

ATTACHMENTS

**Under Separate Cover
Council Meeting**

6.00pm Tuesday 28 July 2020

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COUNCIL EXPENSES & ENTITLEMENTS POLICY



Council Expenses & Entitlements Policy

COUNCIL EXPENSES & ENTITLEMENTS POLICY

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COUNCIL EXPENSES & ENTITLEMENTS POLICY

1. PURPOSE

1.1 The purpose of this policy is to:

- Provide Councillors with a clear understanding of their entitlements with regard to out of pocket expenses and provision of Council owned resources whilst performing duties as an elected representative of the community;
- Provide guidance on ethical behaviour in relation to claiming Councillor out-of-pocket expenses; and
- Demonstrate accountability to the community.

2. SCOPE

2.1 This policy applies to:

- Golden Plains Shire Council Councillors;
- Members of Delegated Committees, and the Audit and Risk Committee (collectively referred to as "Committee Members" in this policy).

2.2 This policy covers the reimbursement to Councillors, and Committee Members where specified, for reasonable bona fide out-of-pocket expenses incurred and the facilities, support and resources provided whilst performing their duties as an elected representative of the community.

3. POLICY STATEMENT

3.1 This policy is a specific requirement of s.41B of the *Local Government Act 2020* (the Act).

3.2 This policy outlines the resources and support to be provided by Council to Councillors and Committee Members and eligible expenditure that may be reimbursed when incurred in the performance of their duties.

4. PROCEDURES**5. Communication Equipment**

5.1 The following equipment will be provided to each Councillor for the purposes of conducting Council related business only:

- One laptop / notepad computer, being a:
 - Microsoft Surface Pro
- One mobile phone (Android);
- Internet connection;

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- Data allowance up to 1GB per month;
 - Relevant computer software; and
 - One printer (Inkjet Multi Function Device) (optional).
- 5.2 Council will arrange for the installation of the necessary equipment and provide the necessary maintenance and consumable products required for its operation.
- 5.3 Use of mobile phones and mobile devices must be in accordance with the organisation's Communication and Mobile Devices Standard.
- 5.4 Use of Council's corporate network, including the internet, must be in accordance with the organisation's IT Standards and Procedures Suite and organisational guidelines.
- 5.5 Accessories or services beyond the standard equipment referred to in this section may be provided upon written request to the Chief Executive Officer.
- 5.6 The IT Department shall maintain a register of all equipment provided to Councillors for Council business.
- 5.7 All Council owned equipment and property is returnable to Council on completion of tenure of the particular Councillor. The Chief Executive Officer will make arrangements for the collection of the equipment.
- 6. Communication Costs**
- 6.1 Council will bear all operating costs of Council-supplied equipment incurred in Australia. Council will not be responsible for calls/transmissions made outside Australia unless a prior arrangement has been made with the Chief Executive Officer.
- 6.2 Councillors will be provided with monitored internet access (either directly or by reimbursement) for the purpose of conducting Council business.
- 6.3 Personal calls/texts and data usage should be minimised and where significant personal use has occurred, costs must be reimbursed to Council.
- 6.4 Where Councillors are appointed to regional bodies as a representative of Council, Councillors are to discuss the usage and possible contribution by these bodies with the Chief Executive Officer prior to commencement of appointment.
- 6.5 Subject to clause 5.5, the additional cost of any accessories provided may be charged to the Councillor.
- 7. Stationery**
- 7.1 Council will provide stationary facilities to each Councillor. These facilities are provided for use by the Councillor in the conduct of their duties of office.
- 7.2 Each Councillor will have access to an adequate supply of the following:
- A4 Letterhead
 - Business cards

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- Name badge
 - Diary, planner or time manager
 - Consumables for equipment, including paper, ink cartridges, etc.
- 7.3 All stationery provided shall remain the property of the Council and shall be returned within two weeks of retirement or termination of office.
- 7.4 Upon request a four draw filing cabinet will be available from Council to establish a home office. The Mayor or any Councillor wishing to purchase additional furniture or equipment shall do so at their own cost.
- 7.5 All Council-owned stationery and property is returnable to Council on completion of tenure of the particular Councillor. The Chief Executive Officer will make arrangements for the collection of the equipment.
- 8. Civic Functions and Events**
- 8.1 Councillors will be invited to attend civic functions and events over their term of office as Councillors.
- 8.2 Councillors' partners may be invited to accompany the Councillor at civic functions and events where deemed appropriate by the Chief Executive Officer.
- 8.3 Civic functions and events will generally fall into the categories of:
- Civic receptions;
 - Mayoral functions; or
 - Council hospitality.
- 9. Ticketed Events**
- 9.1 Subject to annual budget limits, Council will pay the costs of ticketed functions for the Mayor, or a Councillor, to attend when the function relates to Council business as determined by the Chief Executive Officer.
- 9.2 Subject to clause 9.1, Council will pay the cost of other ticketed functions in accordance with Council resolutions.
- 10. Conferences, Seminars, Training Programs and Professional Development**
- 10.1 Councillors and Committee Members will be given the opportunity of attending training programs and conferences.
- 10.2 The selection of a meeting or conference should be based on its relevance to the role and development of the Councillor or Committee Member.
- 10.3 Attendance at any local, interstate or overseas meetings or conferences where the total cost exceeds \$3,000 must be subject to approval by a meeting of Council.
- 10.4 Attendance at any local, interstate or overseas meetings or conferences at a total cost to Council of \$3,000 or less may be approved by the CEO provided such

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expenditure by a Councillor does not exceed \$3,000 in any given financial year.

- 10.5 Application to attend any local, interstate or overseas meetings or conferences involving Council expenditure must be made in accordance with Council Policy and on the approved form.
- 10.6 Where in accordance with Council Policy and relevant to the role of a Councillor, Council may pay the study costs of a Councillor, their professional development fees and registration fees for attendance at meetings or conferences provided such expenditure by a Councillor does not exceed \$3,000 in any given financial year. Where expenditure by a Councillor totals \$3,000 Council may formally resolve to allocate additional funds to the Councillor.
- 10.7 Subject to clause 10.6, where Council pays upfront study costs of a Councillor, in the event the Councillor does not successfully complete the unit such payment is required to be refunded back to Council.
- 10.8 Subject to clause 10.6, "conferences" includes the main conference dinner if not covered by registration cost and all meals within reasonable limits for the duration of the meeting or conference. Additional meal costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.
- 10.9 Appropriate accommodation selected by the Chief Executive Officer, will be available from the day prior to registration day and each day on which official sessions of the meeting or conference are held. Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.
- 10.10 After the conclusion of the Conference/Seminar, a summary of actual expenditure incurred must be provided to the CEO through the Executive Assistant – Chief Executive Officer.
- 11. Meals and Refreshments**
- 11.1 Where Council meetings or briefings are held at times which extend through normal meals times, Councillors will be provided with suitable meals served on the premises.
- 11.2 Where a Council Briefing runs over the scheduled end time and through or within one hour of a normal meal time, if no meal has been arranged on the premises Councillors are entitled to claim reimbursement for an overtime meal allowance at the Australian Taxation Office overtime meal allowance rate applicable.
- 11.3 Appropriate meals will be arranged by the Executive Assistant – Chief Executive Officer.
- 11.4 Councillors not requiring a meal are to advise accordingly to enable catering to be reduced.
- 11.5 The meal arrangements for each meeting will be:
- Council Meeting – Light refreshments and dinner in the form of a one course served meal together with tea, coffee and beverages.
 - Council Briefing – Light refreshments and lunch or dinner in the form of a one course buffet meal together with tea and coffee.

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- Where a formally invited external guest is in attendance at a Council dinner additional courses may be arranged.
- 11.6 Councillors will be requested to advise of any dietary requirements at the commencement of their term of office and are to advise of any alterations during the course of their term.
- 12. Meeting rooms, office space and furniture**
- 12.1 The Mayor will be provided with an office suitably equipped with quality office furniture, including a desk, meeting table and chairs. Other furniture or equipment (within reason) can be made available upon request.
- 12.2 The main office of Council includes a number of meeting rooms which can be booked and used by Councillors for meetings, or for use as an occasional working space, during office hours. Bookings are to be coordinated through the Executive Assistant – Chief Executive Officer.
- 12.3 IT equipment and refreshments can be made available for meetings upon request. Requests are to be coordinated through the Executive Assistant – Chief Executive Officer.
- 12.4 Subject to availability, other venues owned and controlled by Council can be used by Councillors for meetings, interviews and other functions associated with their role as Councillors. The Executive Assistant – Chief Executive Officer can assist in the booking of these venues.
- 13. Administrative Assistance**
- 13.1 Reasonable administrative/secretarial assistance will be provided to assist the Mayor to undertake the role effectively. The level of support is determined by the Chief Executive Officer in conjunction with the Mayor.
- 13.2 Limited administrative/secretarial assistance will be made available to Councillors for work directly related to the duties of their roles. All such work should be coordinated through the Executive Assistant – Chief Executive Officer and approved by the Chief Executive Officer.
- 14. Mail Inward and Outward**
- 14.1 All mail received by Council is deemed to be Council business and will be opened by Council's Records staff. The exception is mail marked 'private and confidential'. Mail is scanned and forwarded to the Executive Assistant – Chief Executive Officer. The hardcopy correspondence is retained in a Daily Batch in Records Management.
- 14.2 Letterhead paper incorporating the Council logo must be used for all Council related correspondence.
- 14.3 Councillors must exercise care to ensure that correspondence does not commit Council funds or convey a position which is contrary to that adopted by Council. Letterhead incorporating the Council logo must not be used for personal correspondence.
- 14.4 Each Councillor may leave up to 20 standard mail items related to Council business for postage through the Australia Post system.

COUNCIL EXPENSES & ENTITLEMENTS POLICY

- 14.5 Mail must be contained within Golden Plains Shire Council envelopes and coordinated through the Shire offices by the Executive Assistant – Chief Executive Officer.
- 14.6 Council letterhead must not be used in relation to a Council Election and Councillors need to remain mindful of caretaker provisions that apply in the lead up to an election.
- 15. Insurance**
- 15.1 Councillors are covered by the Council Insurance policies on a 24-hour, 7-day a week basis, while discharging the duties of civic office in good faith, including attendance at meetings of external bodies as Council's representative.
- 15.2 Council will pay the insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers, whether defended or not.
- 15.3 Council equipment provided to Councillors to assist in performing their role, is covered for damage or theft under Council's insurance policies. Councillors are expected to exercise due care in protecting the equipment from damage or theft.
- 16. Additional Expenses of the Mayor**
- 16.1 Any reasonable expenses incurred by the Mayor, shall be deemed to be expenses of the Mayor.
- 16.2 Council will provide at its cost to the Mayor a fully registered, insured, maintained and fuelled vehicle for use by the Mayor (optional) on official duties and for private use. Use of the Council motor vehicle will be in accordance with Council's Fleet Policy. If the Mayor chooses to use a personal vehicle instead then any travelling expensed will be reimbursed in accordance with section 17.
- 16.3 Council will provide to the Mayor a corporate credit card with a credit limit of \$1,000 for use while discharging the functions of the office of the Mayor. Use of the corporate card is to be in accordance with Council policy and procedures. The corporate card statement is to be reconciled with tax invoices and authorised by the Chief Executive Officer.
- 17. Travelling Expenses**
- 17.1 Councillors shall be eligible to claim travelling expenses when using their private vehicles on eligible Council business measured from and to their nominated Golden Plains Shire Council residence (or Golden Plains Shire Council rateable property).
- 17.2 Committee Members shall be eligible to claim travelling expenses when using their private vehicles on eligible Council business measured from and to their nominated residence.
- 17.3 The following will be eligible Council business for the purposes of travel reimbursement:
- Council meetings and Assemblies of Councillors.
 - Standing Committee or Committee meetings of Council. Where being applied to Councillors, that Councillor must be the nominated

COUNCIL EXPENSES & ENTITLEMENTS POLICY

representative/substitute or otherwise by approval of the Mayor.

- Regional meetings where the Councillor claiming reimbursement is Council's endorsed representative and travel is not paid/reimbursed by the regional organisation or meeting convenor.
- Functions to which Councillors are invited by an organisation (attendance by partners must be paid for by the Councillor) and where there is a direct involvement of Council.
- Travelling expenses incurred by Councillors embarking on inspection of issues raised by members of the community within the Shire, which are considered reasonable and necessary and where travel is within the Shire.
- Conferences and seminars approved in accordance with Section 10.

- 17.4 Where practicable and by prior arrangement with the Chief Executive Officer, a Council / pool vehicle may be made available to Councillors for travel where use of private vehicles or other means of transport is not convenient. No private use of Council vehicles other than the Mayor is allowable.
- 17.5 Approved claims for travelling expenses will be reimbursed at the Australian Taxation Office travel rate applicable – standard 4 cylinder.
- 17.6 Travel must be undertaken as efficiently as possible.
- 17.7 Council supports the transport needs of people with a disability and/or those requiring specialised transport. Council will provide reimbursement for travel and transport where a Councillor or Committee Member requires modified vehicles to transport wheelchairs and/or other support aides.
- 17.8 Claim forms will only be paid on the basis of the actual form of transport used and costs incurred.
- 17.9 When a Councillor is elected as an office bearer to a regional group/association that group/association will be requested to contribute to travel expenses incurred for attendance at "non-standard" functions (e.g. functions attended as the Chair of the group/association rather than as Council representative). Councillors are to discuss the contribution with the Chief Executive Officer prior to commencement of appointment.
- 17.10 Where in accordance with Section 10, Council will provide a Councillor with transport arrangements to, from and during meetings or conferences, which may be by:
- Aircraft – economy class airfare.
 - Hire car – standard 4 cylinder;
 - Private/Council vehicle – including vehicle parking costs;
 - Taxi; or
 - Train/Bus - economy class.
- 17.11 In accordance with Government policy:
- If a Councillor, including a Mayor, normally resides more than 50kms by shortest possible practicable road distance from the location or locations specified for the conduct of ordinary, special or committee meetings of the Council, or any municipal or community functions which have been authorised by Council resolution for the

COUNCIL EXPENSES & ENTITLEMENTS POLICY

Councillor to attend, they must be paid an additional remote area travel allowance of \$40 in respect of each day on which one or more meetings or authorised functions were actually attended by that Councillor, up to a maximum of \$5000 per annum.

18. Childcare Costs and Carer Expenses

18.1 Childcare and care of frail aged and/or people with a disability can be claimed where the expense is incurred due to attendance at Council meetings, civic functions, committee meetings, functions or formal briefings and when representing Council on Council business as an official delegate or representative and:

- The child or person resides in the Councillor's or a member of a Committee Member's household and the Councillor is the primary carer or;
- Where the Councillor or a Committee Member is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*; or;
- Where the Councillor's partner is the primary carer and he/she is accompanying the Councillor to a civic function.

18.2 The care must not be provided by someone who normally lives at the residence.

18.3 Informal care will be reimbursed a maximum rate of \$15.00 per hour.

18.4 In the case of care provided through an approved program or by a registered provider, the amount on the official tax invoice will be paid by Council.

19. Payment of Allowances

19.1 Mayor and Councillor Allowances shall be paid fortnightly.

19.2 Payment shall be withheld upon a Councillor ceasing to hold office or pending an election until such time as the Councillor is declared elected.

19.3 Upon a Councillor ceasing to hold office, any moneys paid in advance shall be refunded.

19.4 The Mayor or any Councillor having completed a full term of office shall not be entitled to any pro rata adjustment of allowance to take into account any days less than or exceeding one year.

19.5 Committee Member allowances shall be paid upon receipt of an invoice submitted by the member to the Council as soon practicable after the committee meeting.

19.6 Payment shall be made by electronic funds transfer, in a manner authorised in writing by the Councillor or the Committee Member.

19.7 Allowances will be set and reviewed by the Victorian Independent Remuneration Tribunal as in accordance with Section 39 of the Local Government Act 2020..

20. Legal Expenses

20.1 Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor shall be the responsibility of that Councillor.

COUNCIL EXPENSES & ENTITLEMENTS POLICY**21. Other Expenses**

21.1 Councillors and Committee Members may require reimbursement of other expenses not specifically dealt with in this policy which are incurred while performing their duties.

21.2 The following provisions will apply when making a claim for reimbursement of other expenses:

- All Claims for reimbursement are to be made on the approved form and contain the name of the claimant, details of the nature of the claim and a signed certification that the expenses listed were incurred while performing duties as a Councillor;
- Original receipts must be attached for all purchases (credit card receipts will not be accepted);
- Where the provider of the goods or service is registered for GST, a tax invoice must be obtained for all purchases;
- Other expenses claimed by a Councillor shall be approved by the Mayor or by resolution of Council; and
- Other expenses claimed by a Mayor shall be approved by resolution of Council; and
- Other expenses claimed by a Committee Member shall be approved by the Chief Executive Officer or by resolution of Council.

22. Recoupment of Private Expenses

22.1 Councillors must reimburse the direct costs of any private use of home/workplace facilities to Council.

22.2 The direct costs of private use of home/workplace facilities provided by Council may be repaid to Council via two methods:

- Direct payment to Council on completion of the approved form; or
- Fortnightly deduction from Councillor Allowance on completion of the approved form.

23. Claiming Expenses

23.1 Claims are to be lodged with the Executive Assistant – Chief Executive Officer or the Director Corporate Services on a quarterly basis (fiscal year) within 14 days of the end of the quarter.

23.2 All expenses need to be accompanied by documentation including the approved expense claim form and any proof of expenditure, including receipts.

23.3 Claims for reimbursement will be authorised by the Chief Executive Officer.

23.4 Expenses incurred from the purchase and consumption of any alcoholic product will not be paid.

23.5 Late claims will only be reimbursed subject to a resolution of Council.

COUNCIL EXPENSES & ENTITLEMENTS POLICY**24. Reimbursement of Expenses**

- 24.1 Any claims for expenses not covered by this policy must firstly be referred to the Chief Executive Officer before being submitted.
- 24.2 Reimbursements will be paid by electronic funds transfer (EFT) within 14 days of receipt of a properly completed and supported claim form.
- 24.3 Reimbursement of Councillors' out-of-pocket expenses will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that support or are connected with a candidate's election campaigning.

25. Audit and Reporting

- 25.1 Councillor expenses to be regularly reported to Council on a quarterly basis.
- 25.2 All payments made to Councillors during their elected term and falling within the terms of this policy shall be publicly disclosed on Council's website.
- 25.3 Councillor expenses are subject to audit by the Victorian Auditor General, the Victorian Local Government Investigations and Compliance Inspectorate and Council's internal auditors and reported to the Chief Executive Officer.
- 25.4 Any items considered to be in breach of the *Local Government Act 2020* or this policy will be reported to the Audit and Risk Committee.

26. SUPPORTING INFORMATION

- 26.1 Relevant sections from the *Local Government Act 2020* applicable to this policy:
- s.39 Allowances for Mayors, Deputy Mayors and Councillors
 - s.40 Reimbursement of expenses of Councillors and members of a delegated committee
 - s.41 Council expenses policy
 - s.42 Resources and facilities for the Mayor and Councillors
 - s.43 Indemnity provision

27. RELATED POLICIES AND LEGISLATION**27.1 Council Policies:**

- Governance rules
- Public transparency policy
- Governance framework

COUNCIL EXPENSES & ENTITLEMENTS POLICY

- Information privacy policy

27.2 Legislation:

- Carers Recognition Act 2012
- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Equal Opportunity Act 2010
- Gender Equity Bill 2020

28. RESPONSIBILITIES**28.1 Compliance, monitoring and review:**

The policy owner is responsible for ensuring the policy:

- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
- is implemented and monitored (i.e. the policy is followed, reflects the changing policy environment, and emerging issues are identified); and
- is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current).

28.2 Reporting:

Quarterly reports of all councillor and delegated committee member expenses will be provided to council, and the council's Audit and Risk Committee.

The report will include:

- expenses incurred by councillors during the quarter;
- reimbursement claims made by councillors during the quarter; and
- reimbursements made by councillors during the quarter.

Council commits to monitoring processes and decision making to understand the overall success of the policy's implementation.

A period review of the policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

COUNCIL EXPENSES & ENTITLEMENTS POLICY

28.3 Records Management:

Council must maintain all records relevant to administering this policy in accordance with the Public Records Act 1973.

29. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
<i>Act</i>	<i>Means the Local Government Act (Vic) 2020.</i>
<i>Carer</i>	<i>A carer is defined under section 4 of the Carers Recognition Act 2012</i>
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Councillors</i>	<i>Means the individuals holding the office of a member of Golden Plains Shire Council</i>
<i>Council Resources</i>	<i>Includes – offices, vehicles, staff, hospitality, services, property, equipment (phones, computers etc.) and stationery</i>
<i>Expenses</i>	<i>Costs incurred by the Mayor, Councillors or members of a Delegated Committee in performing their official duties</i>
<i>Formal Study</i>	<i>Training and education provided by a recognised training or tertiary education provider that leads to a formal qualification.</i>
<i>Committee Member</i>	<i>A person appointed by the Council as a member of a Delegated Committee or the Audit and Risk Committee in accordance with the Local Government Act (Vic) 2020.</i>

30. RELATED LEGISLATION AND DOCUMENTS

30.1 Legislation

The Local Government Act 2020

30.2 Strategic Documents, Policies or Procedures

Councillor Code of Conduct

Councillor Expense Reimbursement Claim Form

Communication and Mobile Devices Standard

IT Standards and Procedures Suite and Organisational Guidelines

31. HUMAN RIGHTS STATEMENT OF COMPATABILITY

- 31.1 It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

32. POLICY OWNER

- 32.1 The Coordinator Governance and Risk is the policy owner.

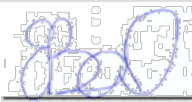
COUNCIL EXPENSES & ENTITLEMENTS POLICY

- 32.2 The policy owner is the individual who is given the responsibility to review, edit and maintain this policy and associated procedure. The policy owner is also the point of contact for any questions regarding this policy.

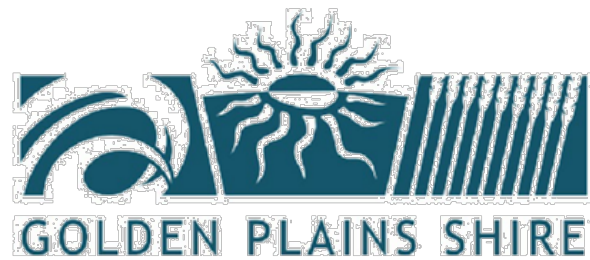
33. FEEDBACK

- 33.1 You may provide feedback about this document by emailing enquiries@gplains.vic.gov.au

34. DOCUMENT INFORMATION

DOCUMENT TYPE:	Council Policy document
DOCUMENT STATUS:	Approved
DOCUMENT OWNER POSITION:	Coordinator Governance and Risk
APPROVED BY:	Council
DATE ADOPTED:	28 July 2020
VERSION NUMBER:	4
REVIEW DATE:	25 August 2024
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	INT20/5B2746ED
NOTES:	<p>Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at:</p> <p>https://www.goldenplains.vic.gov.au/residents/my-council/about-council/council-policies</p>

AUDIT AND RISK COMMITTEE CHARTER



Audit and Risk Committee Charter

AUDIT AND RISK COMMITTEE CHARTER

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AUDIT AND RISK COMMITTEE CHARTER

1. PREFACE

Section 53 (1) of the Local Government Act 2020 (the Act) states that “a Council must establish an Audit and Risk Committee”. Section 54 (1) of the Act states “a Council must prepare and approve an Audit and Risk Committee Charter.”

This Charter has been developed in response to the Act requirements. It has been developed with reference to the model Audit Charter provided by the Institute of Internal Auditors North America, as recommended in “Audit and Risk Committees - A Guide to Good Practice for Local Government” issued by Local Government Victoria in January 2011.

2. INTRODUCTION

The Audit and Risk Committee plays an important role in providing oversight of Golden Plains Shire Council's governance, risk management, and internal control practices. This oversight mechanism also serves to provide confidence in the integrity of these practices. The Committee performs its role by providing independent oversight to the governing board, the Council, in overseeing internal and external audit functions¹.

3. BACKGROUND

The Committee's previous Charter, in accordance with Section 139 of the Local Government Act 1989, was reviewed and approved by Council on 25 February 2020.

This Charter has been developed, in accordance with the Section 54(7) of the Local Government Act 2020, which states: *A Council must approve the first Audit and Risk Committee Charter and establish the first Audit and Risk Committee on or before 1 September 2020.*

4. PURPOSE

The purpose of the Audit and Risk Committee is to provide a structured, systematic oversight of Council's governance, risk management and internal control practices. The Committee assists the Council and management by providing advice and guidance on the adequacy of initiatives for:

- Values and ethics
- Governance structure
- Risk management
- Internal control framework
- Oversight of the internal audit activity, external auditors and other providers of assurance
- Financial statements, performance and public accountability reporting.

¹ Section 54(2)(d) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

In broad terms, the Audit and Risk Committee reviews each of the items noted above and provides the Council with independent advice and guidance regarding the adequacy and effectiveness of management's practices and potential improvements to those practices.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

5. MANDATE

The Audit and Risk Committee has been established under Section 53 of the Local Government Act 2020 (and previously Section 139 of the Local Government Act 1989). The Act states that the Audit and Risk Committee is not a delegated committee.²

6. AUTHORITY

The Audit and Risk Committee Charter sets out the authority of the Audit and Risk Committee to carry out the responsibilities established for it by the Council as articulated within the Committee Charter.

In discharging its responsibilities, the Audit and Risk Committee will be supported by the Director Corporate Services, who can facilitate provision of relevant information, records data and reports it considers necessary to discharge its duties. Some information may be denied due to legal or confidentiality reasons.

The Committee has no delegated authority from Council unless specifically provided by Council from time to time and any such authority shall be temporary and may only relate to specific matters as directed by Council.

The Audit and Risk Committee is entitled to receive any explanatory information that it deems necessary to discharge its responsibilities. The Director Corporate Services will facilitate Committee requests.

The Committee may request engagement of counsel or other advisors it deems necessary to carry out its duties.

The Audit and Risk Committee has the authority to:

- Endorse key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;
- Approve internal and external audit plans, including internal audit plans with an outlook of greater than one year;
- Provide advice and make recommendations to Council on matters within its areas of responsibility;

² Section 53(2) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

- Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;
- Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties;
- Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

The Audit and Risk Committee, through the Independent Committee Members, will assist the Director Corporate Services in the:

Assessment of tenders for the internal audit contract recruitment process for new Independent Committee members.

The Committee will receive recommendation reports which after formal acceptance, will be provided to the Council. Only the Council can formally appoint Independent Committee Members and internal auditors, which will be subject to a resolution at a Council Meeting.

7. COMPOSITION OF THE COMMITTEE³

The Committee will consist of five members as follows:

- Two Councillors (one of which must be the Mayor);
- At least three independent members.

The Committee Members should collectively possess sufficient knowledge of audit, specific industry knowledge, IT, law, governance, and control. The Act has specific requirements about the Audit and Risk Committee collectively having expertise in financial management and risk⁴, experience in public sector management⁵, and precluding any person who is a member of Council staff of the Council⁶ from being a Committee Member.

Because the responsibilities of the Audit and Risk Committee evolve in response to regulatory, economic, and reporting developments, it is important to periodically reevaluate members' competencies and the overall balance of skills on the Audit and Risk Committee in response to emerging needs.

³ Section 53(3) of the Local Government Act 2020: An Audit and Risk Committee must— (a) include members who are Councillors of the Council; and (b) consist of a majority of members who are not Councillors of the Council

⁴ Section 53(3)(b)(i) of the Local Government Act 2020

⁵ Section 53(3)(b)(ii) of the Local Government Act 2020

⁶ Section 53(3)(c) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

8. CHAIR OF THE COMMITTEE

The Chair of the Audit and Risk Committee must not be a Councillor of the Council.⁷ Unless directly appointed by Council, the Audit & Risk Committee will appoint a chair.

The election of the Chair shall take place in accordance with the process for the election of the Mayor under the Golden Plains Shire Council Governance Rules. The Chair is re-affirmed on an annual basis and the appointed Chair is capped to a three year term.

The Chair will preside over meetings of the Audit & Risk Committee.

9. TERMS OF OFFICE*Councillors*

Councillor Committee Members shall be appointed annually by the Council.

Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year;

Independent Committee Members

Independent Committee Members shall be appointed for an initial term of up to three years.

Independent members may be reappointed for two additional three-year terms subject to satisfactory performance, that is, a maximum of nine years.

Independent members terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;

Remuneration will be paid to independent members as approved by Council from time to time.

10. QUORUM

A quorum of any meeting will be at least two independent members and at least one Councillor.

11. OPERATIONAL PRINCIPLES*Audit and Risk Committee Values*

The Audit and Risk Committee will conduct itself in accordance with the code of values and ethics of the Council and in accordance with the Local Government Act 2020. The Audit and Risk Committee expects that management and staff will adhere to these requirements.

⁷ Section 53(4) of the Local Government Act 2020: A chairperson of an Audit and Risk Committee must not be a Councillor of the Council.

AUDIT AND RISK COMMITTEE CHARTER

Communications

The Audit and Risk Committee expects that all communication with management and staff of the organisation as well as with any external assurance providers will be direct, open, and complete.

Work Plan⁸

The Audit and Risk Committee will collaborate with the Director Corporate Services to establish a work plan to ensure that the responsibilities of the Audit and Risk Committee are scheduled and will be carried out.

Meeting Agenda

The Director Corporate Services will establish agendas for Audit and Risk Committee Meetings in consultation with the Chair.

The Director Corporate Services shall circulate the agenda and supporting documentation to members of the Committee a reasonable period in advance of each meeting (one week is the expected advance period).

Information Requirements

The Audit and Risk Committee will establish and communicate its requirements for information, which will include the nature, extent, and timing of information. Information that is scheduled on an agenda will be provided to the Audit and Risk Committee one week prior to each meeting. Information that is sought at a Committee Meeting will be provided at the next meeting.

Preparation and Attendance

Audit and Risk Committee members are obligated to prepare for and participate in meetings. Participation can be in person, via teleconference or video conference.

Conflict of Interest, Misuse of Position and Confidential Information

Section 123 (misuse of position), 125 (confidential information) and Division 2 of Part 6 (conflict of interest) of the Act apply to a member of the Audit and Risk Committee who is not a Councillor as if the member were a member of a delegated committee.⁹

All Committee Members are expected to be aware of these provisions of the Local Government Act 2020. Failure to comply with the provisions of the Act may result in the Committee Member's appointment being terminated.

Conflict of Interest

Audit and Risk Committee Members must disclose any conflicts of interest to the Chair of the Audit and Risk Committee. Where the conflict is related to the Chair of the Audit and Risk Committee it must be disclosed to the Mayor.

⁸ Section 54(3) of the Local Government Act 2020

⁹ Sections 53(5) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

Once a conflict of interest is identified the member of the Audit and Risk Committee must:

1. Disclose the conflict of interest immediately before the matter is considered in the meeting, including the:
 - a) Type of interest and class; and
 - b) The nature of the interest.
2. Notify the Chair that they are leaving the meeting.
3. Leave the room and vicinity while the matter is being considered and await the Chair's direction to return.
4. Notify the Chair prior to the meeting if they are not going to be present at the meeting.

If details are private in nature then the nature of the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and class.

Disclosure of conflicts of interest must be Minuted.

Independent Committee Members of the Audit and Risk Committee will be required to sign an Initial Personal Interest Form upon commencement of their term, and a Biannual Personal Interests Return as required under the Local Government Act 2020.

Misuse of Position

Audit and Risk Committee Members must not intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person, or cause, or attempt to cause, detriment to council or another person.

Confidential Information

Audit and Risk Committee Members must not intentionally or recklessly disclose information that they know, or should reasonably know, is confidential information.

Independent Committee Members of the Audit and Risk Advisory Committee will be required to sign a Confidentiality Agreement upon commencement of their term.

Orientation and Training

Audit and Risk Committee Members will receive formal orientation training on the purpose and mandate of the Audit and Risk Committee and on the organisation's objectives. A process of continuing education will be established.

12. OPERATIONAL PROCEDURES

Meetings

Meetings shall be held not less than four times per annum and timing will be set to ensure that the Committee can properly discharge its responsibilities pursuant to this Charter. Members of the Audit and Risk Committee are expected to attend every meeting of the Committee.

Special meetings may be convened as required. The Director Corporate Services will convene a meeting at the request of the Chairperson, a Committee Member, or the external and internal auditors.

AUDIT AND RISK COMMITTEE CHARTER

Where a matter is required to be dealt with by the Audit and Risk Committee between meetings, it will be undertaken by circulating resolution. The report outlining the matter and a request to vote on the item will be sent via email.

Meeting Procedures

Meetings to be conducted in accordance with the procedures set out in the Golden Plains Shire Council Governance Rules, with any necessary modifications.

Minutes

The keeping of minutes to be in accordance with the Golden Plains Shire Council Governance Rules.

Minutes of the meeting will be prepared and provided in draft form within two weeks after the meeting. The minutes will be provided in a report summarising the meeting content to Council after each Committee Meeting.

Required Attendance

The Chief Executive Officer and Director Corporate Services are required to attend every meeting. Officers who have authored reports will be required to attend to speak to their reports, but are not required to attend the whole meeting. Attendance can be in person, via teleconference or video conference.

Secretariat Services

Secretarial and administrative support will be provided to the Audit and Risk Committee by a member of the Governance Team.

Remuneration of Committee Members

Councillors Committee Members are not remunerated for their role on the Audit and Risk Committee.

Remuneration will be paid to each Independent Committee Member¹⁰.

The Council to set the remuneration by resolution at a formal Council Meeting on an annual basis.

Responsibilities

It is the responsibility of the Audit and Risk Committee to provide Council with independent, objective advice on the adequacy of management's arrangements with respect to the following aspects of the management of the organisation:

Values and Ethics

To obtain reasonable assurance with respect to the organisation's values and ethics practices, the Audit and Risk Committee will:

- Review and assess the policies, procedures, and practices established to monitor conformance with the code of conduct and ethical policies by all managers and staff.

¹⁰ Section 53(6) of the Local Government Act 2020: A Council may pay a fee to a member of an Audit and Risk Committee who is not a Councillor of the Council.

AUDIT AND RISK COMMITTEE CHARTER

- Provide oversight of the mechanisms established by management to establish and maintain high ethical standards for all managers and staff.
- Review and provide advice on the systems and practices established by management to monitor compliance with laws, regulations, policies, and standards of ethical conduct and identify and deal with any legal or ethical violations.

Organisational Governance

To obtain reasonable assurance with respect to governance process, the Audit and Risk Committee will:

- review and provide advice on the governance process established and maintained within the organisation and the procedures in place to ensure that they are operating as intended.
- monitor compliance of policies and procedures with the overarching governance principles, the Local Government Act 2020, relevant regulations and any Ministerial directions¹¹.

Financial and performance reporting¹²

- At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
- At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
- Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
- Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;
- Recommend the adoption of the annual financial report and annual performance statement to Council; and
- Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.

Risk Management

To obtain reasonable assurance with respect to risk management practices, the Audit and Risk Committee will:

- Provide oversight on significant strategic and operational risk exposures and control issues, including fraud and corruption risks, governance issues, and other matters needed or requested by senior management and the Council.
- Review and provide advice on the risk management processes established and maintained by management and the procedures in place to ensure that they are operating as intended.
- Annually review the risk profile.
- Obtain an annual report on management's implementation and maintenance of an

¹¹ Section 54(2)(a)(i) and (ii) of the Local Government Act 2020

¹² Section 54(2)(b) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

- appropriate enterprise wide risk management process.
- Provide oversight of the adequacy of the combined assurance being provided.

Fraud and corruption

To obtain reasonable assurance with respect to procedures for the prevention and detection of fraud, and corruption the Audit and Risk Committee will:

- Oversee management's arrangements for the prevention and deterrence of fraud and corruption.
- Ensure that appropriate action is taken against known perpetrators of fraud.
- Challenge management and internal and external auditors to ensure that appropriate anti-fraud and corruption programs and controls are in place to identify potential fraud and ensure that investigations are undertaken if fraud is detected.

Control

To obtain reasonable assurance with respect to the adequacy and effectiveness of controls in responding to risks within the governance, operations and information systems, the Audit and Risk Committee will:

- Consider the effectiveness of the control framework, including risk management, fraud prevention¹³, and information technology security and control.
- Review and provide advice on the control of the organisation as a whole and its individual units.
- Receive reports on all matters of significance arising from work performed by other providers of financial and internal control assurance to senior management and the Council.
- Monitor the systems and processes for Council's cyber security controls to ensure these are adequate.

Compliance

The Audit and Risk Committee will:

- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow up (including disciplinary action) of any instances of non-compliance.
- Review the observations and conclusions of internal and external auditors and the findings of any regulatory agencies.
- Review the process for communicating the code of conduct to staff and for monitoring compliance.
- Obtain regular updates from management regarding compliance matters.

Charter Review

This Charter will be reviewed by the Committee on an annual basis, and the Committee will provide a report to the Council recommending that the Council approve the Charter. Only the Council can approve the Charter at a formal Council Meeting.

¹³ Section 54(2)(c) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

13. OVERSIGHT OF INTERNAL AUDIT ACTIVITY AND OTHER ASSURANCE PROVIDERS**Internal Audit Activity**

To obtain reasonable assurance with respect to work of the internal audit activity, the Audit and Risk Committee will provide oversight related to:

Internal Audit Charter and Resources

- Review and endorse the Internal Audit Charter at least annually to ensure that it accurately reflects the Audit and Risk Committee's purpose, authority, and responsibility.
- Provide the Committee Charter to the Council for approval at a Council Meeting.

Internal Audit Strategy and Plan

- Review and provide input on the internal audit activity's strategic plan, objectives, performance measures, and outcomes.
- Review and approve proposed risk-based internal audits and make recommendations concerning internal audit projects.
- Review and approve the internal audit plan and engagement work program, including reviewing internal audit resources necessary to achieve the plan.
- Review the internal audit activity's performance relative to its audit plan.

Internal Audit Engagement and Follow Up

- Review internal audit reports and other communications to management.
- Review and track management's action plans to address the results of internal audit engagements.
- Review and advise management on the results of any special investigations.
- Inquire of the Chief Executive Officer whether any internal audit engagements or non-audit engagements have been completed but not reported to the Audit and Risk Committee; if so, enquire whether any matters of significance arose from such work.
- Enquire of the Chief Executive Officer whether any evidence of fraud has been identified during internal audit engagements and evaluate what additional actions, if any, should be taken.

External Auditors

To obtain reasonable assurance with respect to work of the external assurance providers, the Audit and Risk Committee will meet with the external assurance providers during the planning phase of the engagement, the presentation of the audited financial statements, and the discussion of the results of engagements and recommendations for management.

The Audit and Risk Committee will:

- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with the internal audit activity.
- Have exclusive meetings with external auditors and internal auditors to discuss sensitive matters.
- Monitor management's progress on action plans.

AUDIT AND RISK COMMITTEE CHARTER

To obtain reasonable assurance that management has acted on the results and recommendations of internal and external audit engagements, the Audit and Risk Committee will regularly review reports on the progress of implementing approved management actions plans and audit recommendations resulting from completed audit engagements, internal and external.

Financial Statements and Public Accountability Reporting

The Audit and Risk Committee is responsible for oversight of the independent audit of the financial statements and performance statements, including but not limited to overseeing the resolution of audit findings in areas such as internal control, legal, regulatory compliance, and ethics.

The Audit and Risk Committee will:

- Review with management and the external auditors the results of audit engagements, including any difficulties encountered.
- Review significant accounting and reporting issues, concluding complex or unusual transactions and highly judgements areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- Review the annual financial statements and performance statement, and consider whether they are complete, consistent with information known to Committee Members, and reflect appropriate accounting standards.
- Review with management and the external auditors all matters required to be communicated to the Audit and Risk Committee under generally accepted external auditing standards.
- Understand strategies, assumptions and estimates that management has made in preparing financial statements, budgets, and investment plans.
- Review interim financial reports with management and consider whether they are complete and consistent with the information known to Committee Members.

Other Responsibilities

In addition, the Audit and Risk Committee will:

- Perform other activities related to this Charter as requested by the Council.
- Institute and oversee special investigations as needed.
- On an annual basis undertake an assessment of its performance against the Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council Meeting¹⁴.

Reporting on Audit and Risk Committee Performance

The Audit and Risk Committee will prepare a biannual audit and risk report that describes the committee's activities and includes its findings and recommendations and provide a copy of the biannual report to the Chief Executive Officer for tabling at the next Council Meeting¹⁵.

¹⁴ Section 54(4)(a) and (b) of the Local Government Act 2020

¹⁵ Section 54(5)(a) and (b) of the Local Government Act 2020

AUDIT AND RISK COMMITTEE CHARTER

The report should include:

- A summary of the work the Audit and Risk Committee performed to fully discharge its responsibilities.
- A summary of management's progress in addressing the results of internal and external audit engagement reports.
- An overall assessment of management's risks, controls, and compliance processes, including details of any significant emerging risks or legislative changes impacting the organisation.
- Details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.
- Provide information required, if any, by new or emerging corporate governance developments.

The Committee may report to the Council at any time regarding any other relevant matter it deems of sufficient importance.

14. REVIEW OF CHARTER

The Committee shall review and assess the adequacy of the Charter every year or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.

15. DOCUMENT INFORMATION

DOCUMENT TYPE:	Audit & Risk Committee Charter
DOCUMENT STATUS:	Adopted by Council
DOCUMENT OWNER POSITION:	Director Corporate Services
APPROVED BY:	Council
DATE ADOPTED:	28 July 2020
VERSION NUMBER:	1
REVIEW DATE:	28 July 2021
DATE RESCINDED:	N/A
EVIDENCE OF APPROVAL:	 Signed by Chief Executive Officer
FILE LOCATION:	INT20/105FAC94

S5. Instrument of Delegation to Chief Executive Officer

Golden Plains Shire Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation to the Chief Executive Officer

In exercise of the power conferred by section 11(1) of the *Local Government Act 2020 (the Act)* and all other powers enabling it, the Golden Plains Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 28 July 2020;
2. the delegation;
- 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 2.2 is subject to any conditions and limitations set out in the Schedule;
- 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 2.4 remains in force until Council resolves to vary or revoke it.

DATED 28 July 2020

*The COMMON SEAL of GOLDEN PLAINS)
SHIRE COUNCIL was affixed in the)
presence of:)*

[Affix common seal here]

.....
Chief Executive Officer

.....
Mayor/Deputy Mayor

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$400,000;
 - 1.2 making any expenditure that exceeds \$400,000 (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$400,000);
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under s 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money;
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategy adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.