



AGENDA

AUDIT COMMITTEE

12 MARCH 2024

SHIRE OF WAGIN
NOTICE OF MEETING

Dear Councillors Blight, Ball, Chilcott, Kilpatrick, Longmuir, O'Brien and West

The next Audit Committee meeting will be held:

ON: Tuesday 12 March 2024

WHERE: Council Chambers

AT: 5.30pm



Dr Kenneth Parker
CHIEF EXECUTIVE OFFICER

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In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Wagin during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wagin

The Shire of Wagin advises that anyone who has any application lodged with the Shire of Wagin shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wagin in respect of the application.

Dr Kenneth Parker
CHIEF EXECUTIVE OFFICER

GIFTS DISCLOSURE INFORMATION

The Gifts Register contains the disclosures of gifts that have been made by Elected Members, the Chief Executive Officer and Employees in their official capacity.

To adhere with the changes to gift disclosure regulations in the *Local Government Legislation Amendment Act 2019*, passed by Parliament on 27 June 2019, the Shire of Wagin provides gift disclosure information in the interests of accountability and transparency.

Elected Members and the Chief Executive Officer are required to disclose gifts which are valued over \$300 or are two or more gifts with a cumulative value over \$300 (where the gifts are received from the same donor in a 12-month period) within 10 days of receipt [Sections 5.87A & 5.87B *Local Government Act 1995*].

The Act and Regulations require the Chief Executive Officer to publish an up to date version of the Gifts Register on the Shire's website after a disclosure is made. To protect the privacy of individuals, the register published on the website does not include the address disclosed by an individual donor and will instead include the town or suburb.

SHIRE OF WAGIN

Agenda for the Audit Committee meeting to be held in the Council Chambers,
Wagin on Tuesday 12 March 2024 commencing at 5.30pm

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1. OFFICIAL OPENING

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

3. PETITIONS/DEPUTATIONS/PRESENTATIONS

4. DISCLOSURE OF FINANCIAL AND OTHER INTERESTS

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

**5.1 MINUTES FROM THE AUDIT COMMITTEE MEETING HELD
19 DECEMBER 2023**

COMMITTEE DECISION

Moved Cr

Seconded Cr

That the minutes of the Audit Committee meeting held on 19 December 2023 and circulated to all Councillors, be confirmed as a true and accurate record.

6. CORRESPONDENCE AND REPORTS

6.1 2023 COMPLIANCE AUDIT RETURN

AUTHOR OF REPORT:

Chief Executive Officer

SENIOR OFFICER:

Not Applicable

DATE OF REPORT:

12 March 2024

PREVIOUS REPORT(S):

9 March 2023

DISCLOSURE OF INTEREST:

NIL

FILE REFERENCE:

FM.AD.2

ATTACHMENTS:

1. Compliance Audit Return (CAR), calendar year 2023.

OFFICER RECOMMENDATION

That the Audit Committee recommend to Council that Council:

- 1. APPROVES the 2023 Compliance Audit Return for the period 1 January 2023 to 31 December 2023, as shown in attachment 1.**
- 2. AUTHORISES the Shire President and Chief Executive Officer to certify the Compliance Audit Return**
- 3. AUTHORISES the certified Compliance Audit Return being submitted to the Department of Local Government, Sport and Cultural Industries.**

BRIEF SUMMARY

The Compliance Audit Return is a legislative requirement used to assess compliance with elements of the *Local Government Act 1995* (the Act). The Compliance Audit Return takes the form of a questionnaire which, once completed and certified, is provided to the Department of Local Government, Sport and Cultural Industries (DLGSC).

BACKGROUND/COMMENT

The Compliance Audit Return provides a means to self-check compliance with statutory requirements. The 2023 Compliance Audit Return contains questions related to:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Optional Questions
- Tenders of Providing Goods and Services

The 2023 Compliance Audit Return was made available to local governments on 20 December 2023.

Responses to the Compliance Audit Report are compiled by the Shire’s senior staff team, who conduct the following assurance checks on the answers provided by the responsible functional areas:

- Verifies that evidenced records and their content exist in the record management system
- Verifies that evidenced Council resolutions did occur in the manner described through the review of Council minutes

Findings

The 2023 Compliance Audit Return identified five (5) non-compliances as follows:

Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section?	NO	The Strategic Community Plan 2020 – 2030 adopted in August 2022 removed the Corporate Business Plan. In that sense while the Shire has in the past adopted a Corporate Business Plan it does not have an active Corporate Business Plan.
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	NO	The Shire does not have an adopted Corporate Business Plan

Optional Questions				
No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government’s financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council’s resolution to accept the report.	NO	Last review considered by Council was the review conducted in June 2020. A review is currently underway.
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government’s systems and procedures in relation to risk management, internal control and legislative compliance in	NO	Last review considered by Council was the review conducted in June 2020. A review is currently underway.

		accordance with <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.		
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Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	Breach of Tender policy noted at Special Meeting of Council minutes 26 May 2023.

Comments

Corporate Business Plan

It is a legislative requirement that every local government has a Corporate Business Plan that set out how it will achieve the aspirations of the Strategic Community Plan over the next four years. The Corporate Business Plan identifies and prioritises the principal strategies and activities the Council will undertake within the resources available to the Shire.

The Corporate Business Plan is considered by Officers to be the chief practical planning document used in budget preparation, resource management and internal work planning and deployment.

The Shire previously incorporated its Corporate Business Plan within its Strategic Community Plan but in August 2022 removed it from the Strategic Community Plan.

The preparation of a Corporate Business Plan is considered to be a critical priority for the organisation and since the commencement of the CEO on 29 January and internal draft of projects has been prepared by internal discussion prior to presentation at the 19 March 2024 Council Forum.

As a key document, it is proposed that the Corporate Business Plan is prepared over a series of workshops with Council and circulated for public comment prior to formal consideration by Council in time for the 2024-25 financial year.

Regulation 5 and Regulation 17 reviews

Every three financial years a local government is required to conduct a review of its financial management systems and procedures (Regulation 5 of the FM Regulations) and of its systems and procedures in relation to risk management, internal control and

legislative compliance. The last review was adopted by Council in June 2020 being the 2019-20 financial year.

The Shire has appointed an external entity to undertake the reviews the findings of which will be presented to an Audit Committee meeting later this year. The review findings are anticipated to provide an opportunity to plan a journey of continuous improvement in respect to financial control and general governance.

Since commencing, the Shire's new executive team have been introducing minor reforms in these areas to improve systems and processes. Generally, basic compliance and fraud mitigation are in place but the Regulation 5 and 17 reviews will likely identify a pathway to better practice.

Tender Policy

Council policy F.15 Purchasing and Tender Guide states that the purchase of goods valued at \$250,000 or greater is to be by public tender in accordance with the Act and Council policy.

The Shire of Wagin prepared a request for tender which was lodged by WALGA equates 6 September 2022. This is provided for by regulation 11. 2. (b) of the *Local Government (functions and General) Regulations 1996*. There were two responses from suppliers previously engaged by the local government. As the suppliers were equal in criteria, an evaluation was made on price. This recommendation was not tabled at a subsequent Council meeting prior to acceptance and as such is a breach of the relevant policy.

An item to Council was presented at a Special Meeting of Council on 26 May 2023 that sought Council's retrospective endorsement of the recommendation and noted the breach of Council's F.15 purchasing and Tender Guide. While the Tender was called for the 2022 calendar year the realisation of the breach was not discovered until May 2023, therefore was not indicated on the 2022 Compliance Audit Return.

Regulation 17 and Regulation 5 review which are currently underway may identify opportunities to improve the Shire's practices associated with Procurement including Tenders.

CONSULTATION/COMMUNICATION

Nil.

STATUTORY/LEGAL IMPLICATIONS

Section 7.13(1)(i) of the Act requires local governments to carry out a compliance audit in a manner specified in the Regulations. Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 require:

- a local government to carry out a compliance audit return for the period 1 January to 31 December in each year;

- the local government's audit committee to review the compliance audit return and report to Council the results of that review;
- following Council's approval, the certification of the compliance audit return by the President and Chief Executive Officer; and the certified copy of the compliance audit return be provided to the Department of Local Government, Sport and Cultural Industries' Chief Executive Officer by 31 March of that year

POLICY IMPLICATIONS

Compliance is a key pillar in the delivery of good governance; a number of council policies apply in the preparation of informing documents to this return, including:

- A.9 Elected Member Records Management;
- A.18 Asset Management;
- A.21 Continuing Professional Development – Elected Members;
- A.26 Legislative Compliance;
- A.27 Standard for CEO Recruitment, Performance and Termination;
- C.1 Standing Committees; all finance policies.

FINANCIAL IMPLICATIONS

There is no direct financial implication to this item.

STRATEGIC IMPLICATIONS

This report is linked to Strategic Community Plan area of Council Leadership.

VOTING REQUIREMENTS

Simple Majority

7. GENERAL BUSINESS

9. CLOSURE

COMPLIANCE AUDIT RETURN 2023

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	N/A	The Shire did not undertake any major trading undertakings in 2023
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	N/A	
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023?	N/A	
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023?	N/A	
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	No committees have delegated authority
2	s5.16 (2)	Were all delegations to committees in writing?	N/A	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	N/A	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	N/A	
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ?	YES	
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	YES	
8	s5.42(2)	Were all delegations to the CEO in writing?	YES	5028 22/8/2023

9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	YES	
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	N/A	
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	YES	Per the Shire's website
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	YES	5028 22/8/2023
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 19?	YES	Published in the CEO's report of Council

Disclosure of Interest				
No	Reference	Question	Response	Comments
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	YES	As recorded in the minutes of meeting published on the Shire's website
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the <i>Local Government (Administration) Regulations 1996</i> regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	There were no instances where a member requested participation
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made?	Yes	
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	Yes	
6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	YES	

7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ?	YES	
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	YES	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person?	YES	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	YES	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , regulation 28A?	YES	S:\m\DCEO\DCEO\Registers\Register of Electoral Gifts.xlsx
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	YES	https://www.wagin.wa.gov.au/council/registers/contribution-register.aspx
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the <i>Local Government Act 1995</i> , did the CEO remove from the register all records relating to those people?	YES	
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	YES	
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	YES	
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the <i>Local Government Act 1995</i> relates, did the application include details of the nature of the	N/A	

		interest disclosed and any other information required by the Minister for the purposes of the application?		
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the <i>Local Government Act 1995</i> , recorded in the minutes of the council meeting at which the decision was considered?	N/A	
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?	YES	Per the Shire's website.
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the <i>Local Government Act 1995</i> ?	NO	The Shire's adopted code did not include additional requirements
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	YES	https://www.wagin.wa.gov.au/documents/1583/code-of-conduct-for-council-and-committee-members-and-candidates
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employee of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	YES	https://www.wagin.wa.gov.au/documents/11894/code-of-conduct-for-employees

Disposal of Property				
No	Reference	Question	Response	Comments
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the <i>Local Government Act 1995</i> (unless section 3.58(5) applies)?	Yes	Lot 220 Vernal St November Council Meeting Resolution no: 5095 https://www.wagin.wa.gov.au/news/notice-of-disposition-of-property/10185
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	Yes	https://www.wagin.wa.gov.au/news/notice-of-disposition-of-property/10185

Elections				
No	Reference	Question	Response	Comments
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ?	YES	S:\m\DCEO\DCEO\Registers\Register of Electoral Gifts.xlsx
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ?	N/A	No electoral gifts were declared
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ?	YES	https://www.wagin.wa.gov.au/profiles/wagin/assets/clientdata/documents/register_of_electoral_gifts.pdf

Finance				
No	Reference	Question	Response	Comments
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the <i>Local Government Act 1995</i> ?	YES	
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority?	N/A	The Shire's audit committee does not have delegated authority
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	YES	December 2023 Council Minutes Item 11.2.2

4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No significant issues were identified.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website?	Yes	https://www.wagin.wa.gov.au/news/availability-of-annual-report/10188
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	Audit took place: 10-12 October Management letter received 23/11/2023 ICR21467 Signed received by CEO on 28 November

Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	2 August 2022 https://www.wagin.wa.gov.au/documents/11839/strategic-community-plan-2020-2030
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If yes, please provide the adoption date or the date of the most recent review in the Comments section?	NO	The Strategic Community Plan 2020 – 2030 adopted in August 2022 removed the Corporate Business Plan. In that sense while the Shire has in the past adopted a Corporate Business Plan it does not have an active Corporate Business Plan.

3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of <i>Local Government (Administration) Regulations 1996</i> 19DA(2) & (3)?	NO	The Shire does not have an adopted Corporate Business Plan
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Local Government Employees				
No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with <i>Local Government (Administration) Regulations 1996</i> , regulation 18A?	YES	ACEO- CEO- December 2023- ..\..\..\CEO\Acting CEO 2023\CEO Recruitment S:\m\EA_02. Committees_CEO Recruitment & Selection Committee
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	YES	Applicants were required to certify as such
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the <i>Local Government Act 1995</i> ?	YES	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	Council has classed no employees as Senior Employees under legislation
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	

Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	YES	CEO

2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the <i>Local Government Act 1995</i> ?	Yes	No complaints were made in 2023
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ?	Yes	
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	https://www.wagin.wa.gov.au/profiles/wagin/assets/clientdata/complaints_register_03062020.pdf

Optional Questions				
No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	NO	Last review considered by Council was the review conducted in June 2020. A review is currently underway.
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	NO	Last review considered by Council was the review conducted in June 2020. A review is currently underway.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes	
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	Adopted 26 May 2020

5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the <i>Local Government Act 1995</i> ?	Yes	
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Adopted 24 March 2020
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	https://www.wagin.wa.gov.au/profiles/wagin/assets/clientdata/training_report_2223.pdf
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	OCR14242 Audit Planning summary 13/6/2022
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	Breach of Tender policy noted at Special Meeting of Council minutes 26 May 2023.
2	s3.57 F&G Reg 11	Subject to <i>Local Government (Functions and General) Regulations 1996</i> , regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	YES	Tender Register is located in the Safe https://www.wagin.wa.gov.au/council/register/tenders-register.aspx 07 - 22/23 Tender - Supply of 6 wheeler 2-way tipping truck 08 - 22/23 Tender - Supply of 6 tonne truck 09 - 22/23 Tender - Supply of crew cab truck

3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the <i>Local Government Functions and General) Regulations 1996</i> , required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	YES	
4	F&G Reg 12	Did the local government comply with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	YES	
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	Yes	
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 15 and 16?	Yes	
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , Regulations 21 and 22?	N/A	There were no expressions of interest in 2023
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	

13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24?	N/A	
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with <i>Local Government (Functions & General) Regulations 1996</i> regulations 24AD(4) and 24AE?	N/A	The Shire does not utilise a panel of pre-qualified suppliers
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24AG?	N/A	
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	

22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24E and 24F?	N/A	
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Chief Executive Officer

Date

Mayor/President

Date