September 2022
AUTHOR:	Director Corporate Services
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	CM.01.1
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee reports to Council that it has noted the progress report in the confidential attachment arising from the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

COMMITTEE RESOLUTION

Minute Number: AC542

That the Audit (Finance and Risk) Committee reports to Council that it has noted the progress report in the confidential attachment arising from the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 and the review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996.

Moved: Cr Chafer

Seconded: Cr Farquhar

Decision: 3/0

PURPOSE

For the Audit (Finance and Risk) Committee to review the progress on the Chief Executive Officer's report on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as well as to report the progress on the results of the appropriateness and effectiveness of the financial management systems and procedures. The findings will be implemented in a staged manner based on priority and progress reported to the Audit (Finance and Risk) Committee.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Leader - plan and provide direction through policy and practices

Regulator - enforce state legislation and local laws

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

The Local Government (Audit) Regulations 1996, Regulation 17, requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance. It further requires in Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 that the CEO review the appropriateness and effectiveness of the financial management systems and procedures of the Shire.

The **risk management** functions of the local government should manage the creation and protection of value within the Shire of Wyndham East Kimberley. Effective risk management improves performance, encourages innovation and supports the achievement of objectives.

Internal Control is the systematic measures (such as reviews, checks and balances, methods and procedures) instituted by an organisation to; conduct its business in an orderly and efficient manner, safeguard its assets and resources, deter and detect errors, fraud, and theft, ensure accuracy and completeness of its accounting data, produce reliable and timely financial and management information, and ensure adherence to its policies and plans.

Internal control is a key component of a sound governance framework, which uses instruments such as policies, delegations, authorisations, audit practices, information systems and security, management and operation techniques and human resource practice to create a network of control mitigation to maintain appropriate levels of risk.

Legislative compliance involves monitoring compliance with legislation and regulations, reviewing the annual Compliance Audit Return, staying informed about how management is monitoring the effectiveness of its compliance, reviewing procedures which handle complaints, monitoring the local governments compliance framework, obtaining assurances against adverse trends, reviewing statutory and financial returns and other evaluating, monitoring and problem solving against significant compliance issues.

The review may relate to any or all of the matters, but each of those matters are subject to review not less than once every 3 financial years. In accordance with Regulation 16(c) of the Local Government (Audit) Regulations 1996, the Audit (Finance and Risk) Committee is

required to review a report prepared by the CEO, and subsequently report to the Council the results of the Committees review, while at the same time attaching a copy of the CEO's report to the Audit (Finance and Risk) Committee.

Financial Management Review includes a review of the accounting and control processes, authorisation processes, borrowings, record keeping, budget preparation and review, and financial reporting.

The Shire previously commissioned an independent Regulation 17 and Regulation 5(2)(c) review by Moore Stephens in December 2018 which identified a small number of areas for improvement. The progress of those recommendations were reported to the Audit (Finance and Risk) Committee, with the majority of actions complete by the end of the 2020 calendar year.

The Shire of Wyndham East Kimberley engaged Moore Australia to provide services in relation to the requirements of Regulation 17 and Regulation 5(2)(c) for the 2021 year and their staff were onsite at the Shire from 23 to 27 August 2021.

Moore Australia produced a report for the Shire in March 2022 titled Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls. This was reported to the Audit (Finance and Risk) Committee at the 14 March 2022 meeting.

COMMITTEE RESOLUTION

Minute Number: CA527

That the Audit (Finance and Risk) Committee reports to Council that it has:

- 1. Noted the results of the Chief Executive Officer's review on the appropriateness and effectiveness of the Shire's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 of the Local Government (Audit) Regulations 1996 in the report at Attachment 1; and***
- 2. Noted the results of the Chief Executive Officer's review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 in the report at Attachment 1; and***
- 3. Endorsed that the implementation of the improvements outlined within the report will be prioritised and implemented in a staged approach and reported to future Audit (Finance and Risk) Committee meetings.***

Moved: Cr Hearty

Seconded: Cr Farquhar

Decision: 3/0

STATUTORY IMPLICATIONS

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 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.

Local Government (Financial Management) Regulations 1996

5. CEO's duties as to financial management

(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.

POLICY IMPLICATIONS

- Code of Conduct for Council Members, Committee Members and Employees
- CP/GOV -3108 Risk Management

FINANCIAL IMPLICATIONS

The cost of Moore Australia conducting the review and the preparation of the report was \$23,031.48 exc GST. Any financial implications arising from the recommendations contained within the attached report have been considered within the 2022/23 budget process and at the mid-year budget review following the budget adoption.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Focus Area 4: PERFORMANCE - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to comply with legislative requirements leading to damage of reputation and/or financial loss.

Control: Review policies and procedures in accordance with review schedule.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item. No community engagement is required.

COMMENTS

The Shire Officers have started to review the recommendations contained in the report. Not all recommendations in the report will be implemented. Eleven priority actions were identified. The priority actions that have been identified have been addressed in the first instance and documented in the attachment. Responsibilities have been allocated to Officers to action. A number of the recommendations are best dealt with by the Shire's professional advisors. This process has commenced. The recommendations will be updated and reported to each Audit (Finance and Risk) Committee meeting until all recommendations have been addressed.

ATTACHMENTS

(Confidential attachment provided under separate cover)

Confidential Attachment 1 - Action Plan and Progress report - Regulations 17 and 5(2)(c) review September 2022

7.6. WRITE OFFS AND WAIVERS 2021/22

DATE:	12 September 2022
AUTHOR:	Rates Officer
RESPONSIBLE OFFICER:	Felicity Heading, Director Corporate Services
FILE NO:	FM.07.6
DISCLOSURE OF INTERESTS:	Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee note and report to Council the Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2021 to 30 June 2022 totalling \$388,489, the details of which are provided in Confidential Attachment 1.

COMMITTEE RESOLUTION

Minute Number: AC543

That the Audit (Finance and Risk) Committee note and report to Council the Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2021 to 30 June 2022 totalling \$388,489, the details of which are provided in Confidential Attachment 1.

Moved: Cr Farquhar

Seconded: Cr Hearty

Decision: 3/0

PURPOSE

For the Audit (Finance and Risk) Committee to note the Write Offs and Waivers approved by Council and under Delegation for the period from 1 July 2021 to 30 June 2022.

NATURE OF COUNCIL'S ROLE IN THE MATTER

Funder - provide funds or other resources

Leader - plan and provide direction through policy and practices

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

Council Decision:

Minute Number: 27/10/2020 - 118319

That Council adopts the revised Delegations Register for the 2020/2021 financial year

Moved: Cr M Dear

Seconded: Cr J Farquhar

Decision: 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Shire of Wyndham East Kimberley Delegations Register 2020/2021

DA-11 Waive, Grant Concessions or Write Off Debts

In this delegation:

Waive means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.

Write Off occurs following the realisation that the asset can no longer be converted into cash (eg. a bad debt), can provide no further use to the Shire, or has no market value.

The Council delegates its authority and power to the Chief Executive to:

- 1. Waive or grant concessions in relation to sundry debts owed to the Shire (other than rates and services charges)*
- 2. Write off money owed to the Shire*
- 3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the Shire*

Delegates - Chief Executive Officer

Subdelegates - Director Corporate Services

Conditions:

- a) Limited to individual debts not exceeding \$2,000*
- b) Write-off rates and service charges not exceeding \$200*
- c) Report to the Audit (Finance and Risk) Committee on the exercise of this delegation.*

POLICY IMPLICATIONS

CP/FIN-3212 Rates and Charges Debt Collection

6. Write off of Rates and Charges

- 1. Write off of rates and service charges debts will only be considered when all recovery processes available under this policy and allowable under legislation have been followed and there is no prospect of recovery of the debt.*
- 2. Write off of rates and service charges can occur under Council delegation 11 for amounts up to \$200 or by resolution of the Council for amounts over \$200.*

CP/FIN-3214 Sundry Debt Collection

Definitions:

Waive means to provide a special concession to a person or organisation that extinguishes a debt that would have been owed to the Shire. A waiver may be provided prior to, or subsequent to the date that the debt is incurred.

Write Off occurs following the realisation that the asset can no longer be converted into cash (e.g. a bad debt), can provide no further use to the Shire, or has no market value.

11. Write off of Sundry Debts

- 1. Write off of sundry debts will only be considered when all recovery processes available under this policy and allowable under legislation have been followed and there is no prospect of recovery of the debt.*

Council Policy CP/FIN-3219 COVID-19 Financial Hardship - Rates and Sundry Debtors is also relevant to this item.

FINANCIAL IMPLICATIONS

The total value of Write Off and Waivers approved by Council and under delegation for the period from 1 July 2021 to 30 June 2022 is \$388,489. All amounts have been provided for in the 2021/22 budget through either reduction in expected revenue or directly as write offs or waivers. The details of all Write Offs and Waivers is provided in Confidential Attachment 1.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Focus Area 4: Performance - Civic Leadership

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to adequately resource and manage funding requirements which meet the needs of the Shire's service delivery requirements and strategic objectives.

Control: Policies updated in accordance with schedule and operational requirements.

COMMUNITY ENGAGEMENT

The Shire of Wyndham East Kimberley's CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

No community engagement is required.

COMMENTS

Write Offs are only considered when all recovery processes available under Council's debt collection policies and allowable under legislation have been followed and there is no prospect of recovery of the debt. Waivers are approved either by Council directly or under Council Delegation DA-11 Waive, Grant Concessions or Write Off Debts which allows for the Write Off of rates debts up to \$200 and Sundry debts up to \$2,000. All other Write Offs and all Waivers of rates must be approved by Council. All Write Offs and Waivers approved under delegation must be reported to the Audit (Finance and Risk) Committee.

ATTACHMENTS

(Confidential attachment provided under separate cover)

Confidential Attachment 1 - Write Offs and Waivers 2021/22

7.7. PROPOSED MEETING DATES FOR THE AUDIT (FINANCE AND RISK) COMMITTEE FOR 2023

DATE:	12 September 2022
AUTHOR:	Director Corporate Services.
RESPONSIBLE OFFICER:	Felicity Heading - Director Corporate Services
FILE NO:	FM.02.8
DISCLOSURE OF INTERESTS:	Nil
COUNCIL'S ROLE IN THE MATTER:	Leader - Plan and provide direction through policy and practices
VOTING REQUIREMENT:	Simple Majority

OFFICER'S RECOMMENDATION

That the Audit (Finance and Risk) Committee recommends to the Council:

1. That the Audit (Finance and Risk) Committee meetings for 2023 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 13 March 2023	5:00 pm	Council Chambers, Kununurra
Monday, 12 June 2023	5:00 pm	Council Chambers, Kununurra
Monday, 11 September 2023	5:00 pm	Council Chambers, Kununurra
Monday, 4 December 2023	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

COMMITTEE RESOLUTION

Minute Number: AC544

That the Audit (Finance and Risk) Committee recommends to the Council:

1. That the Audit (Finance and Risk) Committee meetings for 2023 are held in accordance with the following dates, times and place:

Date	Time	Place
Monday, 13 March 2023	5:00 pm	Council Chambers, Kununurra
Monday, 12 June 2023	5:00 pm	Council Chambers, Kununurra
Monday, 11 September 2023	5:00 pm	Council Chambers, Kununurra
Monday, 4 December 2023	5:00 pm	Council Chambers, Kununurra

2. That local public notice of the meetings outlined in recommendation (1) above is provided in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*.

Moved: Cr Hearty
Seconded: Cr Farquhar

Decision: 3/0

PURPOSE

To consider the proposed dates, times and place for the Audit (Finance and Risk) Committee meetings to be held for 2023 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996* and recommend to the Council that it endorse the proposal of the Committee.

BACKGROUND/PREVIOUS CONSIDERATIONS BY COUNCIL/COMMITTEE

At the November 2021 Audit (Finance and Risk) Committee meeting, the Committee recommended to the Council the following meeting dates, times and place for the 2022 meetings to be held.

Date	Time	Place
Monday, 7 March 2022	5:00 pm	Council Chambers, Kununurra
Monday, 13 June 2022	5:00 pm	Council Chambers, Kununurra
Monday, 12 September 2022	5:00 pm	Council Chambers, Kununurra
Monday, 5 December 2022	5:00 pm	Council Chambers, Kununurra

Pursuant to section 7.12A of the *Local Government Act 1995*, at the 27 October 2020 Ordinary Council Meeting, the Council provided delegated authority to the Audit (Finance and Risk) Committee to meet annually with the Council's auditor(s), the delegation for which is reflected in Item DA-55 of the Delegations Register 2020/2021.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 5, Division 2

5.23. *Meetings generally open to public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) all council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*

Local Government (Administration) Regulations 1996

Part 2

12. *Meetings, public notice of (Act s. 5.25(1)(g))*

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

POLICY IMPLICATIONS

There are no direct policy implications associated with this item.

FINANCIAL IMPLICATIONS

Minor expenditure will be incurred to ensure the appropriate advertising occurs for the proposed meetings. Funds are provided for this within the 2022/23 Annual Budget.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal: 4.3: Ensure a strong and progressive organisation delivering customer focused services

Goal 4.4: Sustainably maintain the Shire's financial viability

Strategy 4.3.2: Integrate all planning, resources and reporting in accordance with best practice and statutory requirements

Strategy 4.4.4: Apply best practice financial management to ensure long term sustainability

RISK IMPLICATIONS

Risk: Failure to manage the disbursement of funds to meet the needs of the Shires' forward planning requirements, including the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plans and Annual Budget.

Controls: Quarterly Progress Reporting of the Corporate Business Plan, Quarterly Reporting and Risk Assessment of Forward Planning Documents and Strategic Risks, Monthly Financial Management Reports.

COMMUNITY ENGAGEMENT

Shire Policy CP/GOV-3100 Community Engagement Policy has been considered in relation to this item.

Engagement will take place in accordance with the Shire's Community Engagement Guidelines and will include local public notice of the proposed meeting dates, times and place in accordance with the legislative requirements.

COMMENTS

The proposed schedule has taken into account the proposed dates of the Ordinary Council Meetings for the 2023 calendar year, Council Briefing sessions and the past convention of having one meeting per quarter. It is proposed that the meetings take place in March, June, September and December 2023.

Consideration has also been made to ensure that the meetings occur at a time and location that is beneficial to the majority of the community in order to retain an open and transparent meeting process.

It is advantageous to meet on the day before a Council briefing session (generally the 2nd Tuesday of each month). This provides the opportunity to discuss any matters arising from the Audit (Finance and Risk) Committee at the briefing session and leave sufficient time to prepare reports for the next Ordinary Council Meeting which is generally held on the 4th Tuesday of each Month.

It is therefore proposed that the Committee meetings take place at 5:00 pm on the day before the Council briefing session with the exception of the December meeting. It is proposed that the December meeting take place the week before the Ordinary Council Meeting as there is no Council briefing session in December.

The proposed meeting dates, times and place are as follows:

- Monday, 13 March 2023 5:00 pm, Council Chambers, Kununurra
- Monday, 12 June 2023 5:00 pm, Council Chambers, Kununurra
- Monday, 11 September 2023 5:00 pm, Council Chambers, Kununurra
- Monday, 4 December 2023 5:00 pm, Council Chambers, Kununurra

ATTACHMENTS

Nil

8. MATTERS BEHIND CLOSED DOORS

Nil

9. CLOSURE

I declare the meeting closed at 5:48pm.