



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Audit Committee Meeting

22 February 2017



NOTICE PAPER
Audit Committee Meeting
22 February 2017

Committee Members

I inform you that an Audit Committee meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 22 February 2017 at 4:00pm.

Yours faithfully



Jason Whiteaker
Chief Executive Officer

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This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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1. DECLARATION OF OPENING

2. ATTENDANCE

Committee:

Shire President
Deputy Shire President
Councillors

Cr S B Pollard
Cr T M Little
Cr C R Antonio
Cr J Proud

Staff:

Chief Executive Officer
Executive Manager Corporate Services
Executive Assistant – CEO
Coordinator Governance / Administration

J B Whiteaker
C Young
A C Maxwell
C Greenough

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTERESTS

Item Name	Item No.	Name	Type of Interest	Nature of Interest

4. CONFIRMATION OF MINUTES

4.1 COMMITTEE MEETING HELD 21 DECEMBER 2016

RECOMMENDATION

That the minutes of the Audit Committee meeting held Wednesday, 21 December 2016 be confirmed as a true and correct record of that meeting.

5. COMMITTEE REPORTS

5.1 Compliance Audit Return

Address:	N/A
Owner:	N/A
File Reference:	1.6.1.6
Reporting Officer:	Cheryl Greenough Coordinator Governance / Administration
Responsible Officer:	Colin Young Executive Manager Corporate Services
Voting Requirement	Simple Majority

BRIEF

For Council to adopt the Compliance Audit Return (CAR) for 2016.

ATTACHMENTS

Attachment 1: Compliance Audit Return.

BACKGROUND / DETAILS

Under the Local Government (Audit) Regulations 1996, a Local Government is required to carry out a Compliance Audit for the period 1 January to 31 December of each year. The certified return should be submitted to the Director General, Department of Local Government and Regional Development by 31 March each year.

The Compliance Audit Return must be:

1. Presented to Council at a meeting of the Council;
2. Adopted by the Council; and
3. Recorded in the minutes of the meeting at which it is adopted.

In relation to the year 2016 a copy of the return is to be submitted for Councillor's perusal, comment and adoption by Council prior to 31 March 2017. It is necessary for the Shire President and the Chief Executive Officer to sign off the return as a certified copy.

The 2016 Compliance Audit Return has been completed in house, with the CEO reviewing and approving the completed return.

The compliance review process provides both the CEO and the Council with an additional element of accountability through a check on internal

management systems, procedures and record keeping and this demonstrates the Shire's emphasis on improving its good governance, compliance, and best practice.

CONSIDERATIONS

Strategic Community / Corporate Business Plan

Objective G1: Provide accountable and transparent leadership.

Strategy G1.1: Continue to develop Council's policy framework to guide decision making.

Financial / Resource Implications

N/A.

Legislative Compliance

- *Local Government Act 1995;*
- *Local Government (Functions and General) Regulations 1996;*
- *Local Government (Administration) Regulations 1996;*
- *Local Government (Elections) Regulations 1997;*
- *Local Government (Audit) Regulations 1996;*
- *Local Government (Rules of Conduct) Regulations 2007.*

Policy Implications

Nil.

Stake Holder Engagement / Consultation

Nil.

Risk Implications

If the CAR is not completed by the required time frames the Shire will be in breach of the *Local Government Act 1995* and subsidiary legislation.

OFFICER'S COMMENT

The standard of compliance in 2016 was exemplary. For context purposes, in 2014 compliance had improved only marginally from previous years with an achievement of 89% compliance. In 2015 non-compliance or partial non-compliance related to only two out of 87 items included in the Compliance Return.

In the 2016 CAR only one error occurred which related to human error with a failure to complete the requirements of advertising a Regional Price Policy prior to adoption of the policy. The Shire intends to negate any future errors by including in the Policy a requirement to advertise as per the LG Act.

The Shire has sound management systems and procedures. The above example of non-compliance reflected inconsistent or incomplete compliance and human error, and not any systemic failure.

Tenders for Providing Goods and Services:

Prior to February 2015 the Shire did not have procedures mapped out for tenders in Process Mapping therefore in the 2015 CAR picked up issues relating to tender 5:15 for a list of service providers for the Shire. The tenderers were not notified of the outcome of their tender within a reasonable timeframe. However in 2016 there were no such errors noted.

Delegation of Power/Duty

It was noted that in the Ordinary Meeting of 18 May 2016 item 13.2.2 motion number C.2700 that Council resolved to “*delegate the Chief Executive officer to enter into negotiations for the sale of Lot 402 East Street, with interested parties and accept offers at or over 90% of the valuation*”. It is not yet clear if the recommendation was just poorly worded or what the exact intent was. This has been flagged in the CAR for further investigation.

RECOMMENDATION

That Council adopt the Audit Compliance Return 2016 as attached for submission to the Department of Local Government and Communities inclusive of comments on matters to be addressed.

Attachment 1

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
 Department of Local Government and Communities

Northam - Compliance Audit Return 2016

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2016.	N/A	No major undertakings for 2016	Cheryl Greenough
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2016.	N/A	No Major land transactions for 2016	Cheryl Greenough
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	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 2016.	N/A		Cheryl Greenough
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2016.	N/A		Cheryl Greenough
5	s3.59(5)	Did the Council, during 2016, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Cheryl Greenough

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	There are no delegations to committees	Cheryl Greenough
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Cheryl Greenough
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Cheryl Greenough
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Cheryl Greenough
5	s5.18	Has Council reviewed delegations to its committees in the 2015/2016 financial year.	N/A		Cheryl Greenough
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Cheryl Greenough
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	No	OCM 18/5/16 Item 13.2.2 delegation was by simple majority. However the recommendation may have been poorly worded and should have said 'Authorise'. The intent will be clarified after further investigation.	Cheryl Greenough
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Cheryl Greenough
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Cheryl Greenough
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Cheryl Greenough
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Cheryl Greenough
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2015/2016 financial year.	Yes		Cheryl Greenough
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 as required.	Yes		Cheryl Greenough
Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Cheryl Greenough
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Cheryl Greenough
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Cheryl Greenough
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Cheryl Greenough
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Cheryl Greenough
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2016.	Yes		Cheryl Greenough
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2016.	Yes		Cheryl Greenough
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Cheryl Greenough
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Cheryl Greenough
10	s5.88(1)(2) 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 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Cheryl Greenough
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	N/A		Cheryl Greenough
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Cheryl Greenough
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Cheryl Greenough

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Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Cheryl Greenough
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Cheryl Greenough
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Cheryl Greenough

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		cheryl Greenough
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		cheryl Greenough

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates 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 candidates.	N/A	October 2015 was the last election	cheryl Greenough

Finance

No	Reference	Question	Response	Comments	Respondent
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 Act.	Yes		Cheryl Greenough
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Cheryl Greenough
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Cheryl Greenough

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Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

No	Reference	Question	Response	Comments	Respondent
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Cheryl Greenough
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government within 30 days of completion of the audit.	Yes		Cheryl Greenough
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government by 31 December 2016.	Yes		Cheryl Greenough
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Cheryl Greenough
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Cheryl Greenough
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Cheryl Greenough
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Cheryl Greenough
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Cheryl Greenough
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Cheryl Greenough
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Cheryl Greenough
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Cheryl Greenough

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	CEO was employed prior to 2016	Cheryl Greenough
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	No designated senior positions became vacant during 2016	Cheryl Greenough
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 of CEO under section 5.36(4).	N/A		Cheryl Greenough
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Cheryl Greenough
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Cheryl Greenough

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes	The Executive Manager Corporate Services	Cheryl Greenough
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	N/A	There have not been any complaints resulting in action under s5.110(6)(b) or (c)	Cheryl Greenough
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes	A register is available in case such events should arise	Cheryl Greenough
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Cheryl Greenough
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Cheryl Greenough
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Cheryl Greenough

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Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into 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 Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes	Engineering Services had the only tenders in 2016	Cheryl Greenough
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Cheryl Greenough
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		Cheryl Greenough
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Cheryl Greenough
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		Cheryl Greenough
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes	Two officers were in attendance and the public were invited to view the opening, though none attended.	Cheryl Greenough
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A	All were submitted on time	Cheryl Greenough
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Cheryl Greenough
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Cheryl Greenough
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Cheryl Greenough
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes	(Require a copy of advertisement)	Cheryl Greenough
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes	(Show Proof)	Cheryl Greenough

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Department of Local Government and Communities - Compliance Audit Return



Government of **Western Australia**
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No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes	(Show Proof)	Cheryl Greenough
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	(Show proof)	Cheryl Greenough
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	No		Cheryl Greenough
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Cheryl Greenough
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 F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Cheryl Greenough
18	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		Cheryl Greenough
19	F&G Reg 24AH(1)	Did the local government reject the 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		Cheryl Greenough
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Cheryl Greenough
21	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 F&G Reg 24AG.	N/A		Cheryl Greenough
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Cheryl Greenough

Department of Local Government and Communities - Compliance Audit Return



Government of **Western Australia**
 Department of **Local Government and Communities**

No	Reference	Question	Response	Comments	Respondent
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	Yes	The Regional Price Preference is referred to in clause 1.26 of Part 1 – Request for Tender. Council adopted the regional Price Preference Policy on 18 May 2016.	Cheryl Greenough
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	No	An advertisement was not printed in the State Newspaper. A requirement that was overlooked. Our Policy will be updated to include the advertisement.	Cheryl Greenough
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes	We have policies and procedures written for using local goods and services where possible	Cheryl Greenough

6. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

7. DATE OF NEXT MEETING

The next Audit Committee Meeting will be held on 24 May 2017 at 4:00pm.

8. DECLARATION OF CLOSURE