



15 August 2023

NOTICE OF MEETING

Dear Committee Member,

The next Audit and Risk Committee meeting will be held at 4.00pm on Tuesday, 22 August 2023 in the Committee Room, 7000 Great Eastern Highway, Mundaring.

The attached agenda is presented for your consideration.

Yours sincerely

Jonathan Throssell
CHIEF EXECUTIVE OFFICER

Please Note

If a Council Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



AGENDA
AUDIT AND RISK COMMITTEE MEETING
22 AUGUST 2023

ATTENTION/DISCLAIMER

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the Shire of Mundaring unless specific delegation of authority has been granted by Council. No person should rely on or act on the basis of any advice or information provided by a Member or Employee, or on the content of any discussion occurring, during the course of the Committee Meeting.

The Shire of Mundaring expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Employee, or the content of any discussion occurring during the course of the Committee Meeting.

CONTENTS

1.0	OPENING PROCEDURES	4
1.1	ANNOUNCEMENT OF VISITORS.....	4
1.2	ATTENDANCE/APOLOGIES	4
2.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	4
3.0	DECLARATION OF INTEREST	4
3.1	DECLARATION OF FINANCIAL INTEREST AND PROXIMITY INTERESTS	4
3.2	DECLARATION OF INTEREST AFFECTING IMPARTIALITY.....	5
4.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5.0	PUBLIC QUESTION TIME	5
6.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	5
7.0	REPORTS OF EMPLOYEES	6
7.1	CERTIFICATION OF COMPLIANCE - CHIEF EXECUTIVE OFFICER RECRUITMENT PROCESS	6
7.2	LATE ADOPTION OF 2023/24 BUDGET.....	11
7.3	AUDIT AND RISK COMMITTEE ACTION ITEMS - STATUS REPORT.....	14
8.0	URGENT BUSINESS (LATE REPORTS)	20
9.0	CLOSING PROCEDURES	20
9.1	DATE, TIME AND PLACE OF THE NEXT MEETING	20
9.2	CLOSURE OF THE MEETING	20

**AUDIT AND RISK COMMITTEE MEETING
COMMITTEE ROOM, 7000 GREAT EASTERN HIGHWAY, MUNDARING – 4.00PM**

1.0 OPENING PROCEDURES

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

1.1 Announcement of Visitors

1.2 Attendance/Apologies

Members	Mr Craig Wilkinson (Presiding Person)	External Member
	Mr Tony Wittcomb	External Member
	Ms Rachael Green	External Member
	Cr James Martin	South Ward
	Cr Paige McNeil	Central Ward
	Cr Doug Jeans	Central Ward
	Cr Karen Beale	West Ward
	Cr John Daw	East Ward
Cr Neridah Zlatnik	East Ward	

Staff	Jonathan Throssell	Chief Executive Officer
	Jeannine Bryant	Acting Director Corporate Services
	Stan Kocian	Manager Finance and Governance
	Liz Nicholls	Governance Coordinator
	Andrea Douglas	Minute Secretary

Apologies	Garry Bird	Director Corporate Services
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Guests

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME

Procedures for asking and responding to questions are determined by the Presiding Person and in accordance with the Shire's Meeting Procedures Local Law 2015. Questions must relate to a function of the Committee.

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held 27 June 2023 be confirmed.

7.0 REPORTS OF EMPLOYEES

7.1 Certification of Compliance - Chief Executive Officer Recruitment Process

File Code	GV.MTG 6.8
Author	Elizabeth Nicholls, Governance Co-ordinator
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

It is recommended that Council certifies the Chief Executive Officer (CEO) recruitment process was conducted in accordance with the Shire's adopted "Model Standards CEO Recruitment, Performance and Termination Policy" in relation to the recruitment of CEOs.

BACKGROUND

In February 2021, changes to the *Local Government Act 1995* (the Act) and the *Local Government (Administration) Regulations 1996* (the Regulations) mandating all local governments to follow a model set of standards when dealing with CEO recruitment, performance management and termination.

Council adopted the Model Standards for CEO Recruitment, Performance and Termination in accordance with section 5.39B(2) of the Act at the Ordinary Council Meeting held 13 April 2021 (C10.04.21)

Regulation 18FB(3) of the Regulations provides that a local government must certify by absolute majority that the process that was followed in relation to the recruitment of the CEO was carried out in accordance with the local government's adopted Standards for CEO Recruitment, Performance and Termination. Regulation 18FB(4) provides that the local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

At the Special Council Meeting held 6 July 2023 (SC2.07.23) having received a selection report for all candidates, including the recommended candidate, Council was satisfied that this candidate was suitably qualified for the position and was satisfied with the provisions of the proposed employment contract.

STATUTORY / LEGAL IMPLICATIONS

The Regulations provide Part 4 Local government employees:

- Regulation 18FA Model Standards for CEO Recruitment, Performance, Termination
- Regulation 18FB Certification of compliance with adopted standards for CEO recruitment

The Model Standards CEO Recruitment, Performance, Termination, Division 2 Standards for Recruitment of CEO:

- Clause 5 Determination of selection criteria and approval of job description (absolute majority)
 - Clause 6 Advertising requirements
 - Clause 8 Establishment of selection panel for employment of CEO
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- Clause 9 Recommendation by selection panel
- Clause 11 Offer of employment in position of CEO (absolute majority)
- Clause 13 Recruitment to be undertaken on expiry of certain CEO contracts
- Clause 14 Confidentiality of information

POLICY IMPLICATIONS

“Model Standards CEO Recruitment, Performance, Termination Policy” relates.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Compliance: Council fails to appoint a Chief Executive Officer in accordance with the <i>Local Government Act 1995</i> and the Shire’s adopted “Standards for CEO Recruitment, Performance and Termination Policy” and does not advise the Department of Local Government of the certification being passed within 14 days of the Council resolution.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That Council certifies the appointment of a Chief Executive Officer in accordance with the <i>Local Government Act 1995</i> and the Shire’s adopted “Standards for CEO Recruitment, Performance and Termination Policy” and advises the Department of Local Government of the certification being passed within 14 days of the Council resolution.		

EXTERNAL CONSULTATION

Mr Peter Casey, Mills Recruitment – External human resources consultant appointed to assist the CEORC in the recruitment process.

Western Australian Local Government Association (WALGA)

Local Government Professionals (WA Branch)

McLeods Lawyers

COMMENT

In accordance with Regulation 18FB(3) at the conclusion of the recruitment process, the Council is required to certify that it has have appointed a person to the position of CEO in accordance with the model standards for recruitment.

Clause 13 of the Model Standards CEO Recruitment, Performance, Termination, Division 2 Standards for Recruitment of CEO is relevant as the incumbent CEO held the position of CEO for a period of 10 or more consecutive years.

This must be done through an absolute majority resolution of the Council. The Shire has complied with the requirements of the Regulations in the performance of its functions and roles in the recruitment process as outlined below:

Recruitment and Selection Standard	Status
<p>Clause 5(1) The local government is to determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.</p> <p>Clause 5(2) The local government has approved, by absolute majority, the Job Description Form which clearly outlines the qualifications, selection criteria and responsibilities of the position.</p>	<p>Job Description Form titled as Position Description (including selection criteria listed as 8. Qualifications and Experience) approved by absolute majority at Ordinary Council Meeting held 13 December 2022 (C24.12.22).</p>
<p>Clause 6(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the <i>Local Government (Administration) Regulations 1996</i> regulation 18A as if the position was vacant.</p>	<p>Advertising for the role of CEO commenced 14 April 2023 and closed on Monday 8 May 2023.</p> <p>State-wide public notice given, including details of:</p> <ul style="list-style-type: none"> • Remuneration and benefits • Place where applications are to be submitted • Date and time of the closing of applications • Duration of the contract • A website where the job description could be accessed • Contact details of a person to provide further information
<p>Clause 8 The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.</p> <p>The selection panel must comprise of council members (the number of which must be determined by the local government); and at least 1 independent person.</p>	<p>The Chief Executive Officer Recruitment Committee (CEORC) was established at the Ordinary Council Meeting held 10 May 2022 (C6.05.22). The CEORC Terms of Reference (Attachment 1) were also adopted at this meeting.</p> <p>In accordance with its Terms of Reference, the CEORC is required to consist of five council members.</p>

	<p>The council members appointed to the CEORC at the same meeting included:</p> <ul style="list-style-type: none"> • Cr Trish Cook • Cr Neridah Zlatnik • Cr Paige McNeil • Cr Amy Collins • Cr James Martin <p>In accordance with its Terms of Reference, the CEORC is to consist of at least one external committee member (independent person). Members appointed to the CEORC at the Ordinary Council Meeting held 13 September 2022 (C17.09.22) :</p> <ul style="list-style-type: none"> • Mrs Prapti Mehta • Mr Anthony Denholm <p>The CEORC has no delegated authority. As such, the CEORC was able to make recommendations to Council (the Selection Panel).</p> <p>Cr Amy Collins resigned from the CEORC effective from 9 May 2023, with Cr Doug Jeans appointed to meet the requirements of the CEORC Terms of Reference (C22.05.23)</p>
<p>Clauses 9(1) and (2) Assess the knowledge, experience, qualifications and skills of all applicants against the selection criteria. The selection panel must provide a summary of the selection panel’s assessment of each applicant. Selection panel’s recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.</p>	<p>A summary assessment matrix was prepared by Mr Peter Casey of Mills Recruitment for consideration by the CEORC at its meeting held 29 June 2023. This was subsequently included in the minutes of this meeting for consideration by Council at the Special Council Meeting held 6 July 2023.</p>
<p>Clause 9(4) The selection panel must act in an impartial and transparent manner; and in accordance with the principles set out in section 5.40 of the Act.</p>	<p>During the Committee’s deliberations and through the interview process, the Committee made assessments based on the adopted criteria (competency requirements).</p>
<p>Clause 9(5) The Panel must have assessed the applicant as having demonstrated that the applicant’s knowledge, experience, qualifications and skills meet the selection criteria; Verified any academic, or other tertiary level, qualifications the applicant claims to hold; Verified the applicant’s</p>	<p>Mr Peter Casey undertook reference checks and verified the work history of the preferred candidate.</p> <p>The recommendation was made following the candidate undergoing the Shire’s selection processes including but not limited to, the candidate’s professional qualifications, career history, skills,</p>

character, work history, skills, performance and any other claims made by the applicant.	knowledge and experience to meet the requirements of the role against the selection criteria, along with undertaking relevant recruitment due diligence checks.
<p>Clause 11 Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve — (a) the making of the offer of employment to the applicant; and (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.</p>	<p>Preferred candidate approved by absolute majority at Special Council Meeting held 6 July 2023 (SC2.07.23).</p> <p>Contract of employment approved by absolute majority at Special Council Meeting held 6 July 2023 (SC3.07.23).</p>

VOTING REQUIREMENT

Absolute Majority - *Local Government (Administration) Regulations 1996* regulation 18FB

RECOMMENDATION

That Council:

1. Certifies, by absolute majority, that the CEO recruitment process was conducted in accordance with the Shire’s “Model Standards CEO Recruitment, Performance, Termination Policy”; and
2. Notifies the Department of Local Government of this certification within 14 days of this resolution.

7.2 Late Adoption of 2023/24 Budget

File Code	FI.BUD 2324
Author	Stan Kocian, Manager Finance and Governance
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

The purpose of this report is to brief committee members on the reason for delay in the adoption of the 2023/24 budget.

BACKGROUND

The implementation of the new Chart of Accounts (CoA) has resulted in delays in preparing the 2023/24 Budget (the Budget). The Corporate Business Plan, Long term Financial Plan and Budget are normally presented to the June Ordinary Council Meeting or a Special Council meeting around this time, although this timeframe has been later in recent years due to the Integrated Planning and Reporting process taking longer.

The new CoA was not available until the first week of July 2023 (the new COA went live 3 July 2023), after which staff were able to start inputting the new budget estimates to form the Budget.

This process took the majority of July as staff became familiar with the new CoA and reporting structure, meaning that finance staff could not commence the preparation of the required budget documents until early August 2023. This process is now underway and requires significant officer time to ensure the new CoA is properly mapped into the budget template documents.

It may still be possible to meet the statutory deadline of 31 August 2023 to adopt the budget; however, as a contingency, the Chief Executive Officer has sought the necessary approval from the Minister for Local Government to adopt the budget after this date (extension granted to 30 September 2023).

This timeframe is dependent on the required finance staff, especially the Manager of Finance and Governance, being available for all of this period. Any absences through illness etc. will result in further delays.

Consideration has been given to engaging additional staff resources to support the finance team through this complex conversion however it is not considered practical due to the training requirements (meaning the same finance staff will not be working on the budget/CoA project).

While adoption of the budget after the statutory deadline is not ideal, the alternative meant delaying implementation on the CoA project for a further 12 months. This was not considered an option as the same issue would exist next year and the benefits of the new CoA are considered too important to delay further. In addition, the significant staff training and momentum that has been generated in implementing the CoA would be eroded and would also need to be repeated.

STATUTORY / LEGAL IMPLICATIONS

Local Government Act 1995 Section 6.2

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adoption of the budget later than the usual timeframe of June/July annually will impact the amount of surplus municipal funds available to be invested. As the budget for these interest earnings is generally conservative, it is unlikely to have any material impact on the 2023/24 Budget.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.8 – Compliance with the Local Government Act 1995 and all relevant legislation and regulations

SUSTAINABILITY IMPLICATIONS

Nil

RISK IMPLICATIONS

Risk: Compliance: The budget is adopted later than the 31 August 2023 statutory deadline imposed by Section 6.2 of the Act.		
Likelihood	Consequence	Rating
Possible	Minor	Low
Action / Strategy		
Write to the Minister for Local Government seeking an extension of time to adopt the budget.		

Risk: Compliance: The budget is adopted in a format that does not meet statutory requirements and contains material errors or omissions as a result of rushing its preparation to meet the statutory deadline of 31 August 2023.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Write to the Minister for Local Government seeking an extension of time to adopt the		

budget to ensure it is prepared in an accurate manner in the format prescribed.

EXTERNAL CONSULTATION

There has been a media campaign undertaken in recent weeks to inform residents of this delay in the adoption of the budget and when they can expect to receive their rates notice.

COMMENT

The delay in adoption of the 2023/24 Budget is a regrettable consequence of the demands on staff resources associated with the CoA project, however staff remain confident that the benefits derived from the new CoA will far outweigh this short term impact.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Committee notes the explanation regarding the delay in the adoption of the 2023/24 Annual Budget.

7.3 Audit and Risk Committee Action Items - Status Report

File Code	GV.MTG 6.1
Author	Stan Kocian, Manager Finance and Governance
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Nil
Attachments	Nil

SUMMARY

An update on the status of Audit and Risk Committee action items is provided for the information of committee members.

BACKGROUND

A number of matters have previously been considered by the Audit and Risk Committee, several of which required follow up actions.

STATUTORY / LEGAL IMPLICATIONS

There are statutory or legal implications for some of the action items listed. Please refer to the minutes of the meeting at which the matter was considered for further information.

POLICY IMPLICATIONS

There are policy implications for some of the action items listed. Please refer to the minutes of the meeting at which the matter was considered for further information.

FINANCIAL IMPLICATIONS

There may be financial implications for some of the action items listed. Please refer to the minutes of the meeting at which the matter was considered for further information.

STRATEGIC IMPLICATIONS

Mundaring Strategic Community Plan 2020 - 2030

Priority 4 - Governance

Objective 4.4 – High standard of governance and accountability

Strategy 4.4.3 – Risks are well managed

SUSTAINABILITY IMPLICATIONS

There are sustainability implications for some of the action items listed. Please refer to the minutes of the meeting at which the matter was considered for further information.

RISK IMPLICATIONS

Risk: That action items from the Committee are not completed and expose Council to the risks being addressed by the item.
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Likelihood	Consequence	Rating
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Possible	Moderate	Moderate
Action / Strategy		
That staff update the Committee regularly on progress towards completing the required actions.		

EXTERNAL CONSULTATION

Nil

COMMENT

The following matters have previously been considered by the Audit and Risk Committee, with follow up actions required.

MEETING REFERENCE	RESPONSIBLE OFFICER	ACTION	STATUS – 10 August 2023
26.5.20 Item 8.3 Auditor General's Report – Contract Extensions and Variations Related 17.05.21 Internal Audit Report Contract Management	Director Corporate Services	Draft Contract Management Policy by 30 June 2021 and Guidelines 30 June 2022.	Contract Management Policy adopted by Council 9 March 2021 (C5.03.21). Guidelines still to be drafted. It is envisaged this task will be undertaken by the new Contract Officer position. The initial recruitment process failed to attract a suitable candidate. The position description was reviewed and a second recruitment process was to be undertaken in July/August 2022. However this did not occur due to priority being given to filling vacancies in the Finance team and recruiting a dedicated project resource for the chart of accounts project. The deadline will be revised once the second recruitment process has been undertaken (March/April 2023) and a successful candidate is appointed to the position. The second recruitment

			process has been completed (early May) and again failed to find a suitable applicant. The requirements for this position are currently being reviewed by ELT.
25.01.2022 Item 8.2 Internal Audit Report - Infringements	Director Statutory Services	An Infringements Procedures Manual will be created and maintained focused on the three stages of the process: <ul style="list-style-type: none"> • Issue of infringements, including authorised employees; • Maintenance and management of infringements; and • Referral to FER. This Manual will be available to all sections of Statutory Services (Rangers, Fire, Health, Planning and Building including Swimming Pools). Due date: 31 December 2022	The manual is still in development including establishing the processes associated with fully utilising the tools available within the Authority infringements software June 2023 Civica have been engaged to undertake the implementation of the infringements software. Revised due date: 30 June 2023. Revised due date #2 – 31 December 2023
25.01.2022 Item 8.2 Internal Audit Report - Infringements	Director Statutory Services	1. A Compliance Register, which will show a more comprehensive picture of the Shire's compliance and enforcement actions, compared to an Infringements Register will be implemented across Statutory Services (Rangers, Fire, Health, Planning and Building including Swimming Pools). This will take the form of a centralised spreadsheet with tabs for each service,	Consultation will be undertaken with another LGA (Town of Cottesloe) in relation to their use of the Authority infringements module to gain the best usage of the system including tracking of, and reporting on, infringements and prosecutions within an infringements register. As the community portal, My Mundaring Online, has now been implemented, further investigation and developments of the

		<p>which will be maintained by a responsible employee from each service. It is proposed that this spreadsheet is used as an interim measure pending implementation of point 2 below; and</p> <p>2. Improvements to the infringement's module in Authority (the Shire's accounting software) will be investigated.</p> <p>Due date: 31 December 2022</p>	<p>portal can now be undertaken with the IT Service.</p> <p>June 2023 Civica have been engaged to undertake the implementation of the infringements software.</p> <p>Revised due date: 30 June 2023. Revised due date #2 – 31 December 2023</p>
25.01.2022 Item 8.2 Internal Audit Report - Infringements	Director Statutory Services	<p>An update to the legislation section of the compliance policy document will be actioned.</p> <p>Due date: 31 December 2022.</p>	<p>This action will be incorporated when the policy is reviewed as part of Shire's review of all policies.</p> <p>Revised due date: The Review of the Infringements Policy is scheduled to commence Quarter 3 2024.</p>
25.01.2022 Item 8.2 Internal Audit Report - Infringements	Director Statutory Services	<p>Infringement Reports - Statutory Services staff will liaise with IT and explore whether improvements can be made to the existing reporting facility in Authority.</p> <p>Due date: 31 December 2022.</p>	<p>June 2023 Civica have been engaged to undertake the implementation of the infringements software</p> <p>Revised due date: 30 June 2023. Revised due date #2 – 31 December 2023</p>
25.01.2022 Item 8.2 Internal Audit Report - Infringements	Director Statutory Services	<p>Timing of the issue of infringements- The timeframe for issuing infringement notices depends on the legislation under which the infringement notice is issued. The various timeframes will form part of the Register that will be implemented.</p>	<p>This action item will be addressed as part of the development of the Infringements Register.</p> <p>June 2023 Civica have been engaged to undertake the implementation of the infringements software</p>

		Age analysis reporting will be considered when exploring improvements to Authority. Due date: 31 December 2022.	Revised due date: 30 June 2023. Revised due date #2 – 31 December 2023
22.02.2022	Director Statutory services	Review the Shire's Business Recovery Plan.	Completed Due Date: 31 March 2022 Revised due date: 30 June 2023.
28.06.2022 Item 8.3 Review of WALGA Contestable Energy Supply.	Director Infrastructure Services	Give further consideration and clarity in a future revision of the Purchasing Policy in regards to the use of the tender exempt procurements for goods or services supplied or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.	The timeline for the review of Purchasing Policy has been scheduled to commence in January 2024 with a scheduled completion date of June 2024.
25 October 2022 Item 8.1 and 7 March 2023 Item 7.1 WHS Management Plan and Action Plan.	Director Corporate Services	Provide regular updates to the Committee on progress of these plans	The WHS Action Plan was presented to the Committee at the 7 March 2023 meeting in conjunction with the WHS Internal Audit findings. Six monthly update have been requested by the Committee as follows; <ul style="list-style-type: none"> • September 2023 • March 2024 • September 2024 • March 2025 • September 2025
28 February 2023 Item 9.1 General Computer Controls – Capability Maturity	Director Corporate Services	Provide an update to the Committee by June 2023 (six monthly update).	Action items contained within the assessment are currently being progressed. Six monthly update

Framework			have been requested by the Committee as follows; <ul style="list-style-type: none"> • June 2023 • January 2024 • June 2024 • January 2025 • June 2025
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VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Committee notes the Action Items Status Report as at 10 August 2023.

8.0 URGENT BUSINESS (LATE REPORTS)

9.0 CLOSING PROCEDURES

9.1 Date, Time and Place of the Next Meeting

9.2 Closure of the Meeting