



## Roebourne - Compliance Audit Return 2013

<b>Commercial Enterprises by Local Governments</b>					
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 2013.	Yes		Miranda Geal
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 2013.	Yes	Yes this occurred on one occasion regarding Stage 1 of the Lazy Lands project and the Business Plan was accepted by Council on 15 July 2013.	Miranda Geal
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 2013.	Yes		Miranda Geal
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 2013.	Yes	The Draft Business plan was adopted by Council on 15 April 2013. Statewide public notice was then advertised on 20 April 2013 and remained open for a period of 6 weeks	Miranda Geal
5	s3.59(5)	Did the Council, during 2013, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes	The decision to proceed with Stage 1 of the Lazy Lands project was resolved via absolute majority.	Miranda Geal

<b>Delegation of Power / Duty</b>					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	Delegated authority has not been issued to any committees.	Miranda Geal
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Miranda Geal
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Miranda Geal
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Miranda Geal
5	s5.18	Has Council reviewed delegations to its committees in the 2012/2013 financial year.	Yes		Miranda Geal
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		Miranda Geal



No	Reference	Question	Response	Comments	Respondent
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	In 2013 there were 26 delegations to the CEO. Within the 26 delegations, 22 delegations were resolved and carried via 'absolute majority'. There were four (4) occasions where the terminology within the resolution noted 'simple majority'. Council however, carried the resolution by 'absolute majority' on all four (4) occasions.	Miranda Geal
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	Formal notification was provided to the CEO from the Shire President for all ongoing delegations. One off delegations are included in the Delegations Register, following every Council Meeting.	Miranda Geal
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes	Formal notification was provided to each individual employee from the CEO. Employees are advised that the particulars of their delegations are within the Delegations Register. Delegation Inductions have been implemented in 2013 for all employees receiving new delegations.	Miranda Geal
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	This occurred on two occasions. They were the introduction of a new Delegations Register and the transfer of delegations from one position to another, of which both were resolved by absolute majority.	Miranda Geal
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Miranda Geal
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 2012/2013 financial year.	Yes	After conducting a full review, a new Delegations Register was introduced in June 2013.	Miranda Geal



No	Reference	Question	Response	Comments	Respondent
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.	No	This area is mostly compliant, however it is difficult to measure if a written record was made on every occasion a delegation is exercised.	Miranda Geal

### Disclosure of Interest

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	There was one occasion where a member disclosed an impartiality interest that was more a financial interest. The member did not remain present or participate in the discussion or decision making process.	Miranda Geal
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.	N/A	No decisions were made under s.5.68(1). All Councillors who disclosed an interest under s.5.65 did not remain present or participate in the item.	Miranda Geal
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		Miranda Geal
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	There were four newly elected members in 2013 who all lodged a Primary Return within three months of their start day.	Miranda Geal
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	At the beginning of 2013, our internal systems were restructured. Delegation inductions have been introduced, at which time a Primary Return is issued to all newly designated employees. Since updating our internal controls all Primary Returns for newly designated employees have been compliant.	Miranda Geal
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2013.	Yes		Miranda Geal
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2013.	Yes		Miranda Geal



No	Reference	Question	Response	Comments	Respondent
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.	No	There is one instance where a receipt of annual return cannot be located for a former elected member.	Miranda Geal
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		Miranda Geal
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.	No	<p>In 2013 there were 33 disclosures made under section 5.65 as recorded in the Council minutes. Within the 33 disclosures there was one occasion where the Council Minutes identify a member disclosing both an impartiality and financial interest for an item. However only the impartiality interest was recorded in the Register, in the prescribed form.</p> <p>Additionally there were four disclosures made under section 5.70 as recorded in the Council Minutes. On all four occasions, the disclosures were not recorded in the Register, in the prescribed form. Further training will be provided to the Minutes Secretary in order to ensure the required information is captured within the Register.</p>	Miranda Geal
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.	Yes		Miranda Geal
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	Removed financial returns are currently kept for a period of seven years.	Miranda Geal
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		Miranda Geal



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	A brief description is input in the summary details at the beginning of the Agenda Item Report.	Miranda Geal
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.	N/A	There were no occasions where the Council or a Committee required an Employee to disclose the extent of an interest.	Miranda Geal
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Miranda Geal

### 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		Miranda Geal
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.	No	On one occasion a Notice did not provide the market value of the property to be disposed of. The Council Minutes approving the decision to dispose of the property, identify that the market value was not able to be obtained.	Miranda Geal

### 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.	Yes	One candidate received two electoral gifts which have been correctly recorded in the Electoral Gift Register.	Miranda Geal

### Finance

No	Reference	Question	Response	Comments	Respondent
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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	In October 2013 following the local election, the members of the Audit and Organisational Risk Committee were appointed by absolute majority.	Miranda Geal
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	The audit committee does not hold any delegations.	Miranda Geal
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	Grant Thornton Audit Pty Ltd was appointed as the auditor.	Miranda Geal
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Miranda Geal
5	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	In February 2013, Council voted via absolute majority to appoint Grant Thornton Audit Pty Ltd.	Miranda Geal
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2013 received by the local government within 30 days of completion of the audit.	Yes		Miranda Geal
7	s7.9(1)	Was the Auditor's report for 2012/2013 received by the local government by 31 December 2013.	Yes	The Auditor's report for 2012/2013 was received on Wednesday 02 October 2013.	Miranda Geal
8	S7.12A(3), (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 that action undertaken.	N/A	No action was required.	Miranda Geal
9	S7.12A(3), (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		Miranda Geal
10	S7.12A(3), (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		Miranda Geal
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Miranda Geal



No	Reference	Question	Response	Comments	Respondent
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Miranda Geal
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Miranda Geal
14	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		Miranda Geal
15	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		Miranda Geal

### 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	There was no requirement to appoint a new CEO in 2013.	Miranda Geal
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.	No	One senior employee position was appointed in 2013. The position was for Director Corporate Services which was advertised in a statewide newspaper. At the time of advertising the position, the Total Remuneration Package had not been finalised due to an ongoing organisational review. As such the details of the remuneration were not included in the notice, however shortlisted candidates were provided with an indicative range.	Miranda Geal
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		Miranda Geal
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		Miranda Geal
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes	The agenda item was presented to Council in April 2013.	Miranda Geal



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.	N/A	The CEO is the complaints officer.	Miranda Geal
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).	Yes	A Complaints Register has been maintained however no complaints have been received and this has been acknowledged within the register.	Miranda Geal
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		Miranda Geal
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		Miranda Geal
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		Miranda Geal
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) (c).	Yes		Miranda Geal

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	There are no known occurrences where the tender process was avoided.	Miranda Geal
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		Miranda Geal
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Miranda Geal





No	Reference	Question	Response	Comments	Respondent
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	Internal procedures and standardised templates ensure this documentation is compliant.	Miranda Geal
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	On one occasion these details were varied due to Cyclone Rusty delaying mail delivery. Appropriate notification was issued to all prospective Tenderers advising of the deadline amendment.	Miranda Geal
6	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.	Yes		Miranda Geal
7	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		Miranda Geal
8	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	Internal controls have been revised, updated and implemented to ensure the required information is obtained in a timely manner. The only outstanding information is for Tenders that are still in the evaluation stage and have yet to be awarded.	Miranda Geal
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Miranda Geal
10	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	Internal procedures and standardised templates ensure this documentation is compliant.	Miranda Geal
11	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		Miranda Geal
12	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		Miranda Geal



No	Reference	Question	Response	Comments	Respondent
13	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.	No	Only one Expression of Interest was finalised in 2013. Whilst written notification was provided to all respondents, the list of acceptable Tenderers was not included in the unsuccessful letters. Further guidance surrounding this will be included in our internal procedures.	Miranda Geal
14	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).	N/A	A Regional Price Preference Policy has previously been adopted.	Miranda Geal
15	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, \$100,000 or less.	Yes	As part of an organisational procurement review the Purchasing Policy was revised, updated and approved by Council in 2013.	Miranda Geal