



BENALLA
RURAL CITY COUNCIL

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**EXPRESSION OF INTEREST
AUDIT and RISK COMMITTEE
Independent Member**

August 2024

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Background

The Benalla Rural City Council has established an Audit and Risk Committee (the Committee) consistent with Section 53 of the *Local Government Act 2020* (the Act).

The committee supports Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention, internal controls, and assurance activities including internal and external audit and compliance with its policies and legal obligations.

It performs its role by monitoring, reviewing, endorsing and advising Council on matters set out in its charter, which is included in this pack

The appointment of a majority of independent members to the committee enables the committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

Two of the four independent member positions on the committee became vacant in December 2020. As a result, expressions of interest are invited from suitably qualified and experienced persons to fill these positions.

Local government

Local government plays a central and indispensable role within our federal system of government and is recognised in the Victorian Constitution as a distinct and independent tier of government. It is the level of government closest to the people and gives people a say in matters affecting their local area.

The Benalla Rural City Council is one of 79 councils in Victoria.

Benalla Rural City Council

The Benalla Rural City Council plans and delivers services to its local community in health, planning and building control, business and economic development, waste and environmental management, and community services.

The Council is made up of two parts: the elected representatives (councillors) and organisation (council staff). The elected council sets the overall direction for the municipality through long-term planning and decision making. It adopts a strategic view of the future it wishes to achieve for its community and makes plans and policies to achieve this.

Council manages significant finances on behalf of the community. It must responsibly manage these finances in order to provide the services and facilities that are needed.

Audit and Risk Committee

The committee consists of up to six members including up to four independent members and two councillors.

The Chief Executive Officer, and the Council's internal auditor (appointed by contract) attend all meetings by invitation of the committee which are held four times a year at a minimum. The Victorian Auditor-General's Office appointed external audit representative attends meetings to present the audit plan and the statutory audits of the financial statements and performance statement. Other members of staff also attend meetings to assist the committee to discharge its responsibilities.

The committee supports Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention, internal controls, and assurance activities including internal and external audit and compliance with its policies and legal obligations.

The committee is directly responsible to Council for discharging its responsibilities as set out in the charter.

It is also the committee's role to report to Council and provide appropriate advice and recommendations on matters relevant to its charter, in order to facilitate decision-making by Council. On occasion the committee may refer matters to Council for decision.

The committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility.

The committee does not have any management functions and is therefore independent of management.

Independent Member Role

Functions and Responsibilities

An independent member of the committee is required to contribute to achievement of the committee's functions and responsibilities, including:

- monitoring and providing advice on risk management systems and controls
- monitoring and providing advice on fraud prevention systems and controls
- overseeing internal and external audit functions
- monitoring the compliance of Council policies and procedures with the overarching governance principles and with the Act and the regulations and any Ministerial directions
- monitoring Council financial and performance reporting
- development and adoption of the committee's annual work program
- contributing to an annual assessment of the committee's performance against the charter
- contributing to the development and adoption of a biannual audit and risk report that describes the activities of the committee, including its findings and recommendations.

Integrity Obligations

Sections 123 and 125 and Division 2 of Part 6 of the *Local Government Act 2020* (the Act) apply to a member of the Audit and Risk Committee who is not a councillor as if the member were a member of a delegated committee.

Misuse of Position

Section 123 requires that a person who is, or has been, a member of the committee must not intentionally misuse their position:

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- to cause, or attempt to cause, detriment to the Council or another person
- For the purposes of section 123, circumstances involving the misuse of a position by a person who is, or has been, a member of the committee include:
 - making improper use of information acquired as a result of the position the person held or holds; or
 - disclosing information that is confidential information; or
 - directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
 - exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
 - using public funds or resources in a manner that is improper or unauthorised; or
 - participating in a decision on a matter in which the person has a conflict of interest

Confidential Information

Section 125 of the Act requires that a member of the committee must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information:

- unless the information that is disclosed is information that the Council has determined should be publicly available; or
- unless the circumstances provided by section 125(3) of the Act apply

Conflict of Interest

The requirements of Division 2 of Part 6 of the Act regarding conflicts of interest apply to a member of the committee.

In general terms, a member of the committee who has a conflict of interest in respect of a matter must:

- disclose the conflict of interest in the manner required by Council's Governance Rules
- exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter at any meeting, and any action in relation to the matter.

Eligibility

To be considered for the role the following mandatory requirements must be met. The applicant must not:

- be a member of Benalla Rural City Council staff
- be an elected member of the Benalla Rural City Council
- have any convictions for any indictable offences
- have any convictions for fraud
- have been disqualified from acting as a director of a company or from managing a company
- be facing court proceedings for any criminal proceedings, including bankruptcy.

Selection Criteria

The independent members of the committee must collectively have expertise in financial management and risk and experience in public sector management. The selection of the successful applicant will aim for this collective outcome through consideration of the following selection criteria:

- a relevant degree qualification
- expertise in financial management
- expertise in risk management and fraud prevention
- experience in public sector management
- experience related to internal and external audit functions
- strong interpersonal and communication skills.

Term of Appointment

Council is offering an initial term of appointment of three years. An independent member may be appointed for up to two consecutive terms.

Meetings

The committee meets four times per year at a minimum. Additional meetings may be scheduled as required.

Historically, meetings run for up to two hours from 5pm on the third Tuesday of the month.

Remuneration

The annual remuneration allowance for independent members is set by the Council. The current per meeting fee is \$400 for members and \$500 for the chairperson.

Expression of Interest Process

Requirements

Applicants should provide the following information as part of their expression of interest:

- a cover letter
- a submission addressing the eligibility requirements and selection criteria
- resume
- two professional referees with their contact details.

Please note that while applicants are not required to provide evidence of qualifications with the application, they may be requested by Council to do so to be successfully appointed.

Expressions of interest must be received by the closing time, as late applications will not be accepted.

Submission

Hardcopy

Postal address:

Details

Mr Dom Testoni
Chief Executive Officer
Benalla Rural City Council
PO Box 227
BENALLA VIC 3671

Electronic:

Email address:

Details

council@benalla.vic.gov.au

Information to be in the title of the email:

“Confidential Application – Independent Member Audit and Risk Committee”

Closing Date and Time

5pm Tuesday 8 October 2024.

Timeline

This timeline provides applicants with an indicative timing for the consideration of expressions of interest. As the schedule is indicative only, it may be changed by Council at any time.

Key EOI activities:

- Benalla Ensign advertisement
- Closes 5pm Tuesday 8 October 2024
- EOIs reviewed and short-listed applicants invited for interviews
- Interviews conducted with short-listed applicants
- Council resolution to appoint a new independent member/s
- Successful applicant notified and terms agreed and executed
- Unsuccessful applicants notified in writing
- New independent member on boarding and induction
- New independent member attends the Audit and Risk Committee meeting

Withdrawal of an Expression of Interest

An applicant may withdraw a previously submitted expression of interest, by notifying Council in writing. Council will cease to consider the expression of interest upon receipt of the written notification.

Privacy

All expressions of interest will be treated as confidential by Council. Council will not disclose the information contained in the application, except as required by law.

No Legally Binding Contract

Being shortlisted does not give rise to a contract (express or implied) between any short-listed applicant and Council. No legal relationship will exist between the Council and an applicant until both parties execute a formal agreement.

Contact person

Questions or inquiries relating to the application process may only be directed to the following contact person:

Item	Detail
Name:	Robert Barber
Position:	General Manager Corporate
Telephone:	(03) 5760 2641



BENALLA

RURAL CITY COUNCIL

Benalla Rural City Council
February 2021

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