



Shire of Victoria Plains

**Minutes
Audit Committee Meeting**

On	Wednesday 21 March 2018
At	Council Chambers, Calingiri
Commenced	10.01am

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 10.01am.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE GRANTED

Attendees

Cr P Bantock – Presiding Member
Cr N Clarke
Cr S Penn
Mrs L Witham (Community Representative)
Mrs G Teede – Chief Executive Officer
Mr Niel Mitchell – Governance Officer

Apologies

Mr G McGill (Community Representative)

Visitors

Nil

3 MINUTES

3.1 Confirmation of Minutes – 31 January 2018

RESOLUTION 26/2018

Moved: Mrs L Whitham

Seconded: Cr P Bantock

That the Minutes of the SOVP Audit Committee Meeting held 31 January 2018 be confirmed as a true and correct record of proceedings.

Motion Put and Carried: 4/0

3.2 Business arising from Minutes – 31 January 2018

Nil

4 GENERAL BUSINESS

4.1 Compliance Audit Return

FILE REFERENCE	F1.4.5
REPORT DATE	13 March 2018
APPLICANT/PROPONENT	None
OFFICER DISCLOSURE OF INTEREST	None
PREVIOUS MEETING REFERENCES	
AUTHOR	Niel Mitchell - Governance
AUTHORISED BY	Glenda Teede - CEO
ATTACHMENTS	
<i>Attachment</i>	<i>Draft Compliance Audit Return 2017</i>

PURPOSE OF REPORT

To review the Compliance Audit Return for 2017, and make recommendations to Council.

BACKGROUND

It is a requirement of all local governments to complete the Annual Compliance Audit Return as part of its regulatory obligations to the Department of Local Government.

COMMENT

The Compliance Audit Return has been completed for the 2017 year and is submitted for review. The Chief Executive Officer and Governance Officer reviewed the practices and procedures of the administration, and as per the report attached, did not identify any noncompliance issues.

As per the Local Government (Audit) Regulations, this item is presented to the Audit Committee to make appropriate recommendations to Council.

POLICY REQUIREMENTS

None

LEGISLATIVE REQUIREMENTS

Local Government (Audit) Regulations 1996 –

r.14 – Compliance audit return to be reviewed by Audit Committee and report to Council

r.15 – once considered by Council, the return is to be signed by President and CEO and lodged with the Department by 31 March

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

Corporate Business Plan references and impacts:-

STRATEGY 4.3.1 – Maintain / retain full compliance with statutory obligations.

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Required: No

COMMITTEE DECISION 27/2018

Moved: Cr S Penn

Seconded: Cr N Clarke

That the Audit Committee recommends to Council –

- 1. endorsement of the Annual Compliance Audit Return for the 2017 calendar year, as presented, and**
- 2. approval for the Shire President and the Chief Executive Officer to sign the Compliance Audit Return 2017.**

Motion Put and Carried:4/0

COMMITTEE DECISION 28/2018

Moved: Cr P Bantock

Seconded: L Witham

That the Audit Committee recommends to Council the updating of

- 1. Policies Manual**
- 2. Delegations Register**
- 3. Terms of Reference be specified.**

Motion Put and Carried:3/1

COMMITTEE DECISION 29/2018

Moved: L Witham

Seconded: Cr P Bantock

That the Audit Committee recommends to Council and the Audit Committee request a timeline and action report identifying the issues raised by the CAR.

Motion Put and Carried:4/0



Victoria Plains - Compliance Audit Return 2017

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

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 2017.	N/A		Jeremy Clapham
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 2017.	N/A		Jeremy Clapham
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 2017.	N/A		Jeremy Clapham
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 2017.	N/A		Jeremy Clapham
5	s3.59(5)	Did the Council, during 2017, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Jeremy Clapham



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.	No	No formal delegations made	Niel Mitchell
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	No	Some committee decisions read as instructions, approvals, but all subsequently endorsed by Council	Niel Mitchell
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A	No formal delegations made	Niel Mitchell
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A	No formal delegations made	Niel Mitchell
5	s5.18	Has Council reviewed delegations to its committees in the 2016/2017 financial year.	N/A	No formal delegations made	Niel Mitchell
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	Niel Mitchell	
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	20 Sep 2017	Niel Mitchell
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	Jeremy Clapham	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	No	Niel Mitchell	
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	Jeremy Clapham	
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	No	No register to employees	Niel Mitchell
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 2016/2017 financial year.	No	Not for employees	Niel Mitchell
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	Jeremy Clapham	

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		Jeremy Clapham



No	Reference	Question	Response	Comments	Respondent
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	Niel Mitchell	
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	Recorded, but not compliant	Niel Mitchell
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.	N/A	No new members	Niel Mitchell
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.	No	Niel Mitchell	
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2017.	No	2 who are no longer elected members - late	Niel Mitchell
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2017.	Yes	Jeremy Clapham	
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	Jeremy Clapham	
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	Incomplete.	Niel Mitchell
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	Jeremy Clapham	
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	Jeremy Clapham	
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	Jeremy Clapham	
13	s5.103 Admin Reg & Rules of Conduct Reg 11	Where an elected member or an 34C 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.	No	Inconsistent declarations made	Niel Mitchell



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		Niel Mitchell
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		Jeremy Clapham
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Jeremy Clapham

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)).	N/A		Jeremy Clapham
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.	N/A		Jeremy Clapham

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.	No		Niel Mitchell

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	Not fully compliant - s.5.16, s.7.1B	Niel Mitchell
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.	No	No delegations resolved	Niel Mitchell



No	Reference	Question	Response	Comments	Respondent
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Niel Mitchell
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	Rectified 14 Jun 2017	Niel Mitchell
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government within 30 days of completion of the audit.	Yes		Niel Mitchell
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government by 31 December 2017.	Yes		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Niel Mitchell
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Niel Mitchell
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell



Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg	Has the local government adopted a 19DA (6) Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Adopted 27 June 2013	Niel Mitchell
2	s5.56 Admin Reg	Has the local government adopted a 19DA (6) Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A		Niel Mitchell
3	s5.56 Admin Reg	Has the local government adopted a 19C (7) Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Adopted 27 June 2013	Niel Mitchell
4	s5.56 Admin Reg	Has the local government adopted a 19C (7) Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A	Referring to Council 28 Mar 2018	Niel Mitchell
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A	Received 15 June 2016	Niel Mitchell
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A	Received 15 June 2016	Niel Mitchell
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A	Not completed	Niel Mitchell



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 appointed Dec 2016	Niel Mitchell
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.	Yes	CSM, WSM	Niel Mitchell
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).	Yes	Niel Mitchell	
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	Niel Mitchell	
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	Niel Mitchell	



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	CEO	Niel Mitchell
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).	No		Niel Mitchell
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.	N/A		Niel Mitchell
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.	N/A		Niel Mitchell
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.	N/A		Niel Mitchell
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).	N/A		Niel Mitchell

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	One joint tender coordinated by Shire of Toodyay	Niel Mitchell
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.	N/A		Niel Mitchell
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	Insufficient info in Tender Register to confirm	Niel Mitchell



No	Reference	Question	Response	Comments	Respondent
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	No	Own tender - insufficient info in Tender Register to confirm	Niel Mitchell
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.	N/A	Insufficient info in Tender Register to confirm	Niel Mitchell
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.	No	Insufficient info in Tender Register to confirm	Niel Mitchell
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	Insufficient info in Tender Register to confirm	Niel Mitchell
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	Niel Mitchell	
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.	No	Non-compliant - old register format used	Niel Mitchell
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	N/A	Unable to confirm	Niel Mitchell
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.	N/A	No EO1 called	Niel Mitchell
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.	N/A	Niel Mitchell	
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.	N/A	Niel Mitchell	
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.	N/A	Niel Mitchell	
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A	No Panels established	Niel Mitchell
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	Niel Mitchell	



No	Reference	Question	Response	Comments	Respondent
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		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
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		Niel Mitchell
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).	N/A	Adopted Policy is non-compliant	Niel Mitchell
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.	N/A		Niel Mitchell
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		Niel Mitchell

I certify this Compliance Audit return has been adopted by Council at its meeting on

Signed Mayor / President, Victoria Plains
Plains


Signed CEO, Victoria

5 DECLARATION OF CLOSURE

There being no further business the Chairperson declared the meeting closed at 11.27am.

CERTIFICATION

These minutes were confirmed at the Committee Meeting held on 27.2.19

Signed  Date 27.2.19
(Presiding member at the meeting which confirmed the minutes)

Committee –

- Minutes are unconfirmed until adopted at the following meeting of Committee
- decisions may be authorised by Council, or by CEO authority