



AUDIT COMMITTEE MEETING

17 February 2024

NOTICE OF MEETING

Dear Elected Member,

The next Audit Meeting of the Shire of Meekatharra will be held on Saturday 17 February 2024 in the Council Chambers, Main Street Meekatharra, commencing at 9.15am.

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Kelvin Matthews Chief Executive Officer 12 February 2024

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Meekatharra for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written conformation of council's decision, which will be provided within fourteen (14) days of this Meeting

2. RECORD OF ATTENDANCE/ APOLOGIES/ APPROVED LEAVE OF ABSENCE

Members

<u>Staff</u>

Apologies

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 AUDIT COMMITTEE MEETING HELD 20 JANUARY 2024

Council Resolution:

Moved: Seconded:

That the minutes from the Audit Committee Meeting held Saturday 20 January 2024 be confirmed.

CARRIED/LOST

4. GENERAL BUSINESS

4.1 COMPLIANCE AUDIT RETURN 2023

Applicant: File Ref: Disclosure of Interest:	Nil CM.PR.002 Nil	
Date of Report:	9 February 2024	
Author:	Peter Dittrich Acting Deputy Chief	alle
	Executive Officer	Signature of Author
Senior Officer:	Kelvin Matthews Acting Chief Executive Officer	Signature Senior Officer

Summary/Matter for Consideration:

Council is required to complete a Compliance Audit Return (CAR) for the previous calendar year and submit the Return to the Department of Local Government, Sport and Cultural Industries.

Attachments:

Shire of Meekatharra - Compliance Audit Return 2023.

Background:

Regulation 14 of the Local Government (Audit) Regulations 1996 sub regulation (3A) requires the Audit Committee to review the Compliance Audit return prior to its submission to Council. This year the return was completed in-house.

Comment:

The following breaches were identified:

- 1. In relation to the disclosure of interest, there was one instance of a member disclosing an interest and not leaving the room.
- 2. Names were not removed from registers after people ceased to be a person required to make a disclosure. Corrected in March 2023
- 3. Audit report was not received by the Local Government before 31 December. The audit was discussed with the auditor at the audit exit meeting, however the report was formally presented to Council in January 2023.
- 4. Regulation 17 review was started but not completed before 31 December 2022. Report will be presented to April 2023 meeting.
- 5. Consolidated value of vehicles purchased from a single supplier exceeded tender threshold value. CEO has counselled staff involved, it should be noted that no other supplier was able to meet required timeframes.
- 6. Details of winning tender were not provided to unsuccessful tenderers.

Consultation:

Kelvin Matthews, Chief Executive Officer.

Statutory Environment:

Regulation 14 & 15 of the Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

(a)presented to the council at a meeting of the council; and

(b)adopted by the council; and

(c)recorded in the minutes of the meeting at which it is adopted.

[*Regulation 14 inserted: Gazette 23 Apr 1999 p. 1724-5; amended: Gazette 30 Dec 2011 p. 5580-1.*]

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and (b) any additional information explaining or qualifying the compliance audit,

is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation —

certified in relation to a compliance audit return means signed by —

(a) the mayor or president; and

(b)the CEO.

[*Regulation 15 inserted: Gazette 23 Apr 1999 p. 1725; amended: Gazette 26 Jun 2018 p. 2386.*]

Policy Implications: Nil

Budget/Financial Implications: Nil

Strategic Implications: Nil **Voting Requirements:** Simple Majority

Officers Recommendation / Committee Resolution:

Moved: Seconded:

That the Committee recommends that Council adopts the attached Compliance Audit Return 2023 and submits it to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2024.

CARRIED / LOST

For: Against:



Meekatharra – Compliance Audit Return

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	
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 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	

No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	No delegations made by Council to Committee
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 Local Government Act 1995?	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 Local Government Act 1995?	Yes	

Agenda forAudit Committee Meeting to be held on 17 February 2024



Were all delegations to the CEO resolved by an absolute majority? s5.42(1) 7 Yes 8 s5.42(2) Were all delegations to the CEO in writing? Yes s5.44(2) Were all delegations by the CEO to any employee in writing? 9 Yes s5.16(3)(b) & Were all decisions by the Council to amend or revoke a delegation made by N/A 10 s5.45(1)(b) absolute majority? Has the CEO kept a register of all delegations made under Division 4 of the Act Yes 11 s5.46(1) to the CEO and to employees? Were all delegations made under Division 4 of the Act reviewed by the s5.46(2) Yes 12 delegator at least once during the 2022/2023 financial year? s5.46(3) Admin Did all persons exercising a delegated power or duty under the Act keep, on 13 Yes all occasions, a written record in accordance with Local Government Reg 19 (Administration) Regulations 1996, regulation 19?

Discl	osure 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 Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	
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 Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 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 2022?	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 Local Government Act 1995?	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 Local Government Act 1995, 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 Local Government Act 1995, 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 Local Government Act 1995 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 Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes	
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	
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 Local Government Act 1995, 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) of the Local Government Act 1995 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 Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, 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 candidates that incorporates the model code of conduct?	Yes	
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 Local Government Act 1995?	No	
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	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees 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	

Dispo	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 Local Government Act 1995 (unless section 3.58(5) applies)?	Yes		
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes		



Elect	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 Local Government (Elections) Regulations 1997?	Yes		
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 Local Government (Elections) Regulations 1997?	N/A		
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 Local Government (Elections) Regulations 1997?	Yes		

Finar	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 Local Government Act 1995?	Yes		
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A		



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?	No	Audit Report not received prior to December 2023 OCM. Report received by Council at OCM 20 January 2024.
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 Local Government Act 1995 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?	Yes	
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 Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	Yes	
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	

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 Local Government (Administration) Regulations 1996, regulation 18A?	N/A	
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	
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 Local Government Act 1995?	N/A	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	No designated Senior Employees



5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a	N/A	
		senior employee, did it inform the CEO of the reasons for doing so?		

Offic	Official Conduct				
No	Reference	Question	Response	Comments	
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes		
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 Local Government Act 1995?	Yes		
3	\$5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	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		

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 Local Government (Functions and General) Regulations 1996, 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?	Yes	
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, 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	



3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, 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 Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	
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 Local Government (Functions and General) Regulations 1996, 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 Local Government (Functions and General) Regulations 1996, 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?	Yes	
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 Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	Yes	
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?	Yes	



Department of Local Government, Sport and Cultural Industries

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



22	F&G Regs 24E &	Where the local government gave regional price preference, did the local	Yes	
	24F	government comply with the requirements of Local Government (Functions		
		and General) Regulations 1996, Regulation 24E and 24F?		

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	15/12/2023
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?	Yes	29/06/2013 Last CBP Update unknown - possibly only original CBP from 2013 was adopted by Council. Update planned for 2018/2019 "lapsed" due to changeover on CEO and DCEO. Last year's CAR had incorrect date on it as the original CBP was loaded onto Council's web-site on 26/03/2021.
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	See above comments

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 Local Government (Financial Management) Regulations 1996 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.	Yes	17/02/2024 Review received by Audit Committee, comprising whole of Council on 17/04/2023. Minutes of Audit Committee meeting to go to OCM in February 2024.



2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local	Yes	17/02/2024
		government's systems and procedures in relation to risk management,		Review received by Audit Committee,
		internal control and legislative compliance in accordance with Local		comprising whole of Council on 17/04/2023.
		Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023?		Minutes of Audit Committee meeting to go to OCM in February 2024.
		If yes, please provide date of council's resolution to accept the report.		
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local	N/A	
		Government Act 1995, 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?		
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an	Yes	
		up-to-date version on the local government's website, a policy dealing with		
		the attendance of council members and the CEO at events?		
5	s5.96A(1), (2),	Did the CEO publish information on the local government's website in	Yes	
	(3) & (4)	accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government		
		Act 1995?		
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in	Yes	
		relation to the continuing professional development of council members?		
7	s5.127	Did the local government prepare a report on the training completed by	Yes	
		council members in the 2022/2023 financial year and publish it on the local		
		government's official website by 31 July 2023?		
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the	Yes	
		balanced accounts and annual financial report for the year ending 30 June		
		2023?		
9	s.6.2(3)	When adopting the annual budget, did the local government take into	Yes	
		account all its expenditure, revenue and income?		



Chief Executive Officer

17 February 2024

President

17 February 2024

5. OTHER GENERAL BUSINESS

6. CLOSURE OF MEETING