



WEST DALY
Regional Council

AGENDA

SPECIAL COUNCIL MEETING

31th July 2015 AT 10.00AM

WADEYE OFFICE



WEST DALY REGIONAL COUNCIL

Agenda for Special Council Meeting 31ST July 2015

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Glenda Teede
Chief Executive Officer



WEST DALY REGIONAL COUNCIL

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AGENDA
ORDINARY COUNCIL MEETING
TO BE HELD AT THE WADEYE COUNCIL OFFICE
ON 31ST July 2015
COMMENCING AT 10.00AM

Mayor of the West Daly Regional Council Harold Wilson declared the meeting open at 10.00 am and welcomed all in attendance.

1 PERSONS PRESENT

ELECTED MEMBERS PRESENT

| | |
|--------------|----------------|
| Mayor | Harold Wilson |
| Deputy Mayor | Andrew Brown |
| Councillor | Wally Minjin |
| Councillor | Tobias Nganbe |
| Councillor | Mark Martin |
| Councillor | Ralph Narburup |

STAFF PRESENT

| | |
|--------------------------|---------------------|
| Chief Executive Officer | Glenda Teede |
| Finance Manager | Clem Barrett |
| Administration Assistant | Tahlia Cleary |
| Personal Assistant | Kelli Hammermeister |

PERSONS PRESENT

NIL

2 ASSESSMENT RECORD AND RECORD OF RATES

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 st July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

In accordance with Section 24(1) of the *Local Government (Accounting) Regulations*, the Chief Executive Officer must certify to Council that, to the best of the CEO's knowledge, information and belief, the assessment record is a comprehensive record of all rateable land within the area.

BACKGROUND

Before a Council adopts its budget for a financial year, the CEO must check all available records to ensure that all rateable land is recorded in the assessment record and provide a certification to Council.

COMMENT

CONSULTATION

Council

STATUTORY ENVIRONMENT

24 Assessment record and record of rates

- (1) Before a council adopts its budget for a financial year, the CEO must:
 - (a) check all available records to ensure that all rateable land is recorded in the assessment record; and
 - (b) certify to the council that, to the best of the CEO's knowledge, information and belief, the assessment record is a comprehensive record of all rateable land within the area.
- (2) The CEO must keep a rates record containing, for each allotment of rateable land, particulars of:
 - (a) all rates and charges levied on the allotment; and
 - (b) penalties imposed; and
 - (c) the amount of rates written off (if any); and
 - (d) the amount of payments made.



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POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

By virtue of these minutes the Chief Executive Officer certifies to Council that, to the best of the CEO's knowledge, information and belief, the assessment record is a comprehensive record of all rateable land within the area.

The Annual Budget can now be adopted.

Moved: **Clr.**

Seconded: **Clr.**

3 ADOPTION OF THE REGIONAL PLAN

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 st July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

In accordance with Section 24(1) of the *Local Government Act*, Council must adopt its regional plan between 1 April and 31 July in each year and forward a copy of the plan to the Agency by the latter date being, 31 July 2015.

BACKGROUND

In accordance with Section 24(2) of the *Local Government Act*, Council prepared a draft of the Regional Plan. Council ensured the draft was accessible through the website. A notice was published both on the website and in the newspaper for a period of 21 days inviting the public to send Council written submissions by 16 June 2015. Council did not receive any written submissions in relation to the plan.

COMMENT

CONSULTATION

Council and the larger Community

STATUTORY ENVIRONMENT

24 Annual review of municipal, regional or shire plan

- (1) A council must adopt its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) between 1 April and 31 July in each year and forward a copy of the plan (or the revised plan) to the Agency by the latter date.
- (2) Before the council adopts its municipal, regional or shire plan (or revisions to its municipal, regional or shire plan) for a particular year, the council must:
 - (a) prepare a draft of the plan (incorporating any proposed revisions); and
 - (b) make the draft plan accessible on the council's website and make copies available for public inspection at the council's public offices; and
 - (c) publish a notice on its website and in a newspaper circulating generally in the area inviting written submissions on the draft plan within a period (at least 21 days) from the date of the notice; and
 - (d) consider the submissions made in response to the invitation and make any revisions to the draft the council considers appropriate in the light of the submissions.
- (3) Although the council's budget forms part of its municipal, regional or shire plan, this section does not apply to the adoption of the budget or of amendments to it.



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- (4) The adoption of a budget, or of amendments to it, operates to amend the municipal, regional or shire plan so that it conforms with the most recent text of the council's budget.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

THAT in accordance with Section 24(2) of the *Local Government Act*, Council advertised draft 2015/16 Regional Plan for 21 days and did not receive any written submissions.

THAT in accordance with Section 24(1) of the *Local Government Act* Council adopts its 2015/16 Regional Plan.

Moved: **Clr.**

Seconded: **Clr.**

4 ADOPTION OF THE ANNUAL BUDGET

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 st July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

In accordance with Section 128(1) of the *Local Government Act*, Council must adopt its Annual Budget on or before 31 July in the relevant financial year.

In accordance with Section 128(3) of the *Local Government Act*, Council must publish on Council's website, notify the Agency in writing of the adoption of the budget, publish a notice in the newspaper informing the public that copies of the budget is accessible on the website or can be obtained from the Council's service centre.

BACKGROUND

In accordance with Section 127 of the *Local Government Act*, Council must prepare a budget for each financial year. Council prepared an annual budget for the 2015/16 financial year. Council's draft Annual Budget was incorporated into the Regional Plan. The Regional Plan was accessible on the website inviting the public to send Council written submissions by 16 June 2015. Written submissions relating to the annual budget have been reviewed, assessed and incorporated into the Annual Budget as determined by Council.

COMMENT

CONSULTATION

Council and the larger Community

STATUTORY ENVIRONMENT

127 Annual budgets

- (1) A council must prepare a budget for each financial year.
- (2) The budget for a particular financial year must:
 - (a) outline:
 - (i) the council's objectives for the relevant financial year; and
 - (ii) the measures the council proposes to take, during the financial year, towards achieving those objectives; and
 - (iii) the indicators the council intends to use as a means of assessing its efficiency in achieving its objectives; and
 - (b) contain estimates of revenue and expenditure for the financial year (differentiating between operating and capital expenditure); and

- (c) state the amount to be allocated to the development and maintenance of each class of infrastructure for the financial year; and
 - (d) state the amount the council proposes to raise by way of rates, and set out the rates structure, for the financial year; and
 - (e) contain an assessment of the social and economic effects of its rating policies; and
 - (f) state the allowances for members of the council for the financial year and the amount budgeted to cover payment of those allowances; and
 - (g) contain any other information required by any guidelines that the Minister may make.
- (3) Subject to the regulations, a council must not budget for a deficit.

128 Adoption of budget or amendment

- (1) A council must adopt its budget for a particular financial year on or before 31 July in the relevant financial year.
- (2) Subject to subsection (2A), a council may, after adopting its budget for a particular financial year, adopt an amendment to its budget.
- (2A) An amendment cannot have the effect:
 - (a) of increasing the amount of an allowance for the financial year for the members of the council; or
 - (b) of changing the amount of an allowance for the financial year for members of a local authority established by the council except in accordance with any guidelines made by the Minister.
- (3) As soon as practicable after adopting its budget, or an amendment to its budget, for a particular financial year, a council must:
 - (a) publish the budget or the amendment as adopted on the council's website; and
 - (b) notify the Agency in writing of the adoption of the budget or amendment; and
 - (c) publish a notice in a newspaper circulating generally in the area informing the public that copies of the budget or amendment may be downloaded from the council's website or obtained from the council's public office.
- (4) The council's budget forms part of the council's municipal, regional or shire plan.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

THAT in accordance with Section 128(1) of the *Local Government Act* Council adopt the Annual Budget tabled for the 2015/16 Financial Year.

THAT in accordance with Section 128(3) of the *Local Government Act*, Council publish the adopted Annual Budget on Council's website, provide notification to the Agency, in writing, of the adoption of the Annual Budget and publish a notice in the newspaper informing the public that copies of the Annual Budget is accessible on the website or can be obtained from the Council's service centre.

Moved: **Clr.**

Seconded: **Clr.**

5 DECLARATION OF RATES

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 st July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

In accordance with Section 155 of the *Local Government Act*, Council must on or before 31 July in each year, declare rates on allotments throughout the area to raise the amount the Council intends to raise for general purposes for the financial year.

In accordance with Section 158 of the *Local Government Act*, Council must within 21 days after declaring rates, publish the notice of rates on Council's website and publish a notice in the newspaper.

BACKGROUND

In accordance with Section 24(1) of the *Local Government (Accounting) Regulations*, the Chief Executive Officer must certify to Council that, to the best of the CEO's knowledge, information and belief, the assessment record is a comprehensive record of all rateable land within the area.

Before a Council declares rates on allotments, the CEO must check all available records and certify to Council that all rateable land is recorded in the assessment record.

COMMENT

CONSULTATION

Council

STATUTORY ENVIRONMENT

Part 11.5 Imposition of rates and charges

Division 1 General and special rates

155 General rates

- (1) A council must, on or before 31 July in each year, declare rates (general rates) on allotments throughout the area to raise the amount the council intends to raise for general purposes for the financial year.
- (2) The council may, at the same time, raise an amount towards a special purpose.
- (3) The declaration must state:
 - (a) the amount to be raised for general purposes and, if an amount is to be raised for a special purpose, the amount to be raised for the special purpose; and

- (b) the basis or bases of the rates; and
- (c) if the rates are to be payable in instalments – the number of instalments and when they will be payable.

Division 2 Charges

157 Imposition of charges

- (1) If a council carries out work, or provides services, for the benefit of land, or the occupiers of land, within its area, the council may declare a charge on the land.
- (2) A declaration of a charge must:
 - (a) state the amount or basis of the charge; and
 - (b) identify the land to which the charge will apply; and
 - (c) state the purpose of the charge.
- (3) The amount of a charge need not be limited to the cost of providing the service.
- (4) Subject to the following exceptions, the provisions of this Chapter applicable to rates apply with necessary adaptations and modifications to charges imposed under this section.

Exceptions

- 1 A charge may be imposed on land that is not liable to rates (including land that is exempt from rates).
- 2 A charge may have a reasonable basis that differs from rates.

Example

A charge to recover the cost of kerbing might consist of an amount per metre of the frontage of an allotment.

- 3 The provisions for rate concessions do not apply to charges.

Part 11.6 General and particular notice

158 Public notice

- (1) Within 21 days after declaring rates, the council must publish notice of the rates:
 - (a) on its website; and
 - (b) in a newspaper circulating generally in the council's area.
- (2) The notice must:
 - (a) give details of the rates; and

- (b) state the date on which payment of the rates will fall due and, if the council has resolved to allow payment by instalment, the date on which each instalment will fall due for payment; and
 - (c) give details of any discount or other concession or benefit the council has resolved to allow for prompt payment of the rates in full.
- (3) Failure to publish the notice within the time limit fixed by subsection (1) does not invalidate the declaration.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

THAT pursuant to Section 24(1) of the Local Government (Accounting) Regulations, the Chief Executive Officer has certified to Council that, to the best of the CEO's knowledge, information and belief, all rateable land is recorded in the assessment records and that the assessment record is a comprehensive record of all rateable land within the area.

THAT in accordance with Section 155(1) of the *Local Government Act*, the following rates and charges are declared in respect of the financial year ending 30 June 2016:

Rates

Council intends to raise \$374,211 for general purposes by way of rates.

The bases of the rates will be differential valuation-based and differential fixed charges as described below.

In the case of valuation based charges, the assessed value will be the unimproved capital value (UCV) of an allotment. The UCV of a mining tenement is its assessed value, which is 20 times the annual rental payable under the tenement.

Rates will apply per allotment as identified in the assessment record.

Class 1 Allotments (Residential rate)

Rateable allotments which are not rated under any other class and are used for residential purposes

Fixed charge of \$753.17 per allotment

Class 2 Allotments (Commercial rate)

Rateable allotments which are not rated under any other class and are used for commercial purposes

Fixed charge of \$891.25 per allotment

Class 3 Allotments (Conditional rate 1)

Crown leases of pastoral land under the Pastoral Land Act

0.000291 of the UCV or minimum of \$370.43, whichever is greater

Class 4 Allotments (Conditional rate 2)

Mining tenements as defined in the Local Government Act

0.00340 of the UCV or minimum of \$876.71, whichever is greater

Class 5 Allotments (Other rate)

Rateable allotments not described in any other class

Fixed charge of \$753.17 per allotment

Charges

Council intends to raise \$322,393 by charges for garbage collection services and landfill access services.

Council declared the following charges in respect of garbage collection services and waste management.

Garbage Collection Services

A charge for each allotment for which council is willing and able to provide a collection service of a 240 litre bin collected weekly. The standard service is one bin per week but a ratepayer may request additional bins. The fee for additional bins will be the same as the cost of one bin.

Garbage collection service charge for residential allotments = \$599.74 for one 240 litre bins.

Garbage collection service charge for commercial allotments = \$1086.89 multiplied by the number of 240 litre bins.

Landfill Access Service

A charge of each allotment for which council is not able or not willing to provide a garbage collection service. This charge provides access to landfill facilities within the Council boundaries.

Landfill access service charge = \$188.42 for residential allotments.

Landfill access service charge = \$494.03 for commercial allotments.

Relevant interest rate

The relevant interest rate for the late payment of rates and charges is fixed in accordance with Section 162 of the Act at the rate of 17% per annum and is to be calculated on a daily basis.

Moved: Clr.

Seconded: Clr.

6 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (3 WEEK PERIOD)

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 ST July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

In accordance with Section 100(3) of the *Local Government Act*, the Chief Executive Officer (“CEO”) must notify the Mayor as to who will be Acting CEO whilst the CEO is on annual leave.

BACKGROUND

The current CEO was on annual leave for a period of three (3) weeks from Thursday, 2 July 2015 up to and including Monday, 20 July 2015. The CEO returned from annual leave on Tuesday, 21 July 2015.

COMMENT

CONSULTATION

STATUTORY ENVIRONMENT

Part 9.1 Council's CEO

100 CEO

- (1) A council must have a CEO and may have a Deputy CEO.
- (2) If the CEO is absent or unavailable to carry out official duties:
 - (a) the Deputy CEO, if there is a Deputy who is available to act, acts as CEO; and
 - (b) if there is no Deputy CEO, or the Deputy is absent or unavailable to act, a person nominated by the CEO to act in that situation acts as CEO.
- (3) The CEO must notify the principal member of the council of a nomination made by the CEO under subsection (2)(b).
- (4) Appointments to the office of CEO are to be made, as occasion requires, by the council in accordance with the relevant Ministerial guidelines.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.



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VOTING REQUIREMENT

Simple majority

RECOMMENDATION

The unconfirmed Council Minutes of 17 June 2015 be amended to include the Mayor being notified that the CEO was absent on annual leave and that Peter Ryan was Acting CEO during this time period of three (3) weeks.

Moved: **Clr.**

Seconded: **Clr.**

7 DECLARATION OF INTEREST

| | |
|--------------------------|----------------------------|
| Applicant: | Mayor |
| Location/Address: | Wadeye Office |
| Date: | 31 ST July 2015 |
| Author: | Mayor, Harold Wilson |

SUMMARY

In accordance with Section 74 of the *Local Government Act*, as soon as practicable a member becomes aware of a conflict of interest, the member must disclose the interest that gives rise to the conflict. The member is required to complete the Statement of Interests of a Councillor to register the disclosure of the conflict of interest.

BACKGROUND

It was noted in the Finance Committee Meeting held 17 June 2015, a commercial payment was noted in the payments register of \$1,830.34 made to the Peppimenarti Store Association. The Mayor declared the conflict of interest that he is a current standing Chairperson of the Peppimenarti Store Association, being a Council supplier.

COMMENT

CONSULTATION

STATUTORY ENVIRONMENT

74 Disclosure of interest

- (1) As soon as practicable after a member becomes aware of a conflict of interest in a question that has arisen or is about to arise before the council, local authority, local board or council committee, the member must disclose the personal or financial interest that gives rise to the conflict (the relevant interest):
 - (a) at a meeting of the council, local authority, local board or council committee; and
 - (b) to the CEO.
- (2) The CEO must record the disclosure in a register of interests kept for the purpose.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

VOTING REQUIREMENT

Simple majority

RECOMMENDATION

THAT in accordance with Section 74 of the *Local Government Act* the signed Statement of Interest of the Mayor be noted in the minutes and recorded as a Declaration of Interest on the Register of Interest.

Moved: Clr.

Seconded: Clr.

8 LEASE, PARAP OFFICE

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 ST July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

The Council leases Unit 3, 21 Parap Road, Parap being the Darwin Office. The initial term of twelve (12) months expires on 31 August 2015. The Landlord is required by law to offer a combined five (5) year term. Under the current lease the initial term provided for a fourteen (14) month term with a three (3) year, ten (10) month option. This was negotiated prior to signing (July 2014) to allow Council time to assess the office requirements. The Landlord has requested Council reconsider taking the current option as per the signed lease which would provide security of tenure until 31 August 2019.

BACKGROUND

The Council leases Unit 3, 21 Parap Road, Parap for the Darwin Office. The initial term of the lease expires on 31 August 2015. Council had the option to renew the lease until 30 June 2019. Council approved a 12 month extension in the Confirmed Minutes of 20 May 2015. Council approached the Landlord with the proposed extension period of 12 months. Council declined the request of a twelve (12) month extension to the Lease.

COMMENT

The Landlord has advised that given the current state of the commercial market for office space in Darwin the Landlord is unable to accept the requested twelve (12) month extension to lease. The Landlord advised that if this variation was accepted it would constitute a considerable risk of the premises being empty should Council decide to vacate. If the Landlord, was to accept such a variation such a risk would need to be reflected in the rent charged for the premises.

CONSULTATION

Council

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The rental payments have been accounted for in the 2015-16 Annual Budget up to and including the 2018/19 projected expenditure. Please refer to the Regional Plan 2015-2016 Regional Plan.

VOTING REQUIREMENT



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Simple majority

RECOMMENDATION

THAT Council agrees to the extension as required under the Lease for the further term of three (3) years and ten (10) months. The expiry date of the Lease for the premises located at Unit 3/21 Parap Road, Parap Lease will be 31 August 2019.

Moved: Clr.

Seconded: Clr.

9 EXPRESSION OF INTEREST – AUDIT COMMITTEE CHAIRPERSON

| | |
|--------------------------|---------------------------------------|
| Applicant: | Chief Executive Officer |
| Location/Address: | Wadeye Office |
| Date: | 31 ST July 2015 |
| Author: | Chief Executive Officer, Glenda Teede |

SUMMARY

Council is required to appoint an Audit Committee which must have an independent Chair.

BACKGROUND

As previously tabled in the 20th May 2015 Ordinary Council Meeting, the Local Government (Accounting) Regulations require the Council to establish and maintain internal controls to:

- a) safeguard the assets of the council;
- b) ensure the accuracy, completeness and reliability of the accounting data;
- c) promote the operational efficiency of the council;
- d) ensure compliance with relevant laws in force in the Territory; and
- e) ensure adherence to council policies.

As part of the necessary internal control system the Council is required by the Local Government Accounting Regulations to establish and maintain an Audit Committee to monitor compliance by Council with:

- proper standards of financial management; and
- the Accounting Regulations and the Accounting Standards.

COMMENT

To comply with the legislative requirements the Council advertised for an independent Chair. The CEO called for Expressions of Interest for the position of Chair. The Expression of Interest received has been evaluated and is put forth to Council for their consideration.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

LOCAL GOVERNMENT (ACCOUNTING) REGULATIONS - REG 10

Internal controls

- (1) The CEO must establish and maintain internal controls to:
 - (a) safeguard the assets of the council; and
 - (b) ensure the accuracy, completeness and reliability of the accounting data; and

- (c) promote the operational efficiency of the council; and
 - (d) ensure compliance with relevant laws in force in the Territory; and
 - (e) ensure adherence to council policies.
- (2) Without limiting subregulation (1), the CEO must establish and maintain a plan (a fraud protection plan) to detect and prevent fraud from within and outside the council.
- (3) Without limiting subregulation (1), the CEO must establish and maintain an audit committee:
- (a) to monitor:
 - (i) compliance by the council with proper standards of financial management; and
 - (ii) compliance by the council with these regulations and the Accounting Standards; and
 - (b) whose Chairperson must not be a member of council or a member of the council's staff.

POLICY IMPLICATIONS

Not applicable

Terms of Reference

To report and provide advice to the Council (or CEO) as appropriate on:

- The effectiveness of the audit function and the implementation of audit recommendations;
- Compliance with legislative requirements, account standards and Council Policy;
- Operational efficiency;
- The financial statements;
- Changes in accounting and reporting standards;
- Policies relating to conflicts of interest, misconduct and fraud; and
- To provide an independent line of reporting by the Auditor to Council.

Meeting Frequency

Minimum of four times a year.

Membership and Terms of Appointment

Three members comprising:

- Two elected Members for the a term expiring on the day of the next general election.
- An independent chair appointed for a three year term.

In the even of an equality of votes the Chair may exercise a casting vote.

VOTING REQUIREMENT

Simple majority

| |
|-----------------------|
| RECOMMENDATION |
|-----------------------|



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THAT Council accept the Expression of Interest and appoint the suitably qualified Applicant to act as Chair to the Audit Committee for the three (3) year term.

Moved: **Clr.**

Seconded: **Clr.**