

EDUCATIONAL MATERIAL
MFMA 2019-20

OUR AUDIT PROCESS AND FOCUS
GLOSSARY OF KEY TERMINOLOGY

Contents

Our audit process and focus	3
What is our audit and reporting process?	3
What is the purpose of the annual audit of the financial statements?	4
What does compliance with key legislation mean?	5
What is the scope of supply chain management audits?	5
What is irregular expenditure?	5
What is unauthorised expenditure?	6
What is fruitless and wasteful expenditure?	6
What are conditional grants?	6
What is the purpose of the grants that were audited?	7
What is the purpose and nature of the annual audit of the performance reports?	8
When are internal controls effective and efficient?	9
What is information technology and what are information technology controls?	10
What are root causes?	12
Who provides assurance?	12
What is the role of each key role player in providing assurance?	13
Material irregularities	16
What is our expanded mandate?	16
How do we implement the material irregularity process?	17
How do we identify and report on material irregularities?	18
What is the difference between irregular expenditure and material irregularities?	22
Glossary of key terminology	23

Our audit process and focus

What is our audit and reporting process?

We audit every municipality and municipal entity in the country to report on the quality of their financial statements and performance reports and on their compliance with key legislation.

We further assess the root cause of any error or non-compliance, based on the internal control that has failed to prevent or detect it. We report in the following three types of reports:

- We report our findings, the root causes of such findings and our recommendations in **management reports** to the senior management and municipal managers (including city managers of metros), or chief executive officers in the case of municipal entities, which are also shared with the mayors and audit committees.
- Our opinion on the financial statements, material findings on the performance report and compliance with key legislation, as well as significant deficiencies in internal control, are included in an **audit report**, which is published with the auditee's annual report and dealt with by the municipal council.
- Annually, we report on the audit outcomes of all auditees in a **consolidated report** (such as this one), in which we also analyse the root causes that need to be addressed to improve audit outcomes. Before the general report is published, we share the outcomes and root causes with the national and provincial leadership, Parliament and the legislatures, as well as other key role players in national and provincial government.

Over the past few years, we have intensified our efforts to assist in improving audit outcomes by identifying the **key controls** that should be in place at auditees, regularly assessing these, and sharing the results of the assessment with mayors, municipal managers, chief executive officers as well as audit committees.

During the audit process, we work closely with municipal managers, chief executive officers, senior management, audit committees and internal audit units, as they are **key role players** in providing assurance on the credibility of the auditees' financial statements and performance reports as well as on their compliance with legislation.

We also continue to strengthen our relationship with the mayors, ministers and members of the executive council responsible for cooperative governance, coordinating and monitoring departments (such as the treasuries, premier's offices and departments of cooperative governance) as well as Parliament and provincial legislatures, as we are convinced that their involvement and oversight have played – and will continue to play – a crucial role in the performance of local governance.

We have further increased our efforts by using the **status-of-records review** to engage with municipal managers. Such a review is an assessment of records, risks and progress made by the municipality to address prior year issues early in the financial year.

The **overall audit outcomes** fall into five categories:

1. Auditees that receive a **financially unqualified opinion with no findings** are those that are able to:
 - produce financial statements free of material misstatements (material misstatements mean errors or omissions that are so significant that they affect the credibility and reliability of the financial statements)

- measure and report on their performance in line with the predetermined objectives in their integrated development plans and/or service delivery and budget implementation plans in a manner that is useful and reliable
- comply with key legislation.

This audit outcome is also commonly referred to as a 'clean audit'.

2. Auditees that receive a **financially unqualified opinion with findings** are those that are able to produce financial statements without material misstatements, but are struggling to:
 - align their performance reports to the predetermined objectives to which they have committed in their integrated development plans and/or service delivery and budget implementation plans
 - set clear performance indicators and targets to measure their performance against their predetermined objectives
 - report reliably on whether they have achieved their performance targets
 - determine which legislation they should comply with, and implement the required policies, procedures and controls to ensure that they comply.
3. Auditees that receive a **financially qualified opinion with findings** face the same challenges as those that are financially unqualified with findings in the areas of reporting on performance and compliance with key legislation. In addition, they are unable to produce credible and reliable financial statements. Their financial statements contain misstatements that they cannot correct before the financial statements are published.
4. The financial statements of auditees that receive an **adverse opinion with findings** include so many material misstatements that we disagree with virtually all the amounts and disclosures in the financial statements.
4. Those auditees with a **disclaimed opinion with findings** cannot provide us with evidence for most of the amounts and disclosures in the financial statements. We are therefore unable to conclude or express an opinion on the credibility of their financial statements.

Auditees with adverse and disclaimed opinions are typically also:

- unable to provide sufficient supporting documentation for the achievements they report in their performance reports
- not complying with key legislation.

What is the purpose of the annual audit of the financial statements?

The purpose of the annual audit of the financial statements is to **provide** the users thereof with **an opinion on whether the financial statements fairly present, in all material respects, the key financial information for the reporting period** in accordance with the financial reporting framework and applicable legislation. The audit provides the users with reasonable assurance regarding the degree to which the financial statements are reliable and credible on the basis that the audit procedures performed did not reveal any material errors or omissions in the financial statements. We use the term 'material misstatement' to refer to such material errors or omissions.

We report the **poor quality of the financial statements** we receive in the audit reports of some auditees as a material finding on compliance, as it also constitutes non-compliance with the Municipal Finance Management Act. The finding is only reported for auditees that are subject to this act and if the financial statements we receive for auditing include material misstatements that could have been prevented or detected if the auditee had an effective internal control system. We do not report a finding if the misstatement resulted from an isolated incident

or if it relates to the disclosure of unauthorised, irregular or fruitless and wasteful expenditure identified after the financial statements had been submitted.

What does compliance with key legislation mean?

We annually audit and report on compliance by auditees with key legislation applicable to financial and performance management and related matters. We focus on the following areas in our compliance audits, if they apply to the particular auditee: ■ the quality of financial statements submitted for auditing ■ asset management ■ budget management ■ expenditure management ■ unauthorised, irregular, and fruitless and wasteful expenditure ■ effecting consequences ■ revenue management ■ strategic planning and performance management ■ financial statements and annual report ■ conditional grants ■ procurement and contract management (in other words, supply chain management).

In our audit reports, we report findings that are material enough to be brought to the attention of auditee management, municipal councils, boards of municipal entities as well as oversight bodies and the public.

What is the scope of supply chain management audits?

We test whether the **prescribed procurement processes have been followed** to ensure that all suppliers are given equal opportunity to compete and that some suppliers are not favoured above others. The principles of a fair, equitable, transparent, competitive and cost-effective supply chain management process are fundamental to the procurement practices of the public sector, as enshrined in our Constitution and prescribed in the Municipal Finance Management Act and its regulations. The act and these regulations define what processes should be followed to adhere to the constitutional principles, the level of flexibility available, and the documentation requirements.

We also focus on **contract management**, as shortcomings in this area can result in delays, wastage as well as fruitless and wasteful expenditure, which in turn have a direct impact on service delivery.

We further assess the **financial interests of employees and councillors of the auditee and their close family members** in suppliers to the auditee. The requirements in this regard are as follows:

- Municipal supply chain management regulation 44 prohibits the awarding of contracts to, and acceptance of quotations from, employees, councillors or other state officials, or entities owned or managed by them, if they are in the service of the auditee or if they are in the service of any other state institution. Such expenditure is also considered irregular. During our audits, we identify such prohibited awards and also test whether the legislated requirements with regard to declarations of interest were adhered to.
- Awards to close family members of persons in the service of the state, whether at the auditee or another state institution, are not prohibited. However, such awards of more than R2 000 must be disclosed in the financial statements of the auditee for the sake of transparency and as required by municipal supply chain management regulation 45. A close family member is a spouse, child or parent of a person in the service of the state.

What is irregular expenditure?

Irregular expenditure is expenditure that was **not incurred in the manner prescribed by legislation**; in other words, somewhere in the process that led to the expenditure, the auditee did not comply with the applicable legislation.

Such expenditure does **not necessarily mean that money had been wasted or that fraud had been committed**. It is an indicator of non-compliance in the process that needs to be investigated by management to determine

whether it was an unintended error, negligence or done with the intention to work against the requirements of legislation (which, for example, require that procurement should be fair, equitable, transparent, competitive and cost-effective).

Through such **investigation**, it is also determined who is responsible and what the impact of the non-compliance is. Based on the investigation, the next steps are determined. One of the steps can be condonement if the non-compliance had no impact and negligence was not proven. Alternatively, if negligence was proven, the steps can be disciplinary action, the recovery of any losses from the implicated officials, or even cancelling a contract or reporting it to the police or an investigating authority.

The Municipal Finance Management Act is clear that municipal managers are **responsible for preventing irregular expenditure** as well as on what process to follow if it has been incurred.

In order to promote transparency and accountability, auditees **should disclose all irregular expenditure identified (whether by the auditee or through the audit process)** in their financial statements with detail on how it had been resolved; in other words, how much had been investigated, recovered or condoned.

What is unauthorised expenditure?

Unauthorised expenditure refers to expenditure that auditees incurred without provision having been made for it in the approved budget by the council or that does not meet the conditions of a grant.

The Municipal Finance Management Act requires municipal managers to take all **reasonable steps to prevent unauthorised expenditure**. Auditees should have processes to identify any unauthorised expenditure and disclose the amounts in the financial statements. The act also includes the steps that municipal managers and councils should take to investigate unauthorised expenditure to determine whether any officials are liable for the expenditure and to recover the money if liability is proven.

6

What is fruitless and wasteful expenditure?

Fruitless and wasteful expenditure is expenditure that was made in vain and that could have been avoided had reasonable care been taken. This includes penalties and interest on the late payment of creditors or statutory obligations as well as payments made for services not used or goods not received.

The Municipal Finance Management Act requires municipal managers to take all **reasonable steps to prevent fruitless and wasteful expenditure**. Auditees should have processes to detect fruitless and wasteful expenditure and disclose the amounts in the financial statements. Fruitless and wasteful expenditure is reported when it is identified – even if the expenditure was incurred in a prior year.

The act also sets out the steps that municipal managers and councils should take to investigate fruitless and wasteful expenditure to determine whether any officials are liable for the expenditure and to recover the money if liability is proven.

What are conditional grants?

Conditional grants are **funds allocated from national government to municipalities, subject to certain services being delivered or on compliance with specified requirements.**

Municipalities receive two types of allocations from the national revenue fund, namely equitable share and conditional allocations. Equitable share allocations are non-conditional, based on the municipality's share of revenue raised nationally. Conditional allocations are made for a specific purpose, and include:

- allocations to municipalities to supplement the funding of functions funded from municipal budgets

- specific-purpose allocations to municipalities
- allocations-in-kind to municipalities for designated special programmes
- funds not allocated to specific municipalities that may be released to municipalities to fund immediate disaster response.

Conditional grant allocations are approved each year through the Division of Revenue Act. This act indicates the approved allocation per municipality for that particular year, together with a forward estimate for the next two years.

With regard to forward estimates, the following take place before a set deadline for the final allocation to be approved through the Division of Revenue Act:

- Each municipality must agree on the provisional allocations and the projects to be funded from those allocations. This information is sent to the national transferring officer.
- After consolidating the information for each municipality, the national transferring officer submits the final allocation list and the draft grant framework for each allocation to the National Treasury for approval.

Municipalities may only use a conditional allocation for its intended purpose in accordance with the requirements of each grant framework and for projects or programmes included in their business plans.

What is the purpose of the grants that were audited?

The Department of Cooperative Governance introduced the **municipal infrastructure grant** in 2004-05 with the core outcome to improve access to basic service infrastructure for poor communities by providing specific capital finance for basic municipal infrastructure backlogs for poor households, micro-enterprises and social institutions servicing poor communities.

In achieving the core outcome, annual targets must be set in respect of the following expected outputs derived from the municipal infrastructure grant framework:

- Number of poor households affected through the construction, upgrading and/or renewal of infrastructure for water and sanitation services
- Number of poor households affected through the construction, upgrading and/or renewal of infrastructure for sport and recreation facilities
- Number of kilometres of municipal roads developed and maintained
- Number of poor households affected through the construction, upgrading and/or renewal of infrastructure for solid waste disposal sites, central refuse collection points, recycling facilities and transfer stations
- Number of poor households affected through the construction, upgrading and/or renewal of infrastructure for street and community lighting
- Number of poor households affected through the construction, upgrading and/or renewal of infrastructure for public facilities
- Number of work opportunities created using the guidelines of the expanded public works programme for the above outputs
- Number of specialised vehicles for waste management purchased for servicing the poor

For this purpose, municipalities must annually submit business plans to the Department of Cooperative Governance. The grant uses the registration requirements of the municipal infrastructure grant management information system to register, track and monitor projects as per the business plans. Such plans should include timelines regarding project designs, initiation of procurement, environmental impact assessments, and relevant permit or licence approvals in the prescribed format.

The **urban settlements development grant** was introduced to assist metropolitan municipalities to implement infrastructure projects that promote equitable, integrated, productive, inclusive and sustainable urban development as well as providing funding to facilitate a programmatic, inclusive and municipality-wide approach to upgrading informal settlements.

The **public transport network grant** seeks to provide accelerated construction and improvement of public and non-motorised transport infrastructure.

The **regional bulk infrastructure grant** aims to develop new – as well as refurbish, upgrade and replace ageing – water and wastewater infrastructure of regional significance, which connects water resources to infrastructure serving extensive areas across municipal boundaries or large regional bulk infrastructure serving numerous communities over large areas within the municipality. The grant also aims to implement bulk infrastructure with a potential of addressing water conservation and water demand management projects or facilitate and contribute to the implementation of local water conservation and water demand management projects.

The **water services infrastructure grant** was introduced to facilitate the planning and implementation of various water and sanitation projects to accelerate backlog reduction and improve the sustainability of services, especially in rural municipalities. The grant also aims to:

- provide interim, intermediate water and sanitation supply that ensures the provision of services to identified and prioritised communities, including through spring protection and groundwater development
- support municipalities in implementing water conservation and water demand management projects
- support the existing bucket eradication programme intervention in formal residential areas
- support drought-relief projects in affected municipalities.

What is the purpose and nature of the annual audit of the performance reports?

Auditees are required to measure their actual service delivery against the performance indicators and targets set for each of their predetermined performance objectives as defined in their integrated development plans and/or service delivery and budget implementation plans, and to report on this in their performance reports.

On an annual basis, we audit **selected development priorities** to determine whether the information in the performance reports is useful and reliable enough to enable the council, the public and other users of the reports to assess the performance of the auditee. The objectives we select are those that are important for delivery by the auditee on its mandate. In the audit report, we report findings that are material enough to be brought to the attention of these users.

As part of the annual audits, we audit the **usefulness of the reported performance information** to determine whether it is presented in the annual report in the prescribed manner and is consistent with the auditee's planned objectives as defined in the integrated development plan and/or service delivery and budget implementation plan.

We also assess whether the performance indicators set to measure the achievement of the objectives are:

- well defined (the indicator needs to have a clear, unambiguous definition so that data can be collected consistently, and is easy to understand and use)
- verifiable (it must be possible to validate the processes and systems that produce the indicator)
- specific (so that the nature and the required level of performance can be clearly identified)
- time bound (the time period or deadline for delivery must be specific)
- measurable (so that the required performance can be measured)
- consistent (with the objective, measures and/or targets)
- relevant (so that the required performance can be linked to the achievement of a goal).

We further audit the **reliability of the reported information** to determine whether it can be traced back to the source data or documentation and whether it is accurate, complete and valid.

When are internal controls effective and efficient?

A key responsibility of municipal managers, chief executive officers, senior managers and municipal officials is to implement and maintain effective and efficient systems of internal control.

We assess the internal controls to determine the effectiveness of their design and implementation in ensuring reliable financial and performance reporting and compliance with legislation. Internal controls consist of all the policies and procedures implemented by management to assist in achieving the orderly and efficient conduct of business, including adhering to policies, safeguarding assets, preventing and detecting fraud and error, ensuring the accuracy and completeness of accounting records, and timeously preparing reliable financial and service delivery information. To make it easier to implement corrective action, we categorise the principles of the different components of internal control under leadership, financial and performance management, or governance. We call these the **drivers of internal control**.

The key **basic controls** that auditees should focus on are outlined below.

Providing effective leadership

In order to improve and sustain audit outcomes, auditees require effective leadership that is based on a **culture of honesty, ethical business practices and good governance** to protect and enhance the interests of the auditee.

Audit action plans to address internal control deficiencies

Developing and monitoring the implementation of **action plans to address identified internal control deficiencies are key elements of internal control**, which are the responsibility of municipal managers, chief executive officers, and their senior management team.

The Medium Term Strategic Framework defines the implementation of audit action plans and the quarterly monitoring thereof by a coordinating structure in the province as key measures to support financial management and governance at municipalities. It is also echoed in the Department of Cooperative Governance's back-to-basics strategy, which tasks local government with addressing post-audit action plans and the National Treasury, provincial treasuries and cooperative governance departments with assessing the capacity of municipalities to develop and implement such plans.

Proper record keeping and document control

Proper and timely record keeping ensures that **complete, relevant and accurate information** is accessible and available to support financial and performance reporting. Sound record keeping will also enable senior management to hold staff accountable for their actions. A lack of documentation affects all areas of the audit outcomes.

Some of the matters requiring attention include the following:

- Establishing proper record keeping so that records supporting financial and performance information as well as compliance with key legislation can be made available when required for audit purposes.
- Implementing policies, procedures and monitoring mechanisms to manage records, and making staff members aware of their responsibilities in this regard.

Implementing controls over daily and monthly processing and reconciling of transactions

Controls should be in place to ensure that **transactions are processed accurately, completely and timeously**, which in turn will reduce errors and omissions in financial and performance reports.

Some of the matters requiring attention include the following:

- Daily capturing of financial transactions, supervisory reviews of captured information, and independent monthly reconciliations of key accounts.
- Collecting performance information at intervals appropriate for monitoring, setting service delivery targets and milestones, and validating recorded information.
- Confirming that legislative requirements and policies have been complied with before initiating transactions.

Reviewing and monitoring compliance with legislation

Auditees need to have mechanisms that can **identify applicable legislation as well as changes to legislation**, assess the requirements of legislation, and implement processes to ensure **and monitor compliance** with legislation.

What is information technology and what are information technology controls?

Information technology (commonly known as IT) refers to the computer systems used for recording, processing and reporting financial and non-financial transactions. IT controls ensure the confidentiality, integrity and availability of state information, enable service delivery, and promote municipal and metro security. Good IT governance, effective IT management and a secure IT infrastructure are therefore essential.

Non-complex and complex information technology environments

As per our audit methodology, we differentiate between **non-complex** and **complex** IT environments, as follows:

Non-complex environment – level 1 (low risk)

This is the lower end of the spectrum for IT sophistication and relevance. The auditee uses one server associated with financial reporting and/or performance information, a limited number of workstations, no remote locations, commercial off-the-shelf applications and infrastructure, vendors to perform updates and maintenance on the system, little emerging or advanced technology, and a few or no online and e-commerce transactions.

Key controls over financial reporting and/or performance information are not overly reliant on IT, are embedded in the commercial off-the-shelf applications, or are limited to very few manual processes and controls. Many small to medium-sized auditees fall into this category.

Complex environment – levels 2 and 3 (medium and high risk)

This is the middle to high end of the spectrum. These auditees have the following characteristics:

- Use more than one server associated with financial reporting and/or performance information.
- Have remote locations.
- Employ one or more network operating system or non-standard ones.
- Have more workstations in total.
- Use some customisation of application software or have a relatively complex configuration of commercial off-the-shelf applications.
- Use enterprise resource planning systems and/or write their own custom software.
- Perform updates and maintenance on the system centrally onsite or through vendors, or perform centralised updates and maintenance on the system and distribute these to decentralised sites or through onsite vendors.
- Employ a few to moderate or a large number of emerging or advanced technologies.
- Enter into either a few or a large number of online and e-commerce transactions.
- Rely heavily on IT key controls over financial and/or performance information.

An auditee running transversal systems would also fall into this category. Information systems for which certain IT processes are managed centrally, but which are used by various auditees who have limited responsibility regarding the design and enhancement of the system, will also be classified as high risk at a national level.

Which information technology controls do we audit?

During our audits, we assess the IT controls that focus on IT governance, security management, user access management and IT service continuity – as discussed further down. To evaluate the status of the IT controls in the areas we audit, we group them into the following three categories, with reference to the control measures that should be in place:

1. **Where IT controls are being designed**, management should ensure that the controls would reduce risks and threats to IT systems.
2. **Where IT controls are being implemented**, management should ensure that the designed controls are implemented and embedded in IT processes and systems. Particular attention should be paid to ensuring that staff members are aware of and understand the IT controls being implemented, as well as their roles and responsibilities in this regard.

3. **Where IT controls have been embedded and are functioning effectively**, management should ensure that the IT controls that have been designed and implemented are functioning effectively at all times. Management should sustain these IT controls through disciplined and consistent daily, monthly and quarterly IT operational practices.

Information technology governance

This refers to the leadership, organisational structures and processes which ensure that the auditee's IT resources will sustain its business strategies and objectives. Effective IT governance is essential for the overall well-being of an auditee's IT function and ensures that the auditee's IT control environment functions well and enables service delivery.

Security management

This refers to the controls preventing unauthorised access to the computer networks, computer operating systems and application systems that generate and prepare financial and performance information.

User access management

These are measures designed by business management to prevent and detect the risk of unauthorised access to, and the creation or amendment of, financial and performance information stored in the application systems.

Information technology service continuity

These controls enable auditees to recover within a reasonable time the critical business operations and application systems that would be affected by disasters or major system disruptions.

12

What are root causes?

Root causes are the **underlying causes or drivers of audit findings**; in other words, the reason why the problem occurred. Addressing the root cause helps to ensure that the actions address the real issue, thus preventing or reducing incidents of recurrence, rather than simply providing a one-time or short-term solution.

Our audits include an **assessment of the root causes of audit findings**, based on the identification of internal controls that have failed to prevent or detect the error in the financial statements and performance reports or that have led to non-compliance with legislation. These root causes are confirmed with management and shared in the management report with the municipal managers or chief executive officers and the mayors. We also include the root causes of material findings reported as internal control deficiencies in the audit report.

Who provides assurance?

Mayors and their municipal managers use the **annual report** to report on the financial position of auditees, their performance against predetermined objectives, and overall governance; while one of the important **oversight functions of councils is to consider auditees' annual reports**. To perform their oversight function, they need assurance that the information in the annual report is credible. To this end, the annual report also includes our audit report, which provides assurance on the credibility of the financial statements, the performance report and the auditee's compliance with legislation.

Our reporting and the oversight processes reflect on history, as they take place after the financial year. Many other role players contribute throughout the year to the credibility of financial and performance information and compliance with legislation by ensuring that adequate internal controls are implemented.

The mandates of these role players differ from ours, and we have categorised them as follows:

- Those directly involved in the management of the auditee (management or leadership assurance).
- Those that perform an oversight or governance function, either as an internal governance function or as an external monitoring function (internal independent assurance and oversight).
- The independent assurance providers that give an objective assessment of the auditee's reporting (external independent assurance and oversight).

We assess the level of assurance provided by the role players based on the **status of auditees' internal controls and the impact of the different role players on these controls**. In the current environment, which is characterised by inadequate internal controls, corrected and uncorrected material misstatements in financial and performance information, and widespread non-compliance with legislation, all role players need to provide an extensive level of assurance.

What is the role of each key role player in providing assurance?

Senior management

Senior management, which includes the chief financial officer, chief information officer and head of the supply chain management unit, provides assurance by implementing the following basic financial and performance controls:

- Ensure proper record keeping so that complete, relevant and accurate information is accessible and available to support financial and performance reporting.
- Implement controls over daily and monthly processing and reconciling of transactions.
- Prepare regular, accurate and complete financial and performance reports that are supported and evidenced by reliable information.
- Review and monitor compliance with applicable legislation.
- Design and implement formal controls over information technology systems.

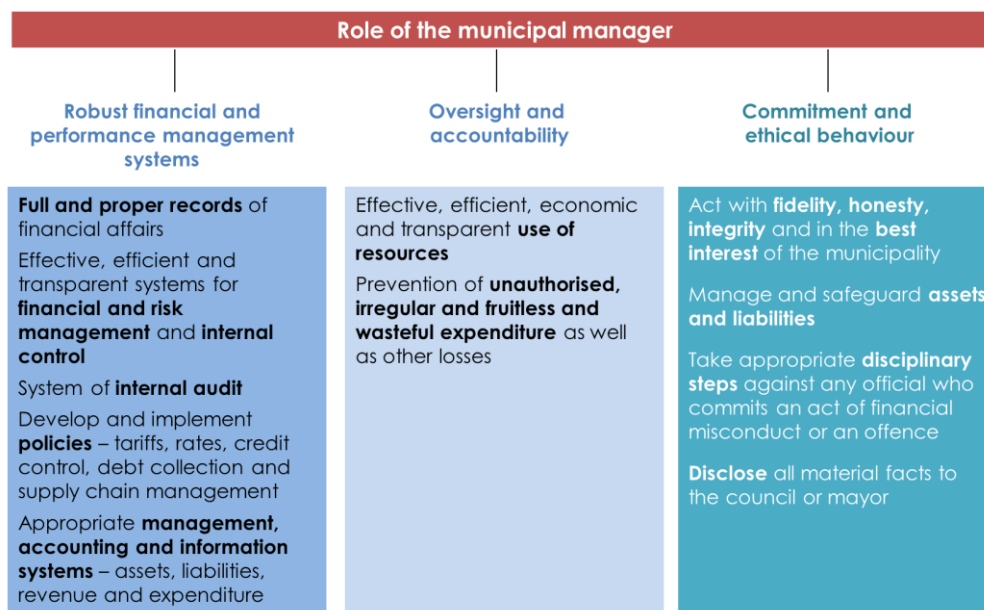
Municipal managers and municipal entities' chief executive officers

While we recognise that municipal managers and the chief executive officers of municipal entities depend on senior management for designing and implementing the required financial and performance management controls, they are responsible for creating an environment that helps to improve such controls in the following ways:

- Provide effective and ethical leadership and exercise oversight of financial and performance reporting and compliance with legislation.
- Implement effective human resource management to ensure that adequate and sufficiently skilled staff members are employed and their performance is monitored, and that there are proper consequences for poor performance.
- Establish policies and procedures to enable sustainable internal control practices and monitor the implementation of action plans to address internal control deficiencies and audit findings.
- Establish an information technology governance framework that supports and enables the achievement of objectives, delivers value and improves performance.

- Implement appropriate risk management activities to ensure that regular risk assessments, including the consideration of information technology risks and fraud prevention, are conducted and that a risk strategy to address the risks is developed and monitored.
- Ensure that an adequately resourced and functioning internal audit unit is in place and that internal audit reports are responded to.
- Support the audit committee and ensure that its reports are responded to.

The Municipal Finance Management Act also defines the role of the municipal manager as follows:



The **role of the municipal manager** is critical to ensure: timely, credible information + accountability + transparency + service delivery

Mayors

Mayors have a monitoring and oversight role at both municipalities and municipal entities. They have specific oversight responsibilities in terms of the Municipal Finance Management Act and the Municipal Systems Act, which include reviewing the integrated development plan and budget management and ensuring that auditees address the issues raised in audit reports.

Mayors can bring about improvement in the audit outcomes of auditees by being actively involved in key governance matters and managing the performance of municipal managers.

Internal audit units

The internal audit units assist municipal managers and chief executive officers of municipal entities in the execution of their duties by providing independent assurance on internal controls, financial information, risk management, performance management and compliance with legislation. The establishment of internal audit units is a requirement of legislation.

Audit committees

An audit committee is an independent body, created in terms of legislation, which advises the municipal manager or chief executive officer, senior management and the council on matters such as internal controls, risk

management, performance management and compliance with legislation. The committee is further required to provide assurance on the adequacy, reliability and accuracy of financial and performance information.

Coordinating or monitoring departments

The Constitution stipulates that national and provincial government must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their duties. The Municipal Finance Management Act further requires national and provincial government to assist municipalities in building capacity to support efficient, effective and transparent financial management. Both the Municipal Finance Management Act and the Municipal Systems Act define responsibilities to monitor financial and performance management.

Municipal councils

The council is the executive and legislative authority of the municipality. In order for the council to perform its oversight and monitoring role, the municipal manager and senior managers must provide the council with regular reports on the financial and service delivery performance of the municipality. The Municipal Finance Management Act and the Municipal Systems Act also require the council to approve or oversee certain transactions and events, and to investigate and act on poor performance and transgressions, such as financial misconduct and unauthorised, irregular as well as fruitless and wasteful expenditure.

Municipal public accounts committees

The municipal public accounts committee was introduced as a committee of the council to deal specifically with the municipality's annual report, financial statements and audit outcomes as well as to improve governance, transparency and accountability. The committee is an important provider of assurance, as it needs to give assurance to the council on the credibility and reliability of financial and performance reports, compliance with legislation as well as internal controls.

The primary functions of the committee can be summarised as follows:

- Consider and evaluate the content of the annual report and make recommendations to the council when adopting an oversight report on the annual report.
- Review information relating to past recommendations in the annual report; this relates to current in-year reports, including the quarterly, mid-year and annual reports.
- Examine the financial statements and audit reports of the municipality and municipal entities and consider improvements, also taking into account previous statements and reports.
- Evaluate the extent to which our recommendations and those of the audit committee have been implemented.
- Promote good governance, transparency and accountability in the use of municipal resources.

Portfolio committees on local government

In terms of the Constitution, the National Assembly and provincial legislatures must maintain oversight of the executive authority responsible for local government. This executive authority includes the minister and members of the executive council responsible for cooperative governance and other executives involved in local government, such as the minister and members of the executive council responsible for finance. The mechanism used to conduct oversight is the portfolio committee on local government.

Material irregularities

What is our expanded mandate?

WATCH: [The enhanced powers of the Auditor-General of South Africa](#)

The responsibilities and duties of municipal managers are well defined in the Municipal Finance Management Act, which are underpinned by the basic values and principles governing public administration as set out in the Constitution. It includes the need for high standards of professional ethics, accountability and transparency as well as the promotion of the efficient, economical and effective use of resources.

Our audits have for many years been highlighting a systemic failure in local government to establish the systems, processes and controls required to make the constitutional principles and the requirements of the Municipal Finance Management Act the norm. Not only are irregularities and the resultant losses, misuse and harm not prevented from happening, they are also not appropriately dealt with when they are identified.

Our mandate has always been to audit and report on these matters in order for corrections to be made by municipal managers. Our reporting to councils enables them to also play their oversight role effectively. Our mandate was expanded by the amendments to the Public Audit Act, which became effective on 1 April 2019, to go beyond audit and reporting in an effort to strengthen the accountability mechanisms.

Rather than a punitive measure, the amendments are intended to act as a complementary mechanism in the broader public sector accountability value chain by strengthening financial and performance management, which in turn will contribute to improved accountability.

Our expanded mandate does not change the role and responsibilities of the municipal manager, mayor and council.

We do not take over the role of the municipal manager, who already has the responsibility to prevent irregularities and take action when they occur.

By identifying material irregularities, we support municipal managers by bringing to their attention the irregularities that could have a significant impact on finances, resources and service delivery while also empowering them to timeously take the appropriate steps in terms of legislation. This will lessen the adverse effect of such irregularities on municipalities, set the right tone for accountability, highlight the need for consequences, and encourage a behavioural change at the highest levels.

The amendments to the Public Audit Act and the introduction of the accompanying Material Irregularity Regulations have been shaped in a manner that supports the process of fair, transparent and legally sound administrative justice, by providing an opportunity to the municipal managers to take the actions required to deal with the material irregularities. We use our additional powers only where the municipal manager is not dealing appropriately with such irregularities. This process can be depicted graphically as follows:

If municipal manager does not appropriately deal with material irregularities, our expanded mandate allows us to:



Refer material irregularities to relevant public bodies for further investigation



Take binding remedial action for failure to implement our recommendations for material irregularities



Issue certificate of debt for failure to implement remedial action if financial loss was involved

The oversight and monitoring roles of the mayor and council remain unchanged by the Public Audit Act amendments. We report the material irregularities in the audit report, which also enables municipal public accounts committees to perform their oversight function – focusing on the most material matters affecting municipalities.

If municipal managers, supported by their political leadership, adhere to their legislated responsibilities and commit to take swift action when we notify them of a material irregularity, there will be no need for us to use our remedial and referral powers.

We are fully committed to the implementation of the enhanced powers given to our office, without fear, favour or prejudice. The success of our amended powers will become evident when a culture of responsiveness, consequences, good governance and accountability by municipal managers becomes the norm.

How do we implement the material irregularity process?

WATCH: [Auditor-General Tsakani Maluleke explains 'material irregularity'](#).

The amendments to the Public Audit Act introduced the concept of a material irregularity. But what does this mean?

What is a material irregularity?

Material irregularity

means any **non-compliance** with, or **contravention** of, legislation, **fraud, theft** or a **breach of a fiduciary duty** identified during an audit performed under the Public Audit Act that **resulted in or is likely to result in a material financial loss, the misuse or loss of a material public resource or substantial harm to a public sector institution or the general public**

As per the definition, there are two main gates through which a matter must pass for it to be classified as a material irregularity – there needs to be an **irregularity** (which is the non-compliance, fraud, theft or breach), and that irregularity must have an **impact** (being loss, misuse or harm).

Irregularities are identified during our normal audit process as we audit compliance with key legislation as well as consider governance and control as part of the audit. Our audit processes can also identify possible fraud and theft, which we then report to management for investigation.

However, our audit process generally does not consider the impact of the irregularities identified (for example, if a financial loss is likely), as it is not required by the auditing standards. The requirements and processes to follow for a material irregularity as prescribed by the Public Audit Act and the Material Irregularity Regulations introduce additional steps in the audit process, new processes for referrals and remedial action, and the establishment of new structures and additional capacity.

The impact of the expanded mandate on our audit process and organisation as well as the profound implications thereof requires us to implement the changes in a careful, but progressive manner. The material irregularity process is implemented at an increased number of auditees every year. We also widen our scope incrementally until the full material irregularity definition is implemented.

How do we identify and report on material irregularities?

Our annual regularity audit process has distinct phases, including planning and execution. As the legislated reporting date comes closer, we finalise and conclude on our audits, allowing for the audit report to be signed on time. Thereafter we interact with oversight committees and undertake engagements on the overall audit outcomes and the general report.

The material irregularity process is integrated into the audit process, but is not bound to the audit cycle in the same way as our regularity audits. It does not have a distinct start and stop date, which is quite a different approach than what our auditees are used to. We can identify matters that can potentially be material irregularities at any time of the audit – even right before the audit report is signed. We then do not leave it to the next annual audit, but rather follow our structured material irregularity route to confirm whether the matter meets the definition and start with the process so as not to delay the accountability process.

What do we do to identify material irregularities?

The material irregularity process was applied from 1 April 2019 at selected auditees, when the amendments became effective. The auditor-general used the discretion allowed by the Public Audit Act to direct that the audit teams only consider material irregularities where it continued to have a financial impact from the effective date. This means that we do not consider non-compliance that took place in prior years except where it continues to financially affect the auditee; for example, if payments are still being made on a contract irregularly awarded in prior years, or if a debt owed to the auditee is still in its books.

We also make sure that we apply the definition of a material irregularity correctly by only reporting it if the non-compliance directly resulted in a financial loss or is likely to result in a financial loss. We consider whether a financial loss is material through considering its value, nature and impact. The value of the financial loss has often already been determined by the auditee and disclosed in the financial statements, such as fruitless and wasteful expenditure (what we refer to as a known financial loss). But for some material irregularities, we estimate the potential financial loss to consider if it is material (what we refer to as an estimated financial loss).

What do we do when we identify a material irregularity?

When we identify a material irregularity, the municipal manager is notified without delay. We give them 20 working days to respond to the notification by giving us a written submission and evidence on what they have done to address the material irregularity and what their further planned actions are.

We assess the responses provided and conclude whether their actions (taken or planned) and its outcomes are appropriate in line with their legal obligations. If we find this to be the case, we give the municipal manager space to implement the further planned actions. We then follow up on the progress made with resolving the material irregularity in the next audit cycle.

Legal obligations of municipal manager to address an irregularity

If a municipal manager is made aware of an irregularity (non-compliance, fraud, theft or a breach of fiduciary duty), the Municipal Finance Management Act and its regulations typically prescribe the following steps to be taken:

1. Perform a preliminary investigation to determine the facts and collect information on what caused the transgression, who is responsible, and whether a financial loss was suffered (or will be).

If applicable

2. Prevent any losses or further losses.
3. Institute a formal investigation if there are indications of fraud, corruption or other criminal conduct; if confirmed, take further action (e.g. report matter to the police)
4. Recover any financial losses from an external party
5. Take steps against the responsible official(s) (which can include a financial misconduct investigation)
6. Recover any financial losses from the responsible official(s)

The policies and procedures of a municipality typically describe how these steps should be taken and the timing thereof

The same steps should be taken if a municipal manager is notified of a material irregularity

If we conclude that it was not appropriate, we include recommendations in the audit report on what the municipal manager should do to address the material irregularity. In addition, we include a deadline by when these recommendations should be implemented.

If it requires further investigation, we also refer the material irregularity to a public body.

What happens with the identified material irregularities?

A material irregularity is only fully resolved if (1) the loss (or further losses) is prevented and/or any losses incurred have been recovered or all possible steps have been taken to recover the losses; and (2) appropriate steps have been taken against the person or party responsible for the loss.

The material irregularities and the progress made in resolving them will be reported in the audit report of the auditee and in general reports until they have been fully resolved to enable accountability and oversight. When an audit report is signed, we report based on the status of the material irregularities that are confirmed at that date. What we typically include are:

- New material irregularities identified and the actions the municipal manager is taking to address them – or we include the recommendations or information on referral (as applicable)
- Whether there are other material irregularities in process (if we have not concluded the notification and response process)
- Progress made in resolving material irregularities reported in the previous audit report

The responsibilities for the further steps to be taken by the municipal manager, mayor, council and public bodies to resolve an identified material irregularity are detailed below.

	Municipal manager (MM) and Auditor-General of South Africa (AGSA)	Mayor and council
<p>MM is dealing with material irregularity</p> 	<p>MM implements committed actions to address material irregularity and improves controls to prevent re-occurrence</p> <p>AGSA follows up in next audit if actions were implemented and if outcomes were reasonable – if not, can result in referral or recommendation in audit report</p>	<p>Mayor monitors progress and supports MM in addressing material irregularity and improving controls</p> <p>Council monitors progress and calls MM to account for actions taken and outcomes</p>
<p>Material irregularity is referred to public body</p> 	<p>MM cooperates with public body and implements any remedial actions/recommendations made and improves controls to prevent re-occurrence</p> <p>AGSA provides information on material irregularity to public body, monitors progress with investigation, and follows up in audits the implementation of any remedial actions/recommendations</p>	<p>Mayor supports public body's investigation and MM in improving controls; if responsible for public body, monitors progress with investigation</p> <p>Council monitors progress with investigation and calls public body to account for undue delays in investigation</p>
<p>Recommendation included in audit report</p> 	<p>MM implements recommendations by date stipulated in audit report and improves controls to prevent re-occurrence</p> <p>AGSA follows up by stipulated date if recommendations were implemented and if outcomes were reasonable; issues remedial action</p>	<p>Mayor monitors progress and supports MM in implementing recommendations and improving controls</p> <p>Council monitors progress and calls MM to account for actions taken and outcomes</p>

What do we do to follow up on the progress?

Our process for following up and reporting on the progress with material irregularities previously reported starts with us writing to the municipal managers to enquire on the progress and request evidence on the actions they had planned to take. We also ask what their further planned actions are.

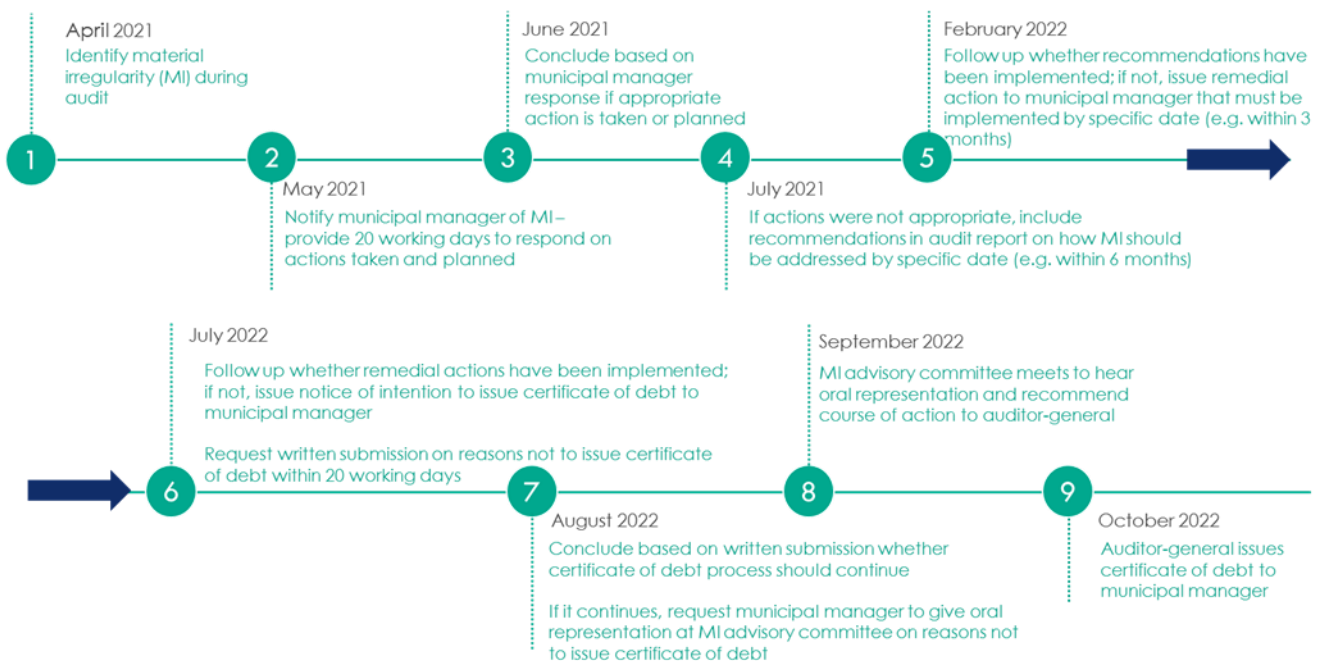
We assess the responses provided and then conclude whether their actions (taken or planned) and its outcomes are appropriate in line with their legal obligations. If we find these to be appropriate, we give the municipal manager space to implement the further planned actions, with an undertaking to follow up on the progress with resolving the material irregularity in the next audit cycle. If we conclude that the actions are not appropriate, we include recommendations in the audit report on what the municipal manager should do to address the material irregularity. We also include a deadline by when these recommendations should be implemented.

If we included recommendations in the audit report in the previous year, we follow a similar approach to obtain feedback and evidence. As recommendations are to be implemented by a certain date, we request written submissions from the municipal manager by that date, including reasons for recommendations not having been implemented. If the recommendations have not been implemented by the stipulated date, we go through a rigorous process before concluding whether the municipal manager should be allowed more time or if remedial action should be implemented.

It is important to clarify that the municipal managers against whom we can take remedial action and ultimately issue a certificate of debt are not the persons or parties who had lost the money or who had been involved in the irregularity – they are those who did not take action to recover the money, stop further losses and act against the officials involved. Hence we must provide them with the time to take the required action. We will only activate our new powers when such action is not taken or not taken timeously, or if the outcome of the action is not appropriate.

We appreciate our stakeholders’ frustration regarding the long time it takes from identifying a material irregularity to issuing a certificate of debt. But we have to be fair, reasonable and adhere to the principles of administrative justice, by providing municipal managers sufficient time to take action, implement recommendations and remedial steps as well as state their case for not taking the required action should that be the case.

The timeline below demonstrates the extent and timing of this process by using an example of a material irregularity identified in April 2021. Please note that this is a 'best case scenario' as there are often delays in the process – some within the control of the municipal manager, and some outside the control of either the municipal manager or ourselves.



What is the difference between irregular expenditure and material irregularities?

WATCH: [Irregular expenditure vs material irregularities](#)

Now that we have looked at the material irregularity process in detail, let's address a question that we frequently get asked on the correlation between irregular expenditure and material irregularities. Our stakeholders often expect that all irregular expenditure will also be material irregularities. This is not the case, however, as explained below by looking at how irregular expenditure differs from the definition and application of material irregularities.

How irregular expenditure (IE) is different from material irregularities (MIs)



Definition

IE: Expenditure incurred in contravention of, or that is not in accordance with, a requirement of any applicable legislation

MI: Any non-compliance with, or contravention of, legislation, fraud, theft or a breach of a fiduciary duty identified during an audit performed under the Public Audit Act that resulted in or is likely to result in a material financial loss, the misuse or loss of a material public resource or substantial harm to a public sector institution or the general public



Difference: irregularity

IE: Irregularity is only **non-compliance with legislation when incurring expenditure**

MI: Irregularity is **any non-compliance (not limited to expenditure)** as well as **fraud, theft or breach of fiduciary duty**



Difference: impact

Impact is not specified, as MFMA requires municipal manager and council to determine impact

There can be **irregular expenditure that did not result in any financial losses**, misuse or harm



Difference: value

IE: Value is **expenditure to date**

MI: Does not necessarily have a value, but if impact is financial loss, **value we report is estimated financial loss**

Glossary of key terminology

Asset (in financial statements)	Any item belonging to the auditee, including property, infrastructure, equipment, cash, and debt due to the auditee.
Capital expenditure	Expenditure incurred by auditees on capital items in a particular financial period; for example, fixed assets such as property, infrastructure and equipment with long expected lives and that are required to provide services, produce income or support operations.
Cash flow (in financial statements)	The flow of money from operations: incoming funds are revenue (cash inflow) and outgoing funds are expenses (cash outflow).
Cash-backed (grant management)	Unspent grants are supported by available cash.
Commitments from role players	Initiatives and courses of action communicated to us by role players in local government aimed at improving the audit outcomes.
Conditional grants	Funds allocated from national government to auditees, subject to certain services being delivered or on compliance with specified requirements.
Creditors	Persons, companies or organisations to whom the auditee owes money for goods and services procured from them.
Current assets (in financial statements)	These assets are made up of cash and other assets, such as inventory or debt for credit extended, which will be traded, used or converted into cash within 12 months. All other assets are classified as non-current, and typically include property, plant and equipment as well as long-term investments.
Current liability (in financial statements)	Money owed by the auditee to companies, organisations or persons who have supplied goods and services to the auditee.
Cybersecurity (information technology)	The protection of information assets by addressing threats to the information processed, stored and transported by internet-worked information systems.
Debt impairment	A loss in the future economic benefits or service potential of a debt, over and above the recognition of the loss of the asset's future economic benefits or service potential through amortisation (by reducing or paying off a debt with regular payments).
Deficit	An excess of expenditure or liabilities over income or assets in a given period.
Equitable share	A financial allocation in the form of an unconditional grant that enables municipalities to provide basic services to poor households, and to enable municipalities with limited own resources to afford basic administrative and governance capacity and perform core municipal functions.

<p>Financial and performance management (as one of the drivers of internal control)</p>	<p>The performance of tasks relating to internal control and monitoring by management and other employees to achieve the financial management, reporting and service delivery objectives of the auditee.</p> <p>These controls include the basic daily and monthly controls for processing and reconciling transactions, the preparation of regular and credible financial and performance reports as well as the review and monitoring of compliance with key legislation.</p>
<p>Going concern</p>	<p>The presumption that an auditee will continue to operate in the near future, and will not go out of business and liquidate its assets. For the going concern presumption to be reasonable, the auditee must have the capacity and prospect to raise enough financial resources to stay operational.</p>
<p>Governance (as one of the drivers of internal control)</p>	<p>The governance structures (audit committees) and processes (internal audit and risk management) of an auditee.</p>
<p>Hacked (information technology)</p>	<p>When unauthorised access to a computer system has been gained.</p>
<p>Implementing agent</p>	<p>Government institutions (e.g. the Independent Development Trust), non-governmental organisations or private sector entities appointed by the auditee to manage, implement and deliver on projects.</p>
<p>Information technology infrastructure (information technology)</p>	<p>The hardware, software, computer-related communications, documentation and skills that are required to support the provision of information technology services, together with the environmental infrastructure on which it is built.</p>
<p>Leadership (as one of the drivers of internal control)</p>	<p>The administrative leaders of an auditee, such as municipal managers and senior management.</p> <p>It can also refer to the political leadership (including the mayor and the council) or the leadership in the province (such as the premier).</p>
<p>Material finding (from the audit)</p>	<p>An audit finding on the quality of the performance report or compliance with key legislation that is significant enough in terms of either its amount or its nature, or both these aspects, to be reported in the audit report.</p>
<p>Material irregularity</p>	<p>Any non-compliance with, or contravention of, legislation, fraud, theft or a breach of a fiduciary duty identified during an audit performed under the Public Audit Act that resulted in – or is likely to result in – a material financial loss, the misuse or loss of a material public resource or substantial harm to a public sector institution or the general public.</p>
<p>Material Irregularity Regulations</p>	<p>The regulations stemming from the provisions of section 52(1A) of the Public Audit Act. The regulations enable us to implement the material irregularity provision in the Public Audit Act by, among others, regulating the decision-making on material irregularities and the time frames applicable to the material irregularity process.</p>

Material misstatement (in financial statements or performance reports)	An error or omission that is significant enough to influence the opinions or decisions of users of the reported information. Materiality is considered in terms of either its rand value or the nature and cause of the misstatement, or both these aspects.
Misstatement (in financial statements or performance reports)	Incorrect or omitted information in the financial statements or performance report.
Non-cash item (in financial statements)	An entry in the financial statements correlating to expenses that are essentially just accounting entries rather than actual movements of cash. Depreciation and amortisation are the two most common examples of non-cash items.
Operational expenditure	Expenditure incurred by auditees associated with their operations, such as service delivery costs, administration and salaries.
Payables	Amounts owed for the purchase of goods or services at a specific date.
Preventative controls	<p>Internal controls can be categorised as preventative controls, detective controls and corrective controls. Preventative controls are the controls designed and implemented by management to avoid threats to the objectives of the auditee from materialising. Detective and corrective controls focus more on identifying and correcting failures after they had already occurred.</p> <p>Preventing poor-quality financial statements and performance reports, non-compliance and material irregularities is more effective and efficient than having to deal with the consequences thereof – money and time are lost, costly investigations have to be instituted, and officials are subjected to the discomfort and anxieties associated with these processes, which often take a number of years to be finalised.</p>
Property, infrastructure and equipment (in financial statements)	Assets that physically exist and are expected to be used for more than one year, including land, buildings, leasehold improvements, equipment, furniture, fixtures and vehicles.
Public Audit Act (Act No. 25 of 2004)	This is the Auditor-General of South Africa’s enabling legislation. The objective of the act is to give effect to the provisions of the Constitution by establishing and assigning functions to an auditor-general and by providing for the auditing of institutions in the public sector. The Public Audit Act was amended [Public Audit Amendment Act (Act No. 5 of 2018)] to provide us with more power to ensure accountability in the public sector. The intent of the amendments is not to take over the functions of the municipal manager, the mayor or the council, as their accountability responsibilities are clear in municipal legislation. It is rather to step in where those responsibilities are not fulfilled in spite of us alerting leadership to material irregularities that need to be investigated and addressed.
Ransomware (information technology)	A type of malicious software designed to block access to a computer system until a ransom demand is satisfied.

Reconciliation
(of accounting records)

The process of matching one set of data to another; for example, the bank statement to the cheque register, or the accounts payable journal to the general ledger.

Receivables or debtors
(in financial statements)

Money owed to the auditee by companies, organisations or persons who have procured goods and services from the auditee.

Reporting on outstanding amounts owing on utilities
(bulk water and electricity)

The total amount owing at year-end represents the full amount outstanding (including amounts owed for the 0 – 30 day period). When reporting on amounts in arrears, the amount excludes the 0 – 30 day portion.

Status-of-records review

A process whereby the auditor performs basic review procedures to identify risks and areas of concern for discussion with the accounting officer. The purpose of the status-of-records review is to:

- ensure that there is a system of early warning to the accounting officer on challenges that may compromise good financial and performance management and compliance with legislation
- demonstrate to the accounting officer a deepened level of understanding of the business of the auditee and the value added by the auditor
- contribute to capacitating the accounting officer and senior management in instilling good practices of regular reporting, review and oversight
- identify risks early and throughout the audit cycle to respond to these timeously and correctly.

System development
(information technology)

The development of an integrated set of computer programs designed to serve a particular function that has specific input, processing and output activities.