



City of
Mount Gambier

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Mount Gambier SA 5290

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I hereby give notice that a Council Meeting will be held on:

Date: Tuesday, 23 January 2024
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Council Meeting
23 January 2024**

**Jane Fetherstonhaugh
Acting Chief Executive Officer
19 January 2024**

**23.2 AUDIT AND RISK COMMITTEE - INDEPENDENT MEMBER APPOINTMENT – REPORT
NO. AR24/1084**

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment.

The Council is satisfied that, pursuant to section 90(3) (a) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning the personal affairs of the expression interest applicants the disclosure of which would be an unreasonable disclosure of personal affairs information.

CONFIDENTIAL

**23.2 AUDIT AND RISK COMMITTEE - INDEPENDENT MEMBER APPOINTMENT – REPORT
NO. AR24/1084**

Committee:	Council
Meeting Date:	23 January 2024
Report No.:	AR24/1084
CM9 Reference:	AF13/64
Author:	Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report recommends the appointment of an independent member of Council's Audit and Risk Committee following the completion of an Expression of Interest (EOI) process.
Strategic Plan Reference:	Goal 1: Our People Goal 2: Our Location Goal 3: Our Diverse Economy Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage Goal 5: Our Commitment

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

REPORT RECOMMENDATION

1. That Council Report No. AR24/1084 titled 'Audit and Risk Committee - Independent Member Appointment' as presented on 23 January 2024 be noted.
2. That Council re-appoint Paul Duka as an independent member of Council's Audit and Risk Committee for a two year period expiring on 15 March 2026.



TYPE OF REPORT

Legislative

BACKGROUND

Council maintains an Audit and Risk Committee in accordance with the Local Government Act Local 1999 (the Act) Section 126 and the Local Government (Financial Management) Regulations 2011 Part 5.

Council's Audit and Risk Committee Terms of Reference (available at www.mountgambier.sa.gov.au) states:

- 4.1 **Membership** - *Members of the Audit & Risk Committee are appointed by Council. The size of the Committee shall be between three (3) and five (5) members (inclusive) consistent with any Regulations and shall consist of:*
 - At least one (1) Councillor;
 - At least two (2) Independent members.
- 4.2 **Appointment to Committee** - *Appointments to the Committee shall be for a period of at least two years, reviewed at a common appointment date every two years. The common appointment date for existing appointees is 31 December. Appointees may be reappointed by Council.*
- 5.1 **Required Skills & Experience** - *Independent Members shall have senior business or financial management/reporting knowledge and expertise, and be conversant with the financial, risk management and governance issues, and have extensive accounting, auditing or legal skills and other reporting requirements of Local Government.*
- 5.2 **Appointment** - *The appointment of external independent members shall be made by Council resolution following public advertisement in the local newspaper and Council website.*
- 5.3 **Tenure** - *Independent members shall be appointed for a term of two years, after which time Council can choose to exercise an option to renew the appointment for another term. Independent members can only serve for two consecutive terms without public advertisement, however, members may re-apply at the end of their term(s) and be re-appointed for further terms through the public advertisement process.*

PROPOSAL

Council advertised for independent members for its Audit and Risk Committee through a request for Expressions of Interest (EOI) process during December 2023 and January 2024. Advertisements were placed through the following media and referred to Council's website:

- [Linkedin.com.au](https://www.linkedin.com.au);
- The South Australian Local Government Finance Managers Group (SALGFMG); and
- Lifestyle 1.

During the advertised period, 5 expressions of interest were received and are attached for Members reference (**Attachment 1 - 5**).

All expressions of interest were considered by a panel including the following members of the Audit and Risk Committee and Council staff on Thursday 11 January 2024:

- **Councillor Paul Jenner** - Council Representative on Audit and Risk Committee;
- **Mayor Lynette Martin** - Ex-Officio Member of the Audit and Risk Committee;
- **Jane Fetherstonhaugh** - General Manager Corporate and Regulatory Services; and
- **Julie Scoggins** - Manager Financial Services.



The candidates were assessed against the following skills/experience:

- Risk Management
- Senior Business Management
- Senior Financial Management
- Accounting/Auditing/Legal Skills
- Local Government Experience
- Financial Reporting
- Internal Controls
- Public Disclosure Act
- Internal Audit
- External Audit
- Review of Strategic Management and Business Plans

After assessment of potential candidates against the selection criteria, Paul Duka was selected as the preferred candidate based on the following factors:

- **Audit and Risk Committee Experience** - Paul is both a member and chair of City of Mount Gambier and other audit and risk committees.
- **Local Government Experience** - Paul has extensive experience of working at senior level in corporate services at a number of SA Councils including the leadership of finance, risk and governance activities.
- **Financial Management/Reporting** - Paul is a qualified accountant with significant experience in strategic finance and statutory accounting.
- **Strategic Management and Business Plans** - Paul has developed and reviewed these key documents in his roles at other SA Councils and experience as an independent member and chair of the City of Mount Gambier Audit and Risk Committee.

LEGAL IMPLICATIONS

Council maintains an Audit and Risk Committee in accordance with the Local Government Act Local 1999 (the Act) Section 126 and the Local Government (Financial Management) Regulations 2011 Part 5.

STRATEGIC PLAN

Nil

COUNCIL POLICY

[B300 Budget Framework Policy](#)

[F225 Fraud, Corruption, Misconduct and Maladministration Prevention](#)

[P415 Prudential Management](#)

[R105 Rating](#)

[T150 Treasury Management Policy](#)

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

N/A



SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment. The recommended candidate has the required skills and experience to provide that advice.

VALUE FOR MONEY

Adequate funding is included in the budget for payment of sitting fees.

RISK IMPLICATIONS

A high functioning Audit and Risk Committee is a valuable resource in Council's overall risk strategy and management.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Nil

IMPLEMENTATION STRATEGY

As the preferred candidate is a current Independent Member and induction will not be required.

CONCLUSION AND RECOMMENDATION

Considering his experience, it is recommended that Paul Duka be reappointed as an independent member of Council's Audit and Risk Committee for a further two year term expiring on 15 March 2026.

ATTACHMENTS

1. Expression of Interest 1 [↓](#)
2. Expression of Interest 2 [↓](#)
3. Expression of Interest 3 [↓](#)
4. Expression of Interest 4 [↓](#)
5. Expression of Interest 5 [↓](#)



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until appointments of the Audit and Risk Committee members have been confirmed.

The attachments to the report be kept confidential and that confidentiality be reviewed annually.

2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 23 JANUARY 2024 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Manager Strategic Projects	- Ms T McPherson
	Manager Development Services	- Mrs T Tzioutziouklaris
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Mrs A Pasquazzi

23 NEW CONFIDENTIAL ITEMS



**23.2 AUDIT AND RISK COMMITTEE - INDEPENDENT MEMBER APPOINTMENT –
REPORT NO. AR24/1084**

RESOLUTION 2024/22

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinac

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

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CARRIED



RESOLUTION 2024/23

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR24/1084 titled 'Audit and Risk Committee - Independent Member Appointment' as presented on 23 January 2024 be noted.
2. That Council re-appoint Paul Duka as an independent member of Council's Audit and Risk Committee for a two year period expiring on 15 March 2026.

CARRIED

RESOLUTION 2024/24

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR24/1084 Audit and Risk Committee - Independent Member Appointment and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until appointments of the Audit and Risk Committee members have been confirmed. The attachments to the report be kept confidential and that confidentiality be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

