



# **AGENDA**

## **Audit Committee Meeting Tuesday, 17 March 2026**

**Date: Tuesday, 17 March 2026**

**Time: 1.00 pm**

**Location: Council Chamber  
110 Massingham Street  
Kellerberrin WA 6410**

## **Shire of Kellerberrin**

### **Audit Committee Meeting 17th March 2026**

#### **NOTICE OF MEETING**

Dear Elected Member

The next Audit Committee Meeting of the Shire of Kellerberrin will be held on Tuesday, 17th March 2026 in the Council Chamber, 110 Massingham Street, Kellerberrin WA 6410 commencing at 1.00 pm.

Raymond Griffiths  
Chief Executive Officer  
Tuesday, 10 March 2026

## Shire of Kellerberrin

### Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Kellerberrin for any action, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Kellerberrin disclaims any liability for any loss whatsoever and however caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting 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 intimation of approval made by any member or officer of the Shire of Kellerberrin during the course of any meeting is not intended to be and is not taken a notice of approval from the Shire of Kellerberrin.

The Shire of Kellerberrin warns that anyone who has any application lodged with the Shire of Kellerberrin must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Kellerberrin in respect of the application.

Signed \_\_\_\_\_  
Chief Executive Officer

**DECLARATION OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY**

Chief Executive Officer, Shire of Kellerberrin

In accordance with Section 5.60-5.65 of the *Local Government Act* and Regulation 34(B) and 34(C) of the *Local Government (Administration) Regulations*, I advise you that I declare a ( appropriate box):

financial interest (Section 5.60A)

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

proximity interest (Section 5.60B)

A person has a proximity interest in a matter if the matter concerns a proposed —  
(a) change to a planning scheme affecting land that adjoins the person's land;  
(b) change to the zoning or use of land that adjoins the person's land; or  
(c) development (as defined in section 5.63(5)) of land that adjoins the person's land.

interest affecting impartiality/closely associated persons (Regulation 24C). I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include a financial or proximity interest as referred to in section 5.60.

in the following Council / Committee Meetings to be held on \_\_\_\_\_

in Item number/s \_\_\_\_\_

the *nature* of the interest being \_\_\_\_\_

Further, that I wish to remain in the Chamber to participate in proceedings. As such, I declare the extent of my interest as being:

\_\_\_\_\_  
\_\_\_\_\_

Yours faithfully

(Councillor's signature)

Councillor's Name

The *Local Government Act* provides that it is the member's obligation to declare the Nature of an interest if they believe that they have a financial interest, proximity interest, closely associated persons or an interest affecting impartiality in a matter being discussed by Council. The Act provides that the Nature of the interest may be declared in writing to the Chief Executive Officer prior to the meeting or declared prior to discussion of the Agenda Item at the meeting. The Act further provides that the Extent of the interest needs to be declared if the member seeks to remain in the Chamber during the discussion, debate or voting on the item. A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings. The decision of whether to disclose a financial interest is yours and yours alone. Nobody can disclose for you and you can not be forced to make a disclosure.

**Order Of Business**

**1 Declaration of Opening ..... 7**

**2 Record of Attendance / Apologies..... 7**

**3 Disclosure of Interest ..... 7**

**4 Public Question Time ..... 7**

**5 Confirmation of Previous Meeting Minutes..... 8**

5.1 Minutes of the Audit, Risk & Improvement Committee Meeting held on 16  
December 2025..... 8

**6 Reports ..... 9**

6.1 2025/26 Budget Review ..... 9

6.2 Audit, Risk and Improvement Committee Dates 2026 ..... 12

6.3 Compliance Audit Return - 2025 ..... 15

6.4 Status Report of Action Sheet ..... 19

6.5 Risk Register Review ..... 26

**7 Closure of Meeting..... 28**



**1 DECLARATION OF OPENING****2 RECORD OF ATTENDANCE / APOLOGIES****3 DISCLOSURE OF INTEREST**

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

**4 PUBLIC QUESTION TIME**

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President’s discretion.

**5 CONFIRMATION OF PREVIOUS MEETING MINUTES****5.1 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 16 DECEMBER 2025**

**File Ref:** MIN  
**Author:** Shaan Wood, Executive Assistant  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Minutes of the Audit, Risk & Improvement Committee Meeting held on 16 December 2025

**STAFF RECOMMENDATION**

That the Minutes of the Audit, Risk & Improvement Committee Meeting held on 16 December 2025 be received as a true and correct record of the meeting.

## 6 REPORTS

### 6.1 2025/26 BUDGET REVIEW

**File Number:** FIN 04  
**Author:** Brett Taylor, Senior Finance Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

#### BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 (FMR), between 1 January and 31 March in each financial year, a local government must carry out a review of its budget for that year. The intention of the legislation is to ensure local governments conduct at least one budget review between six and nine months into a financial year.

A budget review compares year to date actual results with the adopted or amended budget. It establishes whether a local government is meeting its budget commitments and if any variations are required. The review must:

- consider the local government's financial performance for the period 1 July 2025 to the review date in that financial year.
- amend the budget opening position on 1 July 2025 by reference to the audited closing position on 30 June 2025, including any adjustment(s) required for the introduction of new accounting standards on 1 July 2021.
- consider the local government's financial position as at the date of the review; and
- review the forecasted outcomes for the end of the financial year.

Regulation 33A (2) and (3) of the FMR states that, within 30 days after a review is carried out, it is required to be submitted to the council. In accordance with regulation 33A(4) of the FMR, a copy of the Council endorsed review must be provided to the Department of Local Government, Sport and Cultural Industries within 30 days of its endorsement by council.

If prior budget reviews have been undertaken, the Regulation 33A review must still cover the period from 1 July and also cover any adjustments made as a result of prior reviews.

#### STAFF COMMENT

Please find attached the Budget Review document that details the review undertaken for the 2025/26 Adopted Budget. The review provides information for proposed permanent changes to the budget and changes to the budget due to timing.

Attached is a report highlighting the significant changes which have been reflected in the budget review.

#### TEN YEAR FINANCIAL PLAN

Nil known at this time

## FINANCIAL IMPLICATIONS

There are no financial implications associated with this review as the budget has been brought back to a balanced budget.

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

Section 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
  - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
  - (b) consider the local government's financial position as at the date of the review; and
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether to adopt the review, any parts of the review or any recommendations made in the review.  
*\*Absolute majority required.*
- (4) Within 30 days after a council has decided, a copy of the review and determination is to be provided to the Department.

*[Regulation 33A inserted in Gazette 31 Mar 2005 p. 1048-9; amended in Gazette 20 Jun 2008 p. 2723-4.]*

## STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities, and we are innovative to ensure our relevancy and destiny

## COMMUNITY CONSULTATION

The following consultation took place.

- Chief Executive Officer
- Senior Finance Officer

## **STAFF RECOMMENDATION**

*That the Audit Committee recommends to Council, That Council:*

1. *adopt the 2025/26 Budget Review on 31<sup>st</sup> January 2026 as presented comprising.*
  - a) *Statement of Budget Review by Nature and Type.*
  - b) *Note 1 to Note 5; and*
2. *Instruct the Chief Executive Officer lodge the Budget Review to the Department of Local Government, Sport and Cultural Industries in accordance with Section 33A, Local Government (Financial Management) Regulations 1996.*

**6.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE DATES 2026**

**File Ref:** PUB02  
**Author:** Raymond Griffiths, Chief Executive Officer  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The Audit, Risk and Improvement Committee oversees the Shire's systems of financial reporting, risk management, internal control and its opportunities for improvement. Its duty is to provide oversight over significant risk exposures and control issues, including fraud risks, governance issues and other matters as necessary or requested by the CEO or Council.

**STAFF COMMENT**

In accordance with the Audit, Risk and Improvement Committee Terms of Reference the committee shall meet at least four (4) times per year.

Therefore, it is suggested that at the first meeting of each calendar year an item is presented to the committee to set a calendar of meetings for the year to ensure committee members are given every opportunity to attend the meetings.

In addition it is a requirement under the new regulations to have all committee meetings listed on the website for community information.

**TEN YEAR FINANCIAL PLAN**

NIL known at this time.

**FINANCIAL IMPLICATIONS**

Operational Budget – expense account for statutory advertising and members travelling and meeting attendance fees.

Cost of local advertising of Council meeting times. Current budget general ledger expense account for advertising will be utilised.

**STATUTORY IMPLICATIONS****Local Government Act (as amended) 1995****5.24. Question time for public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulations about council and committee meetings and committees

- (3) Without limiting the generality of section 9.59, regulations may make provision in relation to —
  - (a) the matters to be dealt with at ordinary or at special meetings of councils;
  - (b) the functions of committees or types of committee;
  - (ba) the holding of council or committee meetings by telephone, video

- conference or other electronic means;
  - (c) the procedure to be followed at, and in respect of, council or committee meetings;
  - (d) methods of voting at council or committee meetings;
  - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
  - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
  - (g) the giving of public notice of the date and agenda for council or committee meetings;
  - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
  - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
  - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be
    - 
    - (i) tabled at a council or committee meeting; or
    - (ii) produced by the local government or a committee for presentation at a council or committee meeting,
 are to be made available for inspection by members of the public.
- (4) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

*[Section 5.25 amended by No. 64 of 1998 s. 28.]*

Local Government (Administration) Regulations 1996

## 12. Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation —  
**meeting details**, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
  - (a) ordinary council meetings;
  - (b) committee meetings.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.
- (4) If a special meeting of the council is to be held, the CEO must publish the meeting details for the meeting, and the purpose of the meeting, on the local government's official website as soon as practicable.

## **STRATEGIC COMMUNITY PLAN**

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2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance

## **STAFF RECOMMENDATION**

That the Audit, Risk and Improvement Committee sets the following schedule of Committee meetings for 2026.

1. Time: 1.00pm
2. Place: Council Chambers, 110 Massingham Street Kellerberrin.
3. Dates;
  - a. Tuesday, 16<sup>th</sup> June 2026
  - b. Tuesday, 15 September 2026
  - c. Tuesday, 15<sup>th</sup> December 2026

**6.3 COMPLIANCE AUDIT RETURN - 2025**

**File Ref:** FIN01  
**Author:** Morgan Ware, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** Nil

**BACKGROUND**

The Compliance Audit Return (CAR) is an annual self-assessment required under regulation 14 of the *Local Government (Audit) Regulations 1996*. All Local Governments in Western Australia must complete a CAR for the period of 1 January to 31 December each year.

**STAFF COMMENT**

Council in previous years have been required to complete the CAR and have presented to the March Audit, Risk and Improvement Committee to ensure it is adopted by Council and submitted by the 31<sup>st</sup> March of each year.

The deadline for this year's CAR for the period of 1 January to 31 December 2025 has been deferred until 30 September 2026 for the following reasons.

With the introduction of the Local Government Inspectorate, there have been a number of changes to the statutory requirements for which a compliance audit is needed. These changes are outlined in regulation 13 of the *Local Government (Audit) Regulations 1996*.

In addition, the Local Government Inspector has the ability to limit what statutory requirements are included in the CAR, under regulation 15A of the *Local Government (Audit) Regulations 1996*, published on 1 January 2026. These requirements are currently being determine, with further guidance materials and information to be made available to local governments by 31 March 2026

Upon receiving this information, the CAR will be completed and brought before the next Audit, Risk & Improvement Committee meeting to be presented to Council.

**TEN YEAR FINANCIAL PLAN**

NIL

**FINANCIAL IMPLICATIONS**

NIL

**STATUTORY IMPLICATIONS***7.13. Regulations as to audits*

- (1) *Regulations may make provision as follows —*
  - (aa) *as to the functions of a CEO in relation to —*
    - (i) *a local government audit; and*
    - (ii) *a report (an **action report**) prepared by a local government under section 7.12A(4)(a); and*
    - (iii) *an audit report; and*
    - (iv) *a report on an audit conducted by a local government under this Act or any other written law;*

- (ab) *as to the functions of an audit, risk and improvement committee, including in relation to —*
- [(i) deleted]*
  - (ii) a local government audit; and*
  - (iii) an action report; and*
  - (iv) an audit report; and*
  - (v) a report on an audit conducted by a local government under this Act or any other written law; and*
  - (vi) any other matters;*

*[(ac) and (ad) deleted]*

- (ae) as to monitoring action taken in respect of any matters raised in an audit report;*

*[(a)-(e) deleted]*

- (f) as to the matters to be addressed in an audit report;*

*[(g) and (h) deleted]*

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Inspector, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —*
- (i) of a financial nature or not; or*
  - (ii) under this Act or another written law.*

- (1A) The provision that may be made by regulations for the purposes of subsection (1)(ab) is not limited by the other subject matter of this Part.*

*[(2) deleted]*

*[Section 7.13 amended: No. 64 of 1998 s. 40; No. 49 of 2004 s. 9; No. 55 of 2004 s. 700; No. 5 of 2017 s. 20 and 22; No. 47 of 2024 s. 90.]*

#### **14. Compliance audits**

- (1) A local government must carry out an audit (a **compliance audit**) of the local government's compliance with the statutory requirements prescribed by regulation 13 for the period beginning on 1 January and ending on 31 December in each year.*

*(1A) Subregulation (1) is subject to regulation 15A.*

- (2) After a local government has carried out a compliance audit, the CEO must —*
- (a) prepare a compliance audit return in a form approved by the Inspector; and*
  - (b) give a copy of the compliance audit return to the local government's audit, risk and improvement committee.*

- (3) The audit, risk and improvement committee must —*
- (a) review the compliance audit return; and*
  - (b) report to the council the results of that review.*

- (4) When reporting to the council, the audit, risk and improvement committee must make any recommendations that the committee considers appropriate in relation to the compliance audit return.*

- (5) The council must consider the compliance audit return and the results of the audit, risk and improvement committee's review (including any recommendations) at a meeting of the council.*

- (6) *The council must —*
- (a) *determine if any matters raised by the audit, risk and improvement committee require action to be taken by the local government; and*
  - (b) *either —*
    - (i) *adopt the compliance audit return; or*
    - (ii) *adopt the compliance audit return subject to amendments proposed by the council.*

*[Regulation 14 inserted: SL 2025/211 r. 14; amended: SL 2025/208 r. 30.]*

15. *Signed compliance audit return and other information must be given to Inspector*

- (1) *After a compliance audit return has been adopted by the council under regulation 14(6)(b), the local government must give the following information to the Inspector —*
- (a) *a copy of the compliance audit return (or amended compliance audit return, if applicable), signed by the mayor or president and by the CEO;*
  - (b) *any recommendations made under regulation 14(4) after the audit, risk and improvement committee has reviewed the compliance audit return;*
  - (c) *a copy of the relevant section of the minutes of the meeting at which the compliance audit return was adopted by the council;*
  - (d) *any additional information explaining or qualifying the compliance audit.*
- (2) *The information must be given to the Inspector no later than 31 March next following the period to which the return relates.*
- (3) *The Inspector may extend the 31 March deadline.*

*[Regulation 15 inserted: SL 2025/211 r. 14.]*

15A. *Inspector may limit prescribed statutory requirements to be covered by compliance audit*

- (1) *In this regulation —*
- period** *means a period for which a compliance audit is required under regulation 14(1) that begins on or after 1 January 2026;*
- prescribed statutory requirement** *means a statutory requirement prescribed by regulation 13.*
- (2) *The Inspector may, in respect of a period, determine that a compliance audit —*
- (a) *is not to cover all of the prescribed statutory requirements; and*
  - (b) *is instead to cover only the prescribed statutory requirements specified in the determination.*
- (3) *The determination must be reflected in the form approved under regulation 14(2)(a) for the period.*
- (4) *Subregulation (5) applies if —*
- (a) *the Inspector makes determinations under subregulation (2) in respect of 3 consecutive periods; and*
  - (b) *there is a prescribed statutory requirement that is specified under subregulation (2)(b) in none of those determinations.*

- (5) *If the Inspector makes a determination under subregulation (2) in respect of the period immediately after the 3 consecutive periods, the prescribed statutory requirement referred to in subregulation (4)(b) must be specified under subregulation (2)(b) in that determination (without limiting the other prescribed statutory requirements that may be specified).*

*[Regulation 15A inserted: SL 2025/208 r. 31.]*

## **STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **COMMUNITY CONSULTATION**

That the following consultation took place:

- Chief Executive Officer
- Manager of Governance

## **STAFF RECOMMENDATION**

That the Audit, Risk & Improvement Committee acknowledge and note the new due date of September 2026 for the 2025 Compliance Audit Return (CAR).

**6.4 STATUS REPORT OF ACTION SHEET**

<b>File Number:</b>	<b>Various</b>
<b>Author:</b>	<b>Shaan Wood, Executive Assistant</b>
<b>Authoriser:</b>	<b>Raymond Griffiths, Chief Executive Officer</b>
<b>Attachments:</b>	<b>1. Status Report of Action Sheet (under separate cover)</b>

**BACKGROUND**

Council as part of its compliance is required to complete a Status Report for items presented to the Audit, Risk & Improvement Committee.

**STAFF COMMENT**

Attached is the updated Status Report for items that have been presented to the audit committee for consideration.

**TEN YEAR FINANCIAL PLAN**

There is no direct impact on the long term financial plan.

**FINANCIAL IMPLICATIONS**

Financial Implications will be applicable depending on the decision of Council. However this will be duly noted in the Agenda Item prepared for this specific action.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 (as amended)*

Section 2.7. The role of the council

- (1) The council —
  - (a) Directs and controls the local government's affairs; and
  - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government's finances and resources; and
  - (b) determine the local government's policies.

Section 2.8. The role of the mayor or president

- (1) The mayor or president —
  - (a) presides at meetings in accordance with this Act;
  - (b) provides leadership and guidance to the community in the district;
  - (c) carries out civic and ceremonial duties on behalf of the local government;
  - (d) speaks on behalf of the local government;
  - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
  - (f) liaises with the CEO on the local government's affairs and the performance of its functions.
- (2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.

## Section 2.9. The role of the deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

## Section 2.10. The role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the council;
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

## 5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated,

has —

- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

*[Section 5.60 inserted by No. 64 of 1998 s. 30.]*

## 5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

*[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]*

## 5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns —
  - (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - (b) a proposed change to the zoning or use of land that adjoins the person's land; or
  - (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.
- (2) In this section, land (**the proposal land**) adjoins a person's land if —
  - (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

*[Section 5.60B inserted by No. 64 of 1998 s. 30.]*

#### 5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

#### 5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —
- (a) the person is in partnership with the relevant person; or
  - (b) the person is an employer of the relevant person; or
  - (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee; or
  - (ca) the person belongs to a class of persons that is prescribed; or
  - (d) the person is a body corporate —
    - (i) of which the relevant person is a director, secretary or executive officer; or
    - (ii) in which the relevant person holds shares having a total value exceeding —
      - (I) the prescribed amount; or
      - (II) the prescribed percentage of the total value of the issued share capital of the company,
- whichever is less;
- or
- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person; or
  - (ea) the relevant person is a council member and the person —
    - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected; or
    - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected;
- or
- (eb) the relevant person is a council member and since the relevant person was last elected the person —
    - (i) gave to the relevant person a gift that section 5.82 requires the relevant person to disclose; or
    - (ii) made a contribution to travel undertaken by the relevant person that section 5.83 requires the relevant person to disclose;
- or
- (f) the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.

- (2) In subsection (1) —

**notifiable gift** means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;

**value**, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

*[Section 5.62 amended by No. 64 of 1998 s. 31; No. 28 of 2003 s. 110; No. 49 of 2004 s. 51; No. 17 of 2009 s. 26.]*

5.63. Some interests need not be disclosed

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
  - (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or
    - (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;
  - [(e) deleted]*
  - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
  - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
  - (h) a prescribed interest.

- (2) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.

- (3) If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by —
  - (a) any proposed change to a planning scheme for that land or any land adjacent to that land;
  - (b) any proposed change to the zoning or use of that land or any land adjacent to that land; or
  - (c) the proposed development of that land or any land adjacent to that land,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by —
  - (a) any proposed change to a planning scheme for any area in the district;
  - (b) any proposed change to the zoning or use of land in the district; or
  - (c) the proposed development of land in the district,

then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.

- (5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.

*[Section 5.63 amended by No. 1 of 1998 s. 15; No. 64 of 1998 s. 32; No. 28 of 2003 s. 111; No. 49 of 2004 s. 52; No. 17 of 2009 s. 27.]*

**[5.64. Deleted by No. 28 of 2003 s. 112.]**

5.65. Members' interests in matters to be discussed at meetings to be disclosed

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.

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

- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know —
- (a) that he or she had an interest in the matter; or
  - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.66. Meeting to be informed of disclosures

If a member has disclosed an interest in a written notice given to the CEO before a meeting then —

- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.

*[Section 5.66 amended by No. 1 of 1998 s. 16; No. 64 of 1998 s. 33.]*

5.67. Disclosing members not to participate in meetings

A member who makes a disclosure under section 5.65 must not —

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.

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

5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter —
- (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest —

- (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
  - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
  - (3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.

5.69. Minister may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
- (2) An application made under subsection (1) is to include —
  - (a) details of the nature of the interest disclosed and the extent of the interest; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if —
  - (a) there would not otherwise be a sufficient number of members to deal with the matter; or
  - (b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69 amended by No. 49 of 2004 s. 53.]*

5.69A. Minister may exempt committee members from disclosure requirements

- (1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
- (2) An application under subsection (1) is to include —
  - (a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
  - (b) any other information required by the Minister for the purposes of the application.
- (3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (4) A person must not contravene a condition imposed by the Minister under this section.  
Penalty: \$10 000 or imprisonment for 2 years.

*[Section 5.69A inserted by No. 64 of 1998 s. 34(1).]*

5.70. Employees to disclose interests relating to advice or reports

- (1) In this section —  
employee includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest.  
Penalty: \$10 000 or imprisonment for 2 years.

#### 5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

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

## **STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Manager Works and Services
- Council Staff
- Council
- Community Members.

## **STAFF RECOMMENDATION**

*That the Audit, Risk & Improvement Committee receive the Status Report.*

<b>6.5 RISK REGISTER REVIEW</b>
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**File Ref:** ADM 60  
**Author:** Morgan Ware, Manager of Governance  
**Authoriser:** Raymond Griffiths, Chief Executive Officer  
**Attachments:** 1. Risk Register (under separate cover)

**BACKGROUND**

Council's December Audit Committee Meeting – 16 <sup>th</sup> December 2025
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**MIN 017/25 MOTION - Moved Cr. Brown Seconded Cr. Ryan**

***That the Audit, Risk & Improvement Committee recommends to Council that;***

- 1. Receives the updated Risk Review spreadsheet as presented;***
- 2. Notes the Actions required and proposed timeframes; and***
- 3. Removes the completed actions from the Register into Completed items spreadsheet.***

In Favour: Crs David Leake, Dennis Reid, Matt Steber, Emily Ryan, Monica Gardiner, Kelsey Pryer, Paul Brown, Michelle McDonnell and Clare Leake

Against: Nil

Council's August Audit Committee Meeting – 19 <sup>th</sup> August 2025
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**MIN 001/25 MOTION - Moved Cr. Reid Seconded Cr. Pryer**

***That the Audit, Risk & Improvement Committee recommends to Council that;***

- 1. Receives the updated Risk Review spreadsheet as presented;***
- 2. Notes the Actions required and proposed timeframes; and***
- 3. Removes the completed actions from the Register into Completed items spreadsheet.***

In Favour: Crs David Leake, Dennis Reid, Matt Steber, Emily Ryan, Monica Gardiner, Kelsey Pryer, Paul Brown and Annett Gibson

Against: Nil

Council's December Audit Committee Meeting – 17 <sup>th</sup> December 2024
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**MIN 002/24 MOTION - Moved Cr. Reid Seconded Cr. Brown**

***That the Audit Committee recommends to Council that;***

- 1. Receives the updated Risk Review spreadsheet as presented;***
- 2. Notes the Actions required and proposed timeframes; and***
- 3. Removes the completed actions from the Register into Completed items spreadsheet.***

In Favour: Crs David Leake, Dennis Reid, Matt Steber, Emily Ryan, Monica Gardiner and Paul Brown

Against: Nil

Council's June Audit Committee Meeting – 18 <sup>th</sup> June 2024
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**MIN 003/24 MOTION - Moved Cr. Pryer Seconded Cr. Brown**

***That the Audit Committee recommends that Council;***

- 1. *Receives the updated Risk Review spreadsheet as presented;***
- 2. *Notes the Actions required and proposed timeframes; and***
- 3. *Removes the completed actions from the Register and transfers them to the Completed items spreadsheet.***

## **STAFF COMMENT**

The CEO is required to undertake a review of the appropriateness and effectiveness of financial systems and risk management, internal control and legislative compliance every three years. As part of this review an external consultant is to review the operations of Council as per Regulation 17. The last review was completed in 2023 by Australian Audit, in which the findings are contained in the attached report.

The attached report provided to Council details commentary on risks identified, risk categories, actions, mitigation, action taken, responsible officer and timeframe. On completion these will be moved to the completed items register.

## **FINANCIAL IMPLICATIONS**

Nil known at this time.

## **STATUTORY IMPLICATIONS**

Regulation 17 of the Local Government (Audit) Regulations 1996 directs the Chief Executive Officer (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 once every 3 financial years and to report the results of the review to the Audit Committee.

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 directs the CEO 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.

## **STRATEGIC COMMUNITY PLAN**

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

## **COMMUNITY CONSULTATION**

The following consultation took place;

- Chief Executive Officer
- Manager of Governance
- Internal Staff.

## **STAFF RECOMMENDATION**

*That the Audit, Risk & Improvement Committee recommends to Council that;*

- 1. Receives the updated Risk Review spreadsheet as presented;*
- 2. Notes the Actions required and proposed timeframes; and*
- 3. Removes the completed actions from the Register into Completed items spreadsheet.*

**7 CLOSURE OF MEETING**