

EMNAMBITHI/ LADYSMITH
MUNICIPALITY
INTERNAL AUDIT SECTION



INTERNAL AUDIT CHARTER

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1. INTRODUCTION

This charter provides guidance to the Internal Audit Unit of the ***Emnambithi/Ladysmith Municipality*** regarding the key functions it needs to consider as part of its operations.

The Internal Audit Unit should have regard to the statements and standards issued by the Institute of Internal Auditors and also to any requirements regarding internal audit set out in relevant statutes or regulations. Furthermore, the Internal Audit Unit should also have regard to the recommendations contained in the King Report on Corporate Governance for South Africa 2009 (King III) and National Treasury Circular 65.

2. LEGISLATION GOVERNING INTERNAL AUDIT

The Internal Audit Function is governed in terms of section 165 of the Municipal Finance Management Act No. 56 of 2003 (as amended) (MFMA) and by the Municipal Systems Act, No. 32 of 2000 (MSA) which provides for the establishment of the Internal Audit Unit so as to regulate the function and to provide for matters incidental thereto.

3. ACCOUNTABILITY OF THE INTERNAL AUDIT UNIT

The Internal Audit Unit is accountable for the annual audit plan and functionally reports directly to the Audit Committee and administratively to the Accounting Officer.

4. OBJECTIVES AND SCOPE OF THE INTERNAL AUDIT WORK

Internal Audit is an independent, objective, assurance and consulting activity designed to add value and improve organization's operations. It helps an organization to accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

5. INTERNAL RESPONSIBILITY WITH REGARD TO FRAUD AND CORRUPTION

As contemplated by section 165 of the MFMA, Act 56 of 2003 and also section 6 sub-section 2 (c), sections 40, 45 and 55 of Municipal Systems Act, Act No. 32 of 2000.

- Internal Audit Unit shall exercise due professional care in performing its activities.
- Internal Audit Unit shall consider all possibilities of material irregularities or non-compliance when conducting its activities.
- When an internal auditor or Municipal official suspects wrongdoing he or she shall report to the Manager: Internal Audit who shall in turn report to the Audit Committee immediately and to the Municipal Manager and investigate in terms of the procedures outlined in the Fraud Prevention Policy.
- In addition to understanding control systems, internal auditors should be aware of the kind of fraud that could be perpetrated in the organisation.
- Deterrence of fraud is the responsibility of management; however, Internal Audit Unit is responsible for examination and evaluating the adequacy and effectiveness of actions taken by management to fulfil this obligation.
- Internal auditors should have sufficient knowledge of fraud risk to be able to identify indicators that fraud might have been committed.
- Internal Audit Unit is responsible for investigations.

6. RESPONSIBILITY TO THE MUNICIPAL MANAGER

Internal Audit Unit is responsible to the Municipal Manager to ensure that they give assurance as to the adequacy and effectiveness of the controls employed in the Municipality.

7. POWERS AND DUTIES OF THE INTERNAL AUDIT UNIT

The roles and responsibilities of the Internal Audit unit is set out in Section 165 of the Municipal Finance Management Act, Act No. 56 of 2003 as follows:-

The Internal Audit Unit must -

- (a) Prepare on an annual basis a risk-based audit plan and an internal audit programme for each financial year;

- (b) Advise the accounting officer and report to the Audit Committee on the implementation of the internal audit plan and matters relating to:
 - (i) Internal audit
 - (ii) Internal controls
 - (iii) Accounting procedures and practices
 - (iv) Performance management
 - (v) Risk and risk management
 - (vi) Loss control
 - (vii) Compliance with MFMA, Division of Revenue Act (DORA) and any other applicable legislation.
 - (viii) Safeguarding of assets.
 - (ix) Appraisal of the economy and efficiency with which resources are employed.
- (c) Perform other such duties as may be assigned to it by the accounting officer;

In addition to the above requirements, the Internal Audit Unit will undertake to:

- (d) Follow-up on recommendations of the Internal and External audit reports to ensure that these are adequately implemented and effective corrective measures taken;
- (e) Report to the Audit Committee the results of all audits, investigations or other projects undertaken by the unit, and the status of its completed work assessed against the approved annual audit plan;
- (f) Prepare an Internal Audit Charter approved by the Audit Committee and reviewed annually;
- (g) The internal audit function may be outsourced if the municipality requires assistance to develop its capacity and the council has determined that this is feasible or cost-effective;
- (h) The Internal Audit Unit shall have access to all Municipal records and any information in the custody and control of any person employed by the Council, which is necessary for the effective performance of its duties:
 - (a) examine and evaluate the business processes and related control systems of the Council and assist

management in assessing risks

(b) investigate any matter -

(i) it deems necessary;

(ii) referred to it in writing by Municipal Manager, Senior Managers, Members of EXCO, Council, Community, Public and staff, in terms of the procedures outlined in the Fraud Prevention Policy.

(j) The Internal Audit Unit does not have any authority or responsibility for implementation of activities of the municipality that it audits i.e.

- The unit will not perform any line function tasks;
- The unit will not initiate or approve accounting transactions external to the internal auditing directorate;
- The unit will not direct the activities of any department employee not employed by the internal audit, except to the extent that such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors;
- The unit will not directly participate in the design, development and implementation of new financial or other systems or policy within the Province other than in advisory and consulting capacity;

The Internal Audit Unit will, however, review the new systems or policy and comment or advice on the adequacy of the control measures and the efficiency of the said systems and policy before they are implemented to enhance pro-activeness.

(j) Undertake quarterly audits of the Performance Management System in terms of sub regulation (1) (c) (ii) of the Municipal Planning and Performance Management Regulations (2001);

(k) Respond to the Council on any issues raised by the Auditor-General in the audit report;

(l) Provide written assessments of the effectiveness of internal financial controls and internal controls and risk management to the Audit Committee and council respectively;

8. FUNDAMENTAL PRINCIPLES GOVERNING THE INTERNAL AUDIT UNIT

The Internal Audit Unit is guided by the principles as laid down in the following paragraphs. These principles are designed to ensure that the unit demonstrates a high degree of independence, objectivity, professionalism and skills as reasonably expected from a body of this stature.

The essentials for effective internal auditing are:

8.1 Independence

The Internal Audit Unit has the independence in terms of organizational status and personal objectivity which permits the proper performance of its duties.

Independence is achieved through the organizational status of the Internal Audit Unit and the objectivity of internal auditors.

The Internal Audit Unit should determine its priorities in terms of the municipality's strategic and operational risk profile, in consultation with management. Accordingly the Internal Audit Unit has direct access to, and freedom to report to all senior management including the audit committee and Council.

Each internal auditor has an objective attitude of mind and should be in a sufficiently independent position to be able to exercise judgment, express opinions and present recommendations with impartiality:

- The Internal Audit Unit, notwithstanding its employment by the Council, should be free from any conflict of interest arising either from professional or personal relationships or other interests in the Council or activity which it subjects to audit.
- The Internal Audit Unit should be free from undue influences which either restrict or modify the scope or conduct of its work or over-rule or significantly affect judgment as to the content of the internal audit report.
- The Internal Audit Unit should not allow its objectivity to be impaired when auditing an activity for which it has authority or responsibility.
- The Internal Audit Unit should be consulted about significant proposed changes in the internal control system and the implementation of new systems and should make

recommendations on the standards of control to be applied. This need not prejudice the Internal Audit Unit's objectivity in subsequently reviewing those systems.

Where any of the situations referred to above arise, this must be clearly declared by the Internal Audit Unit so that consideration can be given to the need for alternative arrangements for the audit assignment.

8.2 Staff and Training

The Internal Audit Unit should be appropriately staffed in terms of numbers, grades, qualifications and experience, having regard to its responsibilities and objectives.

The effectiveness of the Internal Audit Unit depends substantially on the quality, training and experience of its staff. Staff should be appointed with the appropriate background, personal qualities and potential. Steps should be taken to provide the necessary experience, training and continuing professional education.

The Manager Internal Audit should participate in the recruitment and selection of his/her staff.

Any staff transferred into the internal audit function from other departments should not review any aspects of their previous department's work until a reasonable interval of time has passed.

The Manager Internal Audit has a responsibility to ensure that the internal audit staff receives the necessary training for the performance of the full range of duties, considering the following:

- internal audit objectives and priorities;
- the type of internal audit work;
- previous training, experience and qualifications; and

The internal auditor should keep abreast of current developments, improvements, new techniques and practices in auditing field.

The internal auditor should maintain technical competence through professional development which includes:

- private reading and study
- participation in professional activities such as attending meetings, courses and conferences
- membership of the Institute of Internal Auditors

- The Manager Internal Audit should co-ordinate, and keep under review, the training requirements of internal auditors. He/she will be responsible for preparing training profiles which identify the training requirements for different grades of internal auditors, and should maintain personal training records for each individual.

8.3 Relationships:

The Internal Audit Unit should seek to foster constructive working relationships and mutual understanding with management, the Audit Committee and the External auditors. This relationship should not compromise or be seen to be compromising the internal auditor's independence and objectivity.

8.3.1 Relationship with Management

The Manager Internal Audit should prepare the risk based internal audit plan in consultation with senior management. The internal auditor should arrange the timing of internal assignments in consultation with the head of the Internal Audit Unit and management, except on those rare occasions where an unannounced visit is a necessary part of the audit approach. Consultation can lead to the identification of areas of concern or of other interest to management.

Matters which may arise in the course of the audit are confidential and discussion is restricted to management directly responsible for the area being audited unless they give express agreement to broaden the discussion.

Discussion with management is necessary when preparing the audit report. This should be an essential feature of the good relationship between the auditor and management.

8.3.2 Relationship with the Audit Committee

The Internal Audit Unit should report and liaise with the Audit Committee on a regular basis on matters affecting and pertinent to the Internal Audit Unit. Direction and guidance should be sought from the Audit Committee on a regular basis.

Internal and external audit recommendations and action plans not implemented by management should be tabled at the Audit Committee meetings for direction and resolution.

The Audit Committee should annually assess the effectiveness of the internal audit function against criteria including:

- i. Achievement of the annual internal audit plan;
- ii. Compliance with the IIA professional standards of quality;
- iii. Achievement of reporting protocols through management to the Audit Committee;
- iv. Timeliness of reporting of findings and activities;
- v. Management's acceptance of audit findings;
- vi. Quality and relevance of the annual assessment reports;
- vii. Level of cooperation and interaction with other assurance providers within the combined assurance approach;
- viii. Maintenance of adequate staffing/sourcing levels to achieve the objectives of the internal audit function; and
- ix. Meeting the budget allocated to internal audit.

8.3.3 Relationship with External Audit

The aim should be to achieve mutual recognition and respect, leading to joint improvement in performance and the avoidance of unnecessary duplication of effort. Consultations should be held and consideration given to whether any work of either auditor is adequate for the purpose of reliance.

Since the Internal Audit Unit evaluates the Council's internal control system, the external auditor needs to be satisfied that the Internal Audit Function is planned and executed effectively and efficiently in terms of the standards of the Institute of Internal Auditors.

The internal audit unit should attend the Audit Steering Committee meetings at which joint audit planning, priorities, scope and audit findings are discussed and information exchanged.

The internal audit unit must make an assessment of the adequacy of the combined approach adopted by the municipality. This assessment includes the adequacy of the risks covered by the different assurance providers and the reliability of the assurance provided.

8.4 Confidentiality

Internal Auditors have an obligation to respect the confidentiality of information about the municipality's affairs. The duty of

confidentiality continues even after the completion of the assignment. This duty must be observed by the internal auditors unless specific authority has been given to disclose information or there is a legal or professional duty to disclose.

Confidentiality is not only a matter of disclosure of information. It also requires that internal auditors acquiring information in the course of performing audit services shall neither use nor be seen to be using that information for personal advantage or for the advantage of a third party.

Internal Auditors should consult the chief audit executive or the Audit Committee for guidance and advice if there is pressure to disclose information to parties other than management of Internal Audit Unit, the Municipal manager or the Audit Committee.

8.5 Quality Assurance and Improvement

The activities of the internal audit must be guided, monitored and supervised at each level of operation to ensure that they are consistently performed in accordance with the International Standards for the Professional Practice of Internal Audit. The quality assurance and improvement programme should include periodic internal assessments within a short time prior to an external assessment which can facilitate and reduce the cost of the external assessment.

The Internal Audit Unit should be impartial in discharging all its responsibilities; bias, prejudice or undue influence must not be allowed to limit or override objectivity. At all times, the integrity and conduct of each internal auditor must be above reproach. He/she must not place himself in a position where responsibilities and private interests' conflict and any personal interest should be declared.

The chief audit executive should promote and maintain adequate quality standards in the internal audit unit. He/she should establish methods of evaluating the work of his staff to ensure that the function fulfils its responsibilities and has proper regard to this statement.

8.5.1 Internal Assessments

The Manager Internal Audit must ensure that internal assessments are performed. Internal assessments should include ongoing

reviews of the performance of the internal audit activity. These should be performed through self-assessment or by other persons within the municipality with knowledge of internal audit practices and the IIA Standards. The Manager Internal Audit, at least annually, must report on the results of internal assessments. Internal assessments should appraise among others, compliance with the legislative framework, definition of internal auditing, standards, internal audit charter, code of ethics and methodology.

8.5.2 External Assessments

The internal audit must be subjected to an external assessment at least once every five years, the results of which should be communicated to the audit committee and accounting officer. An external assessment must be conducted by a qualified reviewer or review team from outside the municipality. On completion of the external assessment, the review team should issue a formal report containing an opinion. The Manager Internal Audit in consultation with the accounting officer should prepare a written action plan in response to comments and recommendations in the report.

8.6 Authority and Access:

Members of the internal audit unit engaged on internal audit work are entitled to receive whatever information or explanations they consider necessary in to fulfill their responsibilities.

Internal Audit is authorised and mandated to:

- Allocate resources, determine the timing/frequency of the work, determine the scope of the work and apply the relevant techniques required to accomplish audit objectives.
- In instances where internal audit has reason to believe that its independence has been or is likely to be compromised, it will have a right to refer such to the audit committee for review and resolution.

Internal audit is not authorised to:

- Perform any operational duties of the Municipality
- Initiate or approve accounting transactions external to the internal audit unit.
- Direct the activities of any employee in the organisation not employed in the internal audit department, except to the extent that such employee(s) has/have been properly assigned to the audit teams or otherwise assisting internal auditors

The existence of internal audit in no way diminishes the responsibility of management for implementing and maintaining effective systems of control, risk management and governance. Internal audit will not design or participate in control activities, as this would compromise independence. However, internal audit can and will provide advice on the design and implementation of internal controls.

9. PLANNING, CONTROLLING AND RECORDING

Internal audit work should be planned, controlled and recorded in terms of its methodology in order to determine priorities, establish and achieve objectives, and ensure the effective and efficient use of audit resources.

9.1 Planning

Internal Audit Unit should prepare in consultation with, and for approval by the audit committee:

- a) a rolling three-year strategic internal audit plan based on its assessment of key areas of risk for the department, having regard to its current operations, those proposed in its strategic plan and its risk management strategy;
- b) an annual internal audit plan for the first year of the rolling three-year strategic internal audit plan;
- c) Plans indicating the proposed scope of each audit in the annual internal audit plan;
- d) A modus operandi, with management inputs, to guide the audit relationship; and
- e) A quarterly report to the audit committee detailing its performance against the plan, to allow effective monitoring and possible intervention.

The Internal Audit plan should define the purpose and duration of each audit assignment and allocate staff and other resources accordingly.

The Internal Audit plan must be considered and approved by the Audit Committee. All internal audit plans should be sufficiently flexible to respond to changing priorities.

9.2 Controlling

Control of the individual assignments is needed to ensure that internal audit objectives are achieved and work is performed

efficiently and effectively. The most important elements of control are the direction and supervision of the internal audit staff and review of their work. This is assisted by an established audit methodology and standard documentation. The Manager Internal Audit shall ensure that the necessary degree of control and supervision is exercised, which will depend on the complexity of the assignment and the experience of the auditor.

9.3 Recording

Internal audit work should be recorded at all times. The chief audit executive should specify the required standard audit documentation and working papers and should ensure those standards are maintained. Internal audit working papers should be sufficiently completed and detailed to enable an experienced internal auditor with no previous connection with the assignment to subsequently ascertain from them what work was performed to support the conclusions reached. Working papers must be prepared as the audit assignment proceeds so that the critical details are not omitted and problems not overlooked. These should then be reviewed by internal audit management. Internal Audit Unit should obtain sufficient, relevant and reliable evidence on which to base reasonable conclusions and recommendations.

9.4 Reporting and Follow-up

The primary purpose of internal audit reports is to provide management with an overall opinion on the adequacy of design of the system of internal control as well as whether they are operating effectively.

Reporting arrangements, including the distribution of internal audit reports, should be agreed with management. Internal audit reports are confidential documents and their distribution should therefore be restricted to management and key operational personnel, Accounting Officers, the Audit Committee, Auditor-General and Council (EXCO).

Internal Audit Unit should ensure that findings, conclusions and recommendations arising from each assignment are communicated promptly to the appropriate level of management and actively seek comments and proposed action plan.

The strategic and operational plan should include follow-up audits in order to assess the extent to which internal audit recommendations and management action plans have been

implemented. Repeat audit findings must be reported to audit committee.

10. CONCLUSION

To achieve full effectiveness the scope of the Internal Audit Unit should provide an unrestricted range of coverage of the Council's operations, and the Internal Audit Unit should have sufficient authority to allow access to such records, assets and personnel as are necessary for proper fulfilment of its responsibilities.

The Internal Audit Unit, as a service to the Council, should contribute to internal control by examining, evaluating and reporting to management on its adequacy and effectiveness of systems.

The internal audit activity should lead to the strengthening of internal control as a result of management response.

It is management's responsibility to maintain the internal control system and to ensure that the Council's resources are properly applied in the manner and to the activities intended. This includes responsibility for the prevention and detection of fraud and other illegal acts.

The Internal Audit Unit has regard to the possibility of fraud or theft and should seek to identify serious defects in internal control which might permit the occurrence of such an event. When the Internal Audit Unit discovers evidence of, or suspect's fraud or theft, they should report firm evidence, or reasonable suspicions, to the appropriate level of management.

PERIOD OF REVIEW

The manager Internal Audit is responsible for maintenance of the Charter. The Charter shall be reviewed and approved by the Audit Committee on an annual basis.

11. APPROVAL

APPROVED BY THE AUDIT COMMITTEE

Chairperson of Audit Committee: _____

Date: _____

Accepted by the Accounting Officer:

Date: _____

Municipal Manager: _____