



## VISION OF COUNCIL

*"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our natural and built environment."*

# AGENDA

**BUSINESS OF AN URGENT NATURE**

**FOR THE**

**AUDIT AND RISK COMMITTEE MEETING**

**10 FEBRUARY 2021**

# NOTICE OF MEETING

Dear Council Member,

The next Audit and Risk Committee of Council will be held on Wednesday, 10 February 2021 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 2:00 PM.

Regards,



S MASTROLEMBO  
**Chief Executive Officer**

09/02/2021

## DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions in section 5.25 of the *Local Government Act 1995* establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

*Should you require this document in an alternative format please contact us.*

**SHIRE OF BROOME**  
**AUDIT AND RISK COMMITTEE MEETING**  
**WEDNESDAY 10 FEBRUARY 2021**  
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## 5. REPORT OF OFFICERS

### 5.2 COMPLIANCE AUDIT RETURN 2020

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	LCR02
<b>AUTHOR:</b>	Manager Governance, Strategy and Risk
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### SUMMARY:

The purpose of this report is to present to the Audit and Risk Committee (ARC) the 2020 Compliance Audit Return (CAR) for review, and to request that the ARC recommend that Council adopt the 2020 CAR for submission to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 31 March 2021.

#### BACKGROUND

Local governments are required to complete a compliance audit for the previous calendar year by the 31 March. The DLGSC provides the questions each year with the compliance audit being an in-house self audit that is undertaken by the appropriate responsible officer.

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* the ARC is to review the CAR and is to report to Council the results of that review. The CAR is to be:

1. presented to an Ordinary Meeting of Council
2. adopted by Council; and
3. recorded in the minutes of the meeting at which it is adopted.

Following the adoption by Council of the CAR, a certified copy of the return, along with the relevant section of the minutes and any additional information detailing the contents of the return are to be submitted to the DLGSC by 31 March 2021.

The return requires the Shire President and the Chief Executive Officer to certify that the statutory obligations of the Shire of Broome have been complied with.

#### COMMENT

The DLGSC continues to focus on high risk areas of compliance and statutory reporting as prescribed in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The CAR for the period 1 January to 31 December 2020 comprises a total of 102 questions, down from 104 questions the previous year. Whilst the number of questions is similar the DLGSC has updated the wording of many questions and combined questions of a similar nature. New questions have appeared for the first time to reflect the legislative changes that are occurring, and this trend is expected to continue.

The key focus areas covered in the CAR are as follows:

<b>Focus Area</b>	<b>2019 Qu's</b>	<b>2020 Qu's</b>	<b>Comments</b>
Commercial Enterprises by Local Governments	5	5	<ul style="list-style-type: none"> <li>No changes.</li> </ul>
Delegation of Power/Duty	13	13	<ul style="list-style-type: none"> <li>No change.</li> </ul>
Disclosure of Interest	19	21	<ul style="list-style-type: none"> <li>Several questions amalgamated.</li> <li>New questions relating to public access to information, participation rights and adoption of a code of conduct added.</li> </ul>
Disposal of Property	2	2	<ul style="list-style-type: none"> <li>No change.</li> </ul>
Elections	2	3	<ul style="list-style-type: none"> <li>New question relating to public access to the electoral gift register.</li> </ul>
Finance	14	11	<ul style="list-style-type: none"> <li>Amalgamation of questions relating to Audit Reg 7 into one question.</li> </ul>
Integrated Planning and Reporting	7	3	<ul style="list-style-type: none"> <li>Questions relating to Asset Management Plan(s), Long Term Financial Plan and Workforce Plan removed.</li> </ul>
Local Government Employees	5	6	<ul style="list-style-type: none"> <li>New question relating to council rejecting a CEO's recommendation to employ or dismiss a senior employee.</li> </ul>
Official Conduct	6	4	<ul style="list-style-type: none"> <li>Several questions amalgamated.</li> <li>New question in regard to public access to complaints register for minor breaches.</li> </ul>
Optional Questions	4	10	<ul style="list-style-type: none"> <li>New questions regarding the gift provision changes,</li> <li>New questions relating to the attendance of elected members and the CEO at events policy</li> <li>New questions regarding the continuing professional development of elected members policy.</li> <li>New question regarding report on training completed by elected members in the 2019/2020 financial year.</li> </ul>
Tenders for Providing Goods and Services	27	24	<ul style="list-style-type: none"> <li>Several questions amalgamated.</li> <li>Two new questions in relation to the Shire's purchasing policy.</li> </ul>
<b>Total</b>	<b>104</b>	<b>102</b>	

During 2020, responsible officers monitored compliance in each of the focus areas through a new cloud-based compliance application – RelianSys. This has increased the awareness of compliance obligations and allowed the capture of compliance evidence in one central repository throughout the year. The new compliance system reduces the risk of noncompliance and streamlines compilation of the annual return.

A compliance rating of 100% has been reported for 2020.

This continues the Shire's strong history of compliance with the requirements of the *Local Government Act (1995)*, with minimal non compliances reported over the last 5 years and none of a significant risk nature.

It is important to emphasis that the CAR is limited in scope.

Local Governments are also required to comply with upwards of 200 other pieces of legislation. The implementation of RelianSys during 2020 provides the ability to continually improve the monitoring and assurance of other significant pieces of legislation on a prioritised basis. The RelianSys system can also be developed to assist in addressing the compliance focus of the Office of the Auditor General (OAG) that is apparent since the OAG took over the responsibility for Local Government financial and performance audits.

## **CONSULTATION**

Department of Local Government, Sport and Cultural Industries

## **STATUTORY ENVIRONMENT**

### **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.

#### **15. Compliance audit return, certified copy of etc. 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.

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

**RISK**

There is a reputational risk with the DLGSC should the CAR not be completed on time or if significant non compliances are reported.

The likelihood of this occurring is rare.

**STRATEGIC IMPLICATIONS**

**Our Performance Aspiration – We will deliver excellent governance, service and value, for everyone.**

Deliver best practice governance and risk management.

**VOTING REQUIREMENTS**

*Simple Majority*

**REPORT RECOMMENDATION:**

*That the Audit and Risk Committee recommends that Council:*

- 1. Adopt the attached 2020 Compliance Audit Return as the official return for the Shire of Broome; and*
- 2. Requests the Chief Executive Officer to submit the certified return and a copy of the minutes relative to this report to the Department of Local Government, Sport and Cultural Industries prior to 31 March 2021.*

**Attachments**

1. 2020 Compliance Annual Return

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
Local Government, Sport  
and Cultural Industries

## Broome - Compliance Audit Return 2020

### 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 the relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
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 2020?	N/A	No major trading undertakings considered during 2020. MGSR on behalf of CEO	Darren Kennedy
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	Yes	Roebuck Bay Caravan Park. MGSR on behalf of CEO	Darren Kennedy
3	s3.59(2)(c) F&G Regs 7,8,10	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 2020?	Yes	Roebuck Bay Caravan Park. MGSR on behalf of CEO	Darren Kennedy
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 2020?	Yes	Roebuck Bay Caravan Park advertised in the Broome Advertiser 23/7/20 and the West 22/7/20. MGSR on behalf of CEO	Darren Kennedy
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	Roebuck Bay Caravan Park May 2020 OCM Resolution C/0520/010. MGSR on behalf of CEO.	Darren Kennedy

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
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<b>Delegation of Power/Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A	No committee delegations. MGSR	Darren Kennedy
2	s5.16	Were all delegations to committees in writing?	N/A	No committee delegations MGSR	Darren Kennedy
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A	No committee delegations MGSR	Darren Kennedy
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	No committee delegations MGSR	Darren Kennedy
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	N/A	No committee delegations MGSR	Darren Kennedy
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 Act?	Yes	No delegations in breach of s5.43. Delegation register currently being converted to WALGA model delegation register to provide further assurance. MGSR	Darren Kennedy
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	Delegations approved by Council at OCM 27 Feb 2020 Resolution C/0220/025	Darren Kennedy
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Delegations approved by Council at OCM 27 Feb 2020 Resolution C/0220/025	Darren Kennedy
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Documented in the delegations register.	Darren Kennedy
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes	Delegations approved by Council at OCM 27 Feb 2020 Resolution C/0220/025	Darren Kennedy
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	Delegation Register. MGSR on behalf of CEO	Darren Kennedy
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes	Delegations approved by Council at OCM 27 Feb 2020 Resolution C/0220/025	Darren Kennedy
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 in accordance with Admin Reg 19?	Yes	As far as can be ascertained. All delegations require delegates and sub-delegates to maintain appropriate records in the Shire's Record Management System.	Darren Kennedy

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Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
Local Government, Sport  
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Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
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, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	N/A	No participation rights sought under s5.68 sought during the year.	Darren Kennedy
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 Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	Item 14.2 RRRP Site Comparison Report December 2020. Cr Taylor, Matsumoto & West granted ministerial approval to fully participate and vote. MGSR on behalf of SAGO	Darren Kennedy
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes	MGSR on behalf of SAGO	Darren Kennedy
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	Managed in the Attain system MGSR on behalf of SAGO	Darren Kennedy
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes	Managed in the Attain system MGSR on behalf of SAGO	Darren Kennedy
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	Managed in the Attain system MGSR on behalf of SAGO	Darren Kennedy
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?	Yes	Managed in the Attain system MGSR on behalf of SAGO	Darren Kennedy
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, in the form prescribed in Admin Reg 28?	Yes	Recorded to File GOC02 MGSR on behalf of SAGO	Darren Kennedy
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes	Yes removed from GOC02 and placed on GOC02.3 for retention for 5 years. MGSR on behalf of SAGO	Darren Kennedy
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) 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	Retained on GOC02.3 MGSR on behalf of SAGO	Darren Kennedy
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, in the form prescribed in Admin Reg 28A?	N/A	No gifts disclosed during the reporting period or since new gift provisions came into effect.	Darren Kennedy

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Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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No	Reference	Question	Response	Comments	Respondent
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	N/A	No gifts disclosed during the reporting period or since new gift provisions came into effect.	Darren Kennedy
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	N/A	No gifts disclosed during the reporting period or since new gift provisions came into effect.	Darren Kennedy
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	N/A	No gifts disclosed during the reporting period or since new gift provisions came into effect.	Darren Kennedy
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes		Darren Kennedy
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11 (2) was the nature of the interest recorded in the minutes?	Yes	All impartiality declarations received recorded in minutes	Darren Kennedy
17	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	All impartiality declarations received recorded in minutes	Darren Kennedy
18	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 s5.71A(1) 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	No applications made during 2020	Darren Kennedy
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A	No applications made during 2020	Darren Kennedy
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	Yes	Existing Code of Conduct adopted on 26 April 2018. New Mandatory Code for EM's comes into force in 2021 and new Code for Employees to be developed.	Darren Kennedy
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes		Darren Kennedy

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Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
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) (unless section 3.58(5) applies)?	Yes	MGSR on behalf on behalf of Property and Leasing Senior Officer.	Darren Kennedy
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	MGSR on behalf on behalf of Property and Leasing Senior Officer.	Darren Kennedy

Elections					
No	Reference	Question	Response	Comments	Respondent
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?	N/A	2020 was a non election year. No electoral gifts declared at the 2019 election	Darren Kennedy
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?	N/A	2020 was a non election year. No electoral gifts declared at the 2019 election	Darren Kennedy
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 Elect Reg 30G(6)?	N/A	2020 was a non election year. No electoral gifts declared at the 2019 election	Darren Kennedy

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	SMC 14/11/2019	Alvin Santiago
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Alvin Santiago
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	N/A	Auditor General mandated by Local Government (Auditing) Act 2017 to audit local government units.	Alvin Santiago

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Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
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No	Reference	Question	Response	Comments	Respondent
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	N/A	Auditor General mandated by Local Government (Auditing) Act 2017 to audit local government units.	Alvin Santiago
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	Yes	Audit report dated 26/11/2020. Received by Council at OMC 10/12/20.	Alvin Santiago
6	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, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Audit report dated 26/11/2020. Received by Council at OMC 10/12/20.	Alvin Santiago
7	s7.12A(4)(a)	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?	N/A	No significant audit findings raised in the Audit Management Letter.	Alvin Santiago
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No significant audit findings raised in the Audit Management Letter.	Alvin Santiago
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes	Audit report dated 26/11/2020. Received by Council at OMC 10/12/20. Audit report submitted by the Office of the Auditor General to the Minister on 26 November 2020 and published in the website immediately.	Alvin Santiago
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	Yes	As specified in the Audit Strategy Memorandum and Audit Planning Meeting dated 1 April 2020.	Alvin Santiago
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes	Audit report dated 26/11/2020. Received by Council at OMC 10/12/20.	Alvin Santiago

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

<b>Integrated Planning and Reporting</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
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	SCP 2021-2031 adopted 10/12/2020	Darren Kennedy
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	CBP 2021-2025 adopted 10/12/2020	Darren Kennedy
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Darren Kennedy

<b>Local Government Employees</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Darren Kennedy
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A	No senior positions vacant during 2020	Darren Kennedy
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Darren Kennedy
4	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)?	N/A		Darren Kennedy
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A		Darren Kennedy
6	s5.37(2)	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?	N/A		Darren Kennedy

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
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<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	N/A	CEO is currently complaints officer.	Darren Kennedy
2	s5.121(1)	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)?	N/A	No complaints received	Darren Kennedy
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2)?	N/A	No complaints received	Darren Kennedy
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?	N/A	No complaints received. A blank register will be prepared and uploaded to website for completeness	Darren Kennedy
<b>Optional Questions</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
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 Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	Yes	2019 Financial Management Systems Review Report dated 2 August 2019 and received at OMC 21/11/2019 Item 12.1.	Alvin Santiago
2	Audit Reg 17	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 Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	N/A	Was planned for December 2020 but deferred to 2021 due to COVID travel restrictions.	Darren Kennedy
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	N/A	No gifts disclosed during 2020	Darren Kennedy
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	N/A	No gifts disclosed during 2020	Darren Kennedy
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes	OCM 23 September 2020 Resolution C/0920/007	Darren Kennedy

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No	Reference	Question	Response	Comments	Respondent
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		Darren Kennedy
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Darren Kennedy
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	OCM 25 June 2020 Resolution C/0620/021	Darren Kennedy
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		Darren Kennedy
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	Yes	The balanced accounts and annual financial report were transmitted to the Office of the Auditor General via email dated 3 September 2020.	Alvin Santiago

**Tenders for Providing Goods and Services**

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	Purchasing Policy follows WALGA model purchasing policy. MGSR on behalf of SPRO	Darren Kennedy
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy 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	MGSR on behalf of SPRO	Darren Kennedy
3	s3.57 F&G Reg 11	Subject to F&G Reg 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 F&G Reg 11(1)?	Yes	MGSR on behalf of SPRO	Darren Kennedy
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes	MGSR on behalf of SPRO	Darren Kennedy

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No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	MGSR on behalf of SPRO	Darren Kennedy
6	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	MGSR on behalf of SPRO	Darren Kennedy
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes	MGSR on behalf of SPRO	Darren Kennedy
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 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	MGSR on behalf of SPRO	Darren Kennedy
9	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	MGSR on behalf of SPRO	Darren Kennedy
10	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	MGSR on behalf of SPRO	Darren Kennedy
11	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	MGSR on behalf of SPRO	Darren Kennedy
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	N/A	No EOI's in 2020 MGSR on behalf of SPRO	Darren Kennedy
13	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?	N/A	No EOI's in 2020 MGSR on behalf of SPRO	Darren Kennedy
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	N/A	No EOI's in 2020 MGSR on behalf of SPRO	Darren Kennedy
15	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 as an acceptable tenderer?	N/A	No EOI's in 2020 MGSR on behalf of SPRO	Darren Kennedy
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	N/A	No EOI's in 2020 MGSR on behalf of SPRO	Darren Kennedy

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No	Reference	Question	Response	Comments	Respondent
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	Yes	RFT 20/10 Plant Panel. MGSR on behalf of SPRO	Darren Kennedy
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	No addenda provided. MGSR on behalf of SPRO	Darren Kennedy
19	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 pre-qualified supplier panel application?	Yes	MGSR on behalf of SPRO	Darren Kennedy
20	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?	Yes	MGSR on behalf of SPRO	Darren Kennedy
21	F&G Reg 24AH(1)	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?	N/A	No late applications MGSR on behalf of SPRO	Darren Kennedy
22	F&G Reg 24AH(3)	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?	N/A	MGSR on behalf of SPRO	Darren Kennedy
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	Yes	MGSR on behalf of SPRO	Darren Kennedy
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes	MGSR on behalf of SPRO	Darren Kennedy

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Broome

\_\_\_\_\_  
Signed CEO, Broome