

EOI 6/2024

Appointment as an Independent Member of Audit, Risk and Improvement Committee

Expression of Interest (EOI)



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SECTION 1: PRELIMINARY

1.1 Introduction

The Audit, Risk and Improvement Committee (ARIC) provides assurance and assistance to the Councils on risk management, control, governance, improvement and external accountability responsibilities as detailed in the Local Government Act (s428A).

Blayney Shire Council, Central Tablelands Water and Central Tablelands Weeds Authority (Councils) each have established an ARIC. The Councils have an established ARIC that currently comprise two (2) independent members (including the Chairperson) and a Councillor.

The Councils are in the process of adopting the Model Terms of Reference for Audit Risk and Improvement Committees as part of their transition to the Office of Local Government Risk Management and Internal Audit for Local Government in NSW Guidelines (Guidelines) by 1 July 2024.

For ease of access for Independent Members, meetings of each ARIC have been held on the same day in Blayney / other location or by video conferencing as agreed. Meetings in the past were held at the following times:

9.00am	Blayney Shire Council
11.00am	Central Tablelands Water
1.30pm	Central Tablelands Weeds Authority

Please note that times may be subject to change with the new guidelines.

1.2 Intention of Expressions of Interest (EOI)

The Councils intend to appoint the same person as the 3rd independent member of their ARICs. They are therefore seeking, through this joint process, expressions of interest from independent external applicants to become a member of the ARICs.

1.3 Disclaimer

This document does not constitute an offer but is issued only to gain expressions of interest.

Nothing in this Expression of Interest shall be construed as to give rise to any contractual obligation, express or implied, on any Council or an interested party (EOI applicant).

1.4 Canvassing of Councillors or Staff

EOI applicants are not permitted to canvass councillors or staff of Councils party to this EOI. Contact should be made in regard to this EOI to the Contact Person.

SECTION 2: CONDITIONS OF APPLICATION

2.1 Definitions and Interpretations

Applicant	The individual responsible for the EOI submission.
ARIC	Committees of each respective Council known as the Audit, Risk and Improvement Committee.
Councils	Refers to Blayney Shire Council, Central Tablelands County Council trading as Central Tablelands Water and Upper Macquarie County Council trading as Central Tablelands Weeds Authority or their respective appointed representatives.
EOI	Expression of Interest.

2.2 Compliance with Conditions

Applicants must ensure that the EOI submission is complete and contains legible, clear and concise responses to all EOI requirements. Councils may not consider submissions which fail to provide complete information as requested in this documentation.

Councils party to this EOI reserve the right to reject applications and their decision will be final.

Further information may be called from applicants, including a request for references. By lodging an application, the applicant is deemed to consent to Councils conducting enquiries and/or reference checking on the applicant and the Councils reserve the right to decline the application if they deem that the reference checking is unacceptable.

2.3 EOI Contact Person

All enquiries should be made to Anton Franze, Director Corporate Services, Blayney Shire Council on telephone (02) 6368 2104 or email afranze@blayney.nsw.gov.au

Please note: All interested parties who wish to ask a question in relation to this EOI are requested to lodge such questions in writing to ensure other interested parties can access questions and subsequent Council responses.

2.4 EOI Lodgement

EOI's may be submitted electronically or in hardcopy.

(a) Electronic lodgement

Electronic lodgement is to be made as follows:

Email: tenders@blayney.nsw.gov.au

(b) Hardcopy – in person or by mail

Applications may also be made in hardcopy form either by post or direct lodgement in the Tender Box at the Blayney Shire Council Office located at 91 Adelaide Street, Blayney. These should be lodged in a sealed envelope, marked “**EOI 6/2024 – Appointment as an Independent Member of ARIC.**”

Postal address:

EOI 6/2024 – Appointment of an Independent Member of ARIC
PO Box 62,
BLAYNEY NSW 2799.

2.5 EOI Closing Date

Expressions of Interest shall be received by 4.00pm on Thursday 30 May 2024. Late submissions will not be accepted.

2.6 EOI preparation, confidentiality, ownership and copyright

The applicant is responsible for all costs incurred in the preparation and lodgement of their EOI, responding to any questions from Councils, clarifying matters relevant to the EOI and otherwise in relation to their participation in the EOI process.

All EOI documents become the property of the Councils when lodged. This does not affect any intellectual property rights which may exist in an EOI application.

In submitting the EOI, each applicant licences Councils to exercise any copyright in the documents forming part of the EOI and copy, adapt, modify and disclose all such material for the purposes of evaluation of the EOI and/or negotiating any resulting agreement with the applicant. All EOI's must clearly indicate any information in their response that they regard as 'commercial in confidence', which may be withheld from public disclosure.

SECTION 3: EOI SCOPE AND APPLICATION CRITERIA

3.1 Scope and Requirements

Councils will appoint 1 independent member to each ARIC.

The objective of each Committee is to provide independent assurance and assistance to the Councils on risk management, internal control, governance and external accountability responsibilities as detailed in the Local Government Act (s428A).

The Committees have no executive powers, except those expressly provided by the Council. In carrying out its responsibilities, each Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993, as amended*.

The responsibilities of each Committee may be revised or expanded by the Councils from time to time. Each Committee's roles and responsibilities are similar and are guided by the Terms of Reference for each council.

The appointment of external members to the ARIC will be undertaken in accordance with the Guidelines.

Under the Guidelines, the ARIC continually reviews and provides independent advice to the General Manager and Council on how it is functioning and managing risk.

3.2 Expectations of Committee Members

Members of each Committee are expected to understand and observe the requirements of the Guidelines and are also expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Council
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgement
- Express opinions, frankly, ask questions that go to the fundamental core of issues and pursue independent lines of enquiry.
- Make themselves available as required to attend and participate in meetings.
- Contribute the time needed to review information provided to it.
- Act in the best interests of Councils.
- Maintain effective working relationships with the Council.
- Maintain confidentiality in relation to all discussions and information obtained during or as a result of meetings.
- Acknowledge and comply with the Code of Conduct of each Council.

Each Committee will meet at least four times per year, with one of these meetings to include review of the annual audited financial reports and external audit opinion.

3.3 Eligibility

A person is **ineligible** to be an independent member of Council's ARIC if they are:

- a. a person who has a conviction for an indictable offence that is not an expired conviction,
- b. currently a councillor of any NSW council,
- c. a non-voting representative of the board of a joint organization,
- d. a candidate at the last election of the council,
- e. a person who has held office in the council during its previous term,
- f. currently employed by the council or a joint organisation, or been employed during the last 12 months,
- g. a contractor who conducts audits of the council on behalf of the Audit Office of NSW,
- h. a person who has a close personal or business relationship with a councillor or a person who has a senior role in the council that may lead to a real or perceived conflict of interest,
- i. currently, or within the last three years, a provider of any material goods or services (including consultancy, legal, internal audit and advisory services) to the council which directly affect subjects or issues considered by the audit, risk and improvement committee,
- j. a person (or has a close family member) who is a substantial shareholder, owner, officer or employee of a company that has a material business, contractual relationship, direct financial interest or material indirect financial interest with the council or a related entity which could be considered a real or perceived conflict of interest, or
- k. currently or have previously acted as an advocate of a material interest on behalf of the council or a related entity which could be considered a real or perceived conflict of interest.

3.4 Selection Criteria

To be eligible to be an independent community member of each ARIC, a person must, at a minimum, meet the following requirements:

- a. an understanding of the duties and responsibilities of the ARIC and the position as outlined in the ARIC Terms of Reference.
- b. knowledge and experience in the following:
 - i. local government;
 - ii. financial reporting;
 - iii. auditing requirements
 - iv. risk management governance
- c. the ability to communicate effectively and work in partnership with other people (including, but not limited to, Councillors and officers of Council)
- d. possess strong communication skills
- e. the ability to provide flexibility and availability of time to attend meetings and undertake duties and responsibilities as a member of the ARIC;
- f. high levels of personal integrity and ethics
- g. satisfactory levels of financial literacy.

Applicants with accounting; financial; legal compliance and/or risk management experience or qualifications would be highly desired.

3.5 Allowance

The Independent member of the ARIC will receive an allowance in the amount of \$557 per meeting per Council. Travel costs shall also be reimbursed using the ATO cents per kilometre method. For ease of administration all invoices shall be invoiced to Blayney Shire Council who will apportion charges across the participating Councils.

The meeting allowance shall be indexed on an annual basis in accordance with the Local Government Remuneration Tribunal indexation determination.

3.6 Superannuation

Noting that the Australian Taxation Office (ATO) is the regulatory authority regarding the payment of superannuation, the participating Councils are party to the Local Government NSW request for a class ruling regarding the eligibility of ARIC members who offer services in respect of membership to be paid superannuation on invoiced fees paid to them. This request for a ruling is currently being drafted and it is not known at this time when the ATO will make a determination with respect to the matter. The participating Councils will act in accordance with the ruling issued by the ATO.

3.7 Submission Inclusions

The applicant must submit the following information:

- Completed EOI Application Form (Appendix C);
- Written statement confirming your eligibility and addressing each of the Selection Criteria in paragraph 3.4; and
- Current curriculum vitae.

APPENDIX A - COUNCIL CODES OF CONDUCT AND ARIC TERMS OF REFERENCE

The Code of Conduct for each respective Council may be obtained from respective websites:

Blayney Shire Council:

<https://www.blayney.nsw.gov.au/ArticleDocuments/184/01E%20Code%20of%20conduct%20for%20council%20committee%20members%20delegates%20of%20council%20and%20council%20advisers%2027062022.pdf.aspx>

Central Tablelands Water:

<https://www.ctw.nsw.gov.au/wp-content/uploads/2022/02/CTW-PR002-Model-Code-of-Conduct-Policy-2020.pdf>

Central Tablelands Weeds Authority:

https://ctwa.nsw.gov.au/wp-content/uploads/2023/03/2019_Code_of_Conduct_for_Local_Councils_in_NSW_.pdf

The ARIC Terms of Reference for each respective Council are as follows.

Blayney Shire Council:

Blayney Shire Council has endorsed the Terms of Reference for its ARIC, based on the model document, and is currently on public exhibition. The purpose of its exhibition is to provide the opportunity for all Councils using this panel of independent members to finalise and harmonise their documents for ease of administration going forward.

<https://www.blayney.nsw.gov.au/ArticleDocuments/262/Draft%20Terms%20of%20Reference%20for%20ARIC%20April%20Council%20meeting.pdf.aspx>

Central Tablelands Water:

Central Tablelands Water is in the process of drafting its ARIC Terms of Reference. It will follow the model document with minor variations.

Central Tablelands Weeds Authority:

Central Tablelands Water Weeds Authority is in the process of drafting its ARIC Terms of Reference. It will follow the model document with minor variations.

APPENDIX B - EOI APPLICATION FORM

File reference: CM.TE.8

EOI 6/2024 – Appointment as Independent Member of ARIC

1. Applicant details

Name: _____

Address: _____

Business contact number _____

Email address _____

2. Applicant profile

(including an applicant’s current employment and positions in any organisations)

Please provide three (3) referees incl. name, organisation, position and phone number.

Note: referees may be approached for information when assessing the application.

a. _____

b. _____

c. _____

3. Conflicts of interests, affiliations and associations

Will any actual or potential conflict of interest in the performance of your obligations exist, or are any such conflicts of interest likely to arise during your appointment? Yes No

If Yes, please supply in an attachment details of any actual or potential conflict of interest and the way in which any conflict will be dealt with.

Affiliations with Councillor(s) and staff of Councils

All affiliations or associations with Councillor(s) or staff of Councils which may lead to a reasonable person to believe that you may not be able to deal with your matters in an impartial manner must be declared. This includes all affiliations or associations with a Councillor(s) or member(s) of staff where you have:

- a friendship, personal or family relationship
- a shared membership in a club, political party or organisation
- business dealings with a Councillor(s) or member(s) of staff outside their official council role; or
- provided a gift, benefit, loan, payment or hospitality.

I declare I have no affiliations or associations with any Councillor or member of Council staff

I declare I have affiliations or associations with Councillor(s) and/or council staff which involve:

Name of Councillor, Staff or Group	Nature of affiliation or association
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Note: If you require more space, please supply details in an additional attachment.

Lobbying

I declare I that I am not a registered lobbyist on any Commonwealth and/or State Government Register of Lobbyists or any equivalent register.

I declare I am a registered lobbyist on a Commonwealth and/or State Government Register of Lobbyists or any equivalent register.

Lobbying target (e.g. level of government)	Nature and description of lobbying
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Note: If you require more space, please supply details in an additional attachment.

Dealings and/or affiliations in the LGA of Councils

Council also requires that all applicants must declare all affiliations or associations within the Local Government Area (LGA) of Councils and any dealings with Councils within the last two years. This includes, but is not limited to, all affiliation/s or association/s such as:

- membership or positions in a local club, political party or organisation located in and/or operating within in the LGA of Councils and/or that has dealings with Councils; and
- property and/or business interests in the LGA of Councils.

I declare I have no dealings or affiliations within the Local Government Area of Councils.

I declare I have dealings or affiliations within the Local Government Area of Councils.

Description of any dealing, affiliation or association

Note: If you require more space, please supply details in an additional attachment.

Related Party Transactions (AASB 124)

Council also requires that all applicants must declare transactions any that they or any related party may have with Councils.

Are you aware of any Related Party transactions that you or any related party may have with Councils? Yes No

Description of any Related Party Transactions

Note: If you require more space, please supply details in an additional attachment

4. Code of Conduct

Independent Members of the ARIC must comply with the applicable provisions of Council Codes of Conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code of Conduct is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

I declare I have read and understand each Council's Code of Conduct.

5. Declaration

By signing below, I certify that the above declaration and details below are accurate at the time of signing. Declaration is made in accordance with Section 665 (1) of the Local Government Act which states that a person who, in or in connection with an application under this Act, makes any statement that the person knows to be false or misleading in material is guilty of an offence. I acknowledge that information provided to the Council in this form may be accessible to the public via information access requests or included in a published Council report.

Name of person/s making this declaration

Address of person

Signature

Date

Witness (name)

Witness Signature

Date