



# SHIRE OF KONDININ AUDIT COMMITTEE

## NOTICE OF MEETING

Councillors: Please be advised that a meeting of the

## AUDIT COMMITTEE

will be held at 1:30PM on Wednesday 15<sup>th</sup> March 2023 at the  
Kondinin Council Chambers

**David Burton**  
**CHIEF EXECUTIVE OFFICER**  
**8<sup>th</sup> March 2023**

11 Gordon Street, KONDININ WA 6367 Tel (08) 98891006 Fax (08) 98891197  
All communications to be addressed to the CHIEF EXECUTIVE OFFICER  
Email: [ceo@kondinin.wa.gov.au](mailto:ceo@kondinin.wa.gov.au)

## Order of Business

### 1. DECLARATION OF OPENING

The Presiding Member welcomed those present and declared the meeting open at \_\_\_\_\_ PM.

### 2. RECORD OF ATTENDANCE/APOLOGIES

**PRESENT:** Cr B Gangell, Cr P Green, Cr B Smith, Cr K Mouritz  
**STAFF:** D Burton CEO, V Bugna MCS, M Burgess MOW, T Young MPA,  
H Repacholi (Minute Taker)

### 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

3.1 Minutes of Audit Committee Meeting – 21<sup>st</sup> December 2022

#### **RECOMMENDATION:**

That the minutes of the Audit Committee Meeting held on 21<sup>st</sup> December 2022 be confirmed.

### 4. Compliance Audit Return 2022

**Applicant:** Shire of Kondinin  
**Author:** D Burton – Chief Executive Officer  
**Date:** 7<sup>th</sup> March 2023  
**Disclosure of Interest:** Nil  
**Attachments:** Shire of Kondinin- Compliance Audit Return 2022

#### **OFFICER'S RECOMMENDATION:**

That the Audit Committee recommends that Council adopts the Shire of Kondinin Compliance Audit Return for the period 1/1/2022 to 31/12/2022 pursuant to Regulation 14(3A) of the *Local Government (Audit) Regulations 1996*.

#### **SUMMARY**

To consider the Compliance Audit Return for 2022.

#### **BACKGROUND**

Every Year, Local Governments are required to complete the Compliance Audit Return which is a list of various sections of the Local Government Act 1995. This is presented to the Audit Committee and then Council. Returns must be completed and sent to the Department of Local Government by 31<sup>st</sup> March.

#### **COMMENT**

Attached for Councillors' information and review is the Compliance Audit Return (CAR) for the period 1/1/2022 to 31/12/2022, which report is a requirement of the Department of Local Government.

The report has been completed by the CEO and Manager of Corporate Services and is required to be reviewed by Council's Audit Committee and then presented by the Audit Committee to the Council of the Shire of Kondinin, with any recommendations that the Committee may require Council to consider. The Compliance Audit Return (CAR) is to be adopted by the Council and recorded in the minutes of the meeting at which it is adopted.

The certified copy of the return together with a relevant copy of the Council Minutes is to be submitted to the Director General of the Department of Local Government through the Smart Hub portal by 31 March.

**STATUTORY REQUIREMENTS**

*Local Government (Audit) Regulations 1996 – Regulation 14 (3A)*

*Local Government Act 1995 – Section 17.3(1)(i)*

**Policy Implications**

Nil

**Financial Implications**

Nil. No further action will be required for the item.

**Strategic Implications**

This action supports the following sections of the Shire's Strategic Community Plan 2022-2032:

*"Goal 4: Civic Leadership*

*We are a compliant and resourced Local Government"*

**5. CLOSURE**

Being no further business, the meeting was closed at \_\_\_\_pm.

# Compliance Audit Return Form

Start ✓ Details ✓ Commercial Enterprises ✓ Delegation ✓

Disclosure of Interest ✓ Disposal of Property ✓ Elections ✓ Finance ✓ IPR ✓

Employees ✓ Conduct ✓ Other ✓ Tenders ✓ Documents ✓ **Review** Finalise

Print

## Details

**Local Government**

Kondinin, Shire of

**Year of Return**

2022

**Status**

Draft

Created By

David Burton

# Commercial Enterprises by Local Governments

1. Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022? \*

Add comments

Yes

Please enter comments \*

Business Plan for Hyden Visitors Centre drafted, but project has not proceeded at this time due to funding.

2. Has the local government prepared a business plan for each major land transaction that was not exempt in 2022? \*

Add comments

N/A

—

**3. 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 2022? \***

**Add comments**

N/A

—

**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 2022? \***

**Add comments**

N/A

—

**5. During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? \***

**Add comments**

N/A

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# Delegation of Power/Duty

1. Were all delegations to committees resolved by absolute majority? \*

Add comments

Yes

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2. Were all delegations to committees in writing? \*

Add comments

Yes

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**3. Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995? \***

**Add comments**

Yes

—

**4. Were all delegations to committees recorded in a register of delegations? \***

**Add comments**

Yes

—

**5. Has council reviewed delegations to its committees in the 2021/2022 financial year? \***

**Add comments**

Yes

—



**6. Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995? \***

Add comments

Yes

—

**7. Were all delegations to the CEO resolved by an absolute majority? \***

Add comments

Yes

—

**8. Were all delegations to the CEO in writing? \***

Add comments

Yes

—

**9. Were all delegations by the CEO to any employee in writing? \***

**Add comments**

Yes

—

**10. Were all decisions by the Council to amend or revoke a delegation made by absolute majority? \***

**Add comments**

Yes

—

**11. Has the CEO kept a register of all delegations made under Division 4 of the Local Government Act 1995 to the CEO and to employees? \***

**Add comments**

Yes

—

12. Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year? \*

Add comments

Yes

—

13. Did all persons exercising a delegated power or duty under the Local Government Act 1995 keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996 regulation 19? \*

Add comments

Yes

—

## **Disclosure of Interest**

**1. 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? \***

**Add comments**

Yes

—

**2. 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? \***

**Add comments**

Yes

—

**3. 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? \***

**Add comments**

Yes

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**4. Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? \***

**Add comments**

Yes

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**5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022? \***

**Add comments**

Yes

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**6. On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return? \***

**Add comments**

Yes

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**7. 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? \***

**Add comments**

Yes

—

**8. 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? \***

**Add comments**

Yes

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**9. 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? \***

**Add comments**

Yes

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**10. 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? \***

**Add comments**

Yes

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**11. 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? \***

Add comments

Yes

—

**12. Did the CEO publish an up-to-date version of the gift register on the local government's website? \***

Add comments

Yes

—

**13. 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? \***

Add comments

Yes



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**14. Have copies of all records removed from the register under section 5.89A(6) 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? \***

Add comments

Yes

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**15. 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? \***

Add comments

Yes

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**16. 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? \***

Add comments

N/A

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**17. 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? \***

Add comments

N/A

—

**18. Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)? \***

Add comments

Yes

—

**19. 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? \***

Add comments

No

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**20. 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? \***

Add comments

Yes

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**21. Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? \***

Add comments

Yes

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**Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? \***

Yes

## **Disposal of Property**

**1. 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)? \***

Add comments

Yes

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**2. 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? \***

Add comments

Yes

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## **Elections**

**1. 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 regulation 30G(1) and regulation 30G(2) of the Local Government (Elections) Regulations 1997? \***

Add comments

N/A

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**2. Did the CEO remove any disclosure of gifts forms relating to unsuccessful candidates, or successful candidates 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? \***

Add comments

N/A

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**3. 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? \***

Add comments

N/A

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## Finance

1. 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? \*

Add comments

Yes

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2. 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? \*

Add comments

Yes

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**3. Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022? \***

**Add comments**

Yes

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**4. 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? \***

**Add comments**

Yes

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**5. 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? \***

Add comments

Yes

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**6. 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? \***

Add comments

Yes

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**7. Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit? \***

Add comments

Yes

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# Integrated Planning and Reporting

1. Has the local government adopted by absolute majority a strategic community plan? \*

Add comments

Yes

Please provide the adoption date or the date of the most recent review \*

22/04/2022

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2. Has the local government adopted by absolute majority a corporate business plan? \*

Add comments

Yes

**Please provide the adoption date or the date of the most recent review \***

14/12/2022

**Please enter comments \***

The Corporate Business Plan is currently under review to bring it in line with the new Strategic Community Plan.

**3. Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)? \***

Add comments

Yes

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## **Local Government Employees**

**1. Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A? \***

Add comments

N/A

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**2. Was all information provided in applications for the position of CEO true and accurate? \***

**Add comments**

N/A

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**3. 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? \***

**Add comments**

N/A

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4. Did the CEO inform council of each proposal to employ or dismiss senior employee? \*

Add comments

N/A

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5. Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so? \*

Add comments

N/A

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## Official Conduct

1. Has the local government designated an employee to be its complaints officer? \*

Add comments

Yes

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**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? \***

Add comments

Yes

**Please enter comments \***

no complaints were received.

**3. Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995? \***

Add comments

Yes

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4. Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? \*

Add comments

Yes

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## Other

1. 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 2022?

Add comments

Yes

Please provide the date of council's resolution to accept the report.

\*

16/03/2022

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**2. Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?**

Add comments

Yes

**Please provide the date of council's resolution to accept the report.**

\*

15/06/2022

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**3. Where a disclosure was made under sections 5.87A or 5.87B of the Local 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?**

Add comments

Yes



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**4. Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?**

**Add comments**

Yes

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**5. Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?**

**Add comments**

Yes

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**6. Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?**

Add comments

Yes

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**7. Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022?**

Add comments

Yes

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**8. By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022?**

Add comments

Yes

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9. When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?  Add comments

Yes

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## **Tenders for Providing Goods and Services**

1. 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? \*  Add comments

Yes

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**2. 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? \***

**Add comments**

Yes

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**3. 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)? \***

**Add comments**

Yes

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**4. 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? \***

Add comments

N/A

**Please enter comments \***

no such contracts entered into.

**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? \***

Add comments

Yes

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**6. 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? \***

 **Add comments**

Yes

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**7. 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? \***

 **Add comments**

Yes

—

**8. Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender? \***

 **Add comments**

N/A

**Please enter comments \***

no late tenders were received.

**9. 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? \***

**Add comments**

Yes

—

**10. Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? \***

**Add comments**

Yes

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**11. 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? \***

Add comments

N/A

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**12. 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? \***

Add comments

N/A

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**13. Were all expressions of interest that were not rejected under the Local 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? \***

Add comments

N/A



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**14. Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24? \***

Add comments

N/A

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**15. Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE? \***

Add comments

N/A

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**16. 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? \***

Add comments

N/A

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**17. Did the local government's procedure for receiving and opening applications 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 pre-qualified supplier panel application? \***

Add comments

N/A

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**18. Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG? \***

Add comments

N/A

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**19. Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications? \***

Add comments

N/A

—

**20. Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept? \***

Add comments

N/A

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**21. Did the CEO send each applicant written notice advising them of the outcome of their application? \***

Add comments

N/A

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

Add comments

Yes

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