



UNCONFIRMED MINUTES
OF THE AUDIT COMMITTEE
HELD ON
THURSDAY 17 OCTOBER 2013
AT 11.30AM

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Unconfirmed Minutes for the Audit Committee Meeting
 held in the Council Chambers, 37 Gibbons Street, Yalgoo,
 on Thursday 17 October 2013, commencing at 11:30 am.

Members of the Audit Committee

The Shire of Yalgoo audit committee was established by an absolute majority of Council, resolution C2011-1005, following the 2011 general election in accordance with s7.1A of the Act.

The term of office is until the next ordinary elections in October 2013.

Council subsequently appointed, by absolute majority, the following persons as members of the audit committee after extraordinary elections:

- *Cr Robert (Bob) Grinham (C2012-1011)*
- *Cr Stanley (Stan) Willock (C2013-0209)*

As at 1 March 2013, the members of the Audit Committee are Crs T Iturbide, R Valenzuela, N Grinham, R Grinham, L Hodder and S Willock.

Presiding Member

The Audit Committee, at a meeting held 13 December 2011, elected Councillor Neil Grinham to the office of presiding member and Councillor Raul Valenzuela to the office of deputy presiding member.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr M Raul Valenzuela, Deputy Presiding member of the Audit Committee declared the Audit Meeting open at 11.35am.

2. RECORD OF ATTENDANCE/APOLOGIES

MEMBERS	Cr Terry K Iturbide, Shire President Cr Laurence Hodder Cr Neil A Grinham (from 11:45am) Cr Robert Grinham Cr Stanley Willock
STAFF	Sharon Daishe, Chief Executive Officer (CEO) Heather Boyd, Executive Manager Corporate (EMC)

GUESTS Greg Godwin, UHY Haines Norton – Audit partner

OBSERVERS

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting
Nil

4. CONFIRMATION OF MINUTES OF THE AUDIT COMMITTEE

Background

Minutes of the Audit Committee meeting held on 11 March 2013 were previously distributed to members and received by the Ordinary Meeting of Council held on 21 March 2013.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION

A2013-1001 Minutes of the Audit Committee Meeting

That the minutes of the Audit Committee meeting held on 11 March 2013, as circulated, be confirmed as a true and correct record of proceedings.

Moved: Cr SK Willock

Seconded: Cr RW Grinham

Motion put and carried 4/0

5. BUSINESS AS NOTIFIED

5.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. Meetings generally open to the 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.

5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

- (a) all written contracts entered into by the local government; and
- (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007**6. Use of information**

(1) In this regulation —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;

non-confidential document means a document that is not a confidential document.

(2) A person who is a council member must not disclose —

- (a) information that the council member derived from a confidential document; or
- (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subregulation (2) does not prevent a person who is a council member from disclosing information —

- (a) at a closed meeting; or
- (b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

5.1 Forensic Audit

Note: The audit committee meeting is not open to the public as there are no functions delegated by the local government to the audit committee; refer s5.23 (1) (b) of the Local Government Act 1995.

The audit committee will meet today with a forensic auditor to determine the scope of a forensic audit in accordance with decision S2013-09a04.

The matters to be discussed are closed and confidential.

ATTENDANCE: 11:45am Cr Neil Grinham joined the meeting.

ATTENDANCE: 11:58am Cr Neil Grinham left the meeting.

ATTENDANCE: 11:59am Cr Neil Grinham rejoined the meeting.

ADJOURNMENT

The meeting adjourned for lunch break at 12.30pm and resumed at 1:22pm with all who were in attendance before the adjournment being present at the resumption.

6. NEXT MEETING (including Special meeting of Council)

Background

The auditor has completed the annual audit visit, and is on schedule to present the audited financial statements to the audit committee on Thursday 14 November 2013 as previously discussed with council.

The annual report includes the audited financial statements, and non financial matters that must be reported annually. After adoption by council this is presented to an annual electors meeting.

As per discussions with Council earlier in the year it is proposed that the annual report be presented to Council at a Special Meeting following the audit committee meeting, and the annual electors meeting be held on Thursday 05 December (this date will be set at the Special meeting after the Council adopts the report).

Voting Requirements

Simple majority

OFFICER RECOMMENDATION #1

A2013-1002 Audit Committee Meeting 9am Thursday 14 November 2013

That the Audit Committee meets at 9am on Thursday 14 November 2013.

Moved: Cr TK Iturbide

Seconded: Cr NA Grinham

Motion put and carried 5/0

OFFICER RECOMMENDATION #2

A2013-1003 Special Meeting of Council 11am Thursday 14 November 2013 – Adopt Annual Report

That a Special Meeting of Council be held at 11am on Thursday 14 November 2013 for the purpose of adopting the annual report for the year ended 30 June 2013.

Moved: Cr NA Grinham

Seconded: Cr RW Grinham

Motion put and carried 5/0

7. MEETING CLOSURE

There being no further business, the Deputy President Cr Raul Valenzuela declared the meeting closed at 2.36pm.

DECLARATION

These minutes were confirmed by Council at the Audit Meeting held on _____.

Signed: _____
Person presiding at the meeting at which these minutes were confirmed

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.