

## 6.2.2 Progress Report – Audit of Expenses Matter

**Responsible GM:** Carol Jeffs  
**Author:** Andrew Pomeroy

### Recommendation(s)

That Council:

- Note the progress made in the audit of Cr Ross expenses as set out in the Council resolutions of 17 August 2020 and 21 September 2020
- Consider the final report in relation to the audit of Cr Ross' expenses at the December 2020 Ordinary Council meeting.

### Attachments

Nil

### Executive Summary

The process of auditing aspects of Cr Collin Ross expense claims has progressed in accordance with Council resolutions of 17 August 2020 and 21 September 2020

Justitia lawyers have been engaged to conduct the Audit of Cr Collin Ross Expense claims and prepared a report for the Council which was presented at the September 2020 Ordinary Council meeting. Cr Ross provided a response to this report within the 14 day timeframe specified.

The finalisation of this report for Council (updating on progress of the matter) has been delayed due to further clarification being sought on matters of detail and extensions of time being granted in the provision of that detail, due to challenges with Cr Ross not having access to information across the election period. The extension of time was granted in order to ensure due process was afforded to Cr Ross.

This report updates Council on the process undertaken since the 21 September 2020 Ordinary Council meeting, providing assurance that due process has been followed and a thorough audit process has been conducted.

A final report will be presented to the December 2020 Ordinary Council meeting for Council's consideration.

### Background

At the Ordinary Council Meeting held Monday 17 August 2020, Council resolved as follows, as a result of Notice of Motion 1054 - by Cr Leticia Wilmot:

*Following the recent publication of the Councillor expenses report and regarding Cr Ross' positions on both the VLGA Board and the Metropolitan Waste and Resource Recovery Group (MWRRG) Board I request:*

- 1. That the CEO Ms Jeffs, be given the authorisation to contact the CEO of both organisations to gain answers to the following questions and others that she deems necessary.*

- a. How much are Board members paid?*
- b. What is the purpose of these payments?*
- c. Is Cr Ross involved with any sub-committees for the organisation?*
- d. How long has Cr Ross been a member of the Board and a member of any other committee's associated with the organisation?*
- e. How many meetings has Cr Ross attended and been paid for as a Board or committee member?*
- f. What dates were these meetings held?*

*2. The dates and information gathered is to be cross referenced to the Travel Expense and Out-of-pocket Expense claims Cr Ross has been reimbursed for by council.*

*3. A full audit of the kilometres listed for each trip claimed by Cr Ross is conducted using Google Maps as a reference.*

*4. A report with all the findings is presented to the September General Meeting. This report should include a recommendation as to any further actions the council may be required to take.*

Justitia Lawyers were engaged to conduct a review and audit of expense claims made by Councillor Collin Ross. The audit involved a desktop review of Travel Expense claim forms, and Out-of-pocket Expense claim forms lodged by Cr Ross with Council for attendance at meetings relating to the Victorian Local Governance Association (VLGA) and Metropolitan Waste and Resource Recovery Group (MWRRG).

In accordance with the Council resolution, a report was presented at the 21 September 2020 Ordinary Council Meeting. Council resolved as follows:

That Council:

- 1. Note that the independent audit by Justitia Lawyers into Councillor Collin Ross' expenses (Justitia Report) has been completed in accordance with the Council Resolution resulting from Notice of Motion 1055 from the 17 August 2020 Council Meeting. (Attachment 1)*
- 2. Note Cr Collin Ross' response to the Justitia Report (Attachment 2)*
- 3. Provide Cr Collin Ross with 14 days within which to provide a further response.*
- 4. Authorise the CEO to liaise with Justitia Lawyers, Cr Ross and Council's legal advisors to ensure that due process is followed in progressing the audit and its conclusions, and that the CEO report on that progress at the November General Council Meeting.*

Councillor Ross provided a response on 5 October 2020, within the 14 day timeframe specified in the council resolution. Following this response, there were some questions of clarification that Justitia Lawyers required from Cr Ross, the Victorian Local Government Association and the Metropolitan Waste and Resource Recovery Group in order to finalise the audit report for the Council. These exchanges occurred in a timely manner and have ensured that due process has occurred in accordance with the Council resolution.

The process that has ensued since the 21 September Ordinary Council meeting has been timely, thorough and has ensured procedural fairness for Cr Ross. During this time, the Council was subject to election (caretaker) provisions, a council election took place and there was a period of time post election date, prior to the declaration of elected councillors and a further

period of time before councillors were sworn in and provided access to equipment and Council systems.

Through the post-election period, Cr Ross advised the CEO that it was difficult for him to provide information to Justitia Lawyers in relation to some clarifying questions as access to his Council equipment and systems had been disabled through this post-election period. Extensions of time were granted to enable Cr Ross to provide information.

It is proposed that the final report now be presented at the December 2020 Ordinary Council meeting and that this report will include the initial Justitia Report tabled at the September Council Meeting together with the response provided 14 days later by Cr Ross. This will also be presented with the final Justitia report and Cr Ross will be provided with an opportunity to submit a final response on this report once finalised, as was the case at the September 2020 Ordinary Council meeting.

This process has been undertaken in accordance with Council's legal advisers to ensure that due process has been followed. Due to the extensions of time afforded to Cr Ross and the opportunity to provide a written response that will form a part of the December report to Council, the Council can be assured that principles of procedural fairness have been more than adequately met in the handling of this matter.

### **Policy Implications**

It is currently unknown if there are any policy implications as a result of this report.

### **Relevance to Council Plan**

#### **5.2 Our Governance - Open governance**

5.2.2 Govern and make decisions in the best interests of the Cardinia Shire community.

### **Climate Emergency Consideration**

Nil.

### **Consultation/Communication**

Justitia Lawyers and Council Officers have communicated and consulted with Cr Ross and his legal representatives during the preparation of this report.

### **Financial and Resource Implications**

The cost involved in obtaining the independent report was covered within Council's adopted budget.

### **Conclusion**

This report provides an update to Council on the progress of the matter of an audit of Cr Ross' expense claims. A thorough and fair process has been conducted to ensure that the previous Council resolutions have been acted upon and that procedural fairness has been afforded to Cr Ross.

Cr Ross did respond within the 14 day timeframe specified, however further clarifying questions and challenges associated with the election period resulted in the granting extensions of time.

A final report will be presented at the December 2020 Ordinary Council Meeting.