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# **AGENDA**

for the

**Meeting of Audit Committee**

to be held at

**1:30PM THURSDAY 15<sup>th</sup> March 2018**

Shire of Cuballing  
Council Chambers  
Campbell Street, Cuballing

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## 1. DECLARATION OF OPENING:

The Chief Executive Officer will open the meeting.

## 2. Election of Presiding and Deputy Presiding Member:

### 2.1.1 Election of Presiding Member

File Ref. No:	ADM065
Author:	Gary Sherry
Disclosure of Interest:	Nil
Date:	28 <sup>th</sup> February 2018

#### Summary

**It is necessary for the Audit Committee to elect a Presiding Member.**

#### Comment

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Presiding Member for the next two years are to be addressed to the Chief Executive Officer.

Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

#### Statutory Environment

Local Government Act 1995

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
  - (a) to “office” were references to “office of presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
  - (a) to “office” were references to “office of deputy presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”; and
  - (d) to “mayor or president” were references to “presiding member”.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 1 — Mayors and presidents

1. Terms used in this Division  
In this Division —

“extraordinary vacancy” means a vacancy that occurs under section 2.34(1);  
“the office” means the office of councillor mayor or president.

2. When the council elects the mayor or president
  - (1) The office is to be filled as the first matter dealt with —
    - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
    - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
  - (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.
3. CEO to preside  
The CEO is to preside at the meeting until the office is filled.
4. How the mayor or president is elected
  - (1) The council is to elect a councillor to fill the office.
  - (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
  - (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
  - (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
  - (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
  - (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
  - (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
  - (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.
5. Votes may be cast a second time
  - (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
  - (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
  - (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
  - (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

<b>OFFICER'S RECOMMENDATION – ITEM 2.1.1</b>
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The Chief Executive Officer will conduct an election for the position of Presiding Member if required.

## 2.1.2 Election of Deputy Presiding Member

File Ref. No: ADM063  
Author: Gary Sherry  
Disclosure of Interest: Nil  
Date: 28<sup>th</sup> February 2018

### Summary

**It is possible for Council to elect a Deputy Presiding Member.**

### Comment

Council may elect a Deputy Presiding Member of the Audit Committee. There is no requirement to do so and the Audit Committee appointed Cr Conley as their first Deputy Presiding Member.

In accordance with Schedule 2.3 of the Local Government Act 1995, written nominations for the office of Deputy Presiding Member for the next two years are to be addressed to the Chief Executive Officer. Nomination forms are enclosed with Councillors Agenda Package for the purpose. If a Councillor is nominated by another Councillor, the nominee must advise the Chief Executive Officer orally or in writing that he/she is willing to be nominated for the office.

Should there be two or more nominees, a secret ballot will be conducted to determine the holder of the office.

### Statutory Environment

Local Government Act 1995

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
  - (a) to “office” were references to “office of presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
  - (a) to “office” were references to “office of deputy presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”; and
  - (d) to “mayor or president” were references to “presiding member”.

### OFFICER’S RECOMMENDATION – ITEM 2.1.2

The Chief Executive Officer will conduct an election for the position of Deputy Presiding Member if required.

### **3. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

#### **3.1.1 Attendance**

Cr Scott Ballantyne  
Cr Dawson Bradford  
Cr Mark Conley  
Cr Eliza Dowling  
Cr Tim Haslam  
Cr Roger Newman

Mr Gary Sherry  
Mr Richard Pares  
Mr Bruce Brennan

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager of Works & Services

#### **3.1.2 Apologies**

Nil at this time.

#### **3.1.3 Leave of Absence**

Nil

### **4. STANDING ORDERS:**

#### **OFFICER'S RECOMENDATION:**

**That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.**

### **5. PUBLIC QUESTION TIME:**

Nil at this time

### **6. CONFIRMATION OF MINUTES:**

#### **6.1.1 Meeting of Audit Committee held on Thursday 19<sup>th</sup> October 2017**

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

**That the minutes of the Meeting of the Audit Committee of the Shire of Cuballing held in the Council Chambers on Thursday 19<sup>th</sup> October 2017.**

7. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS:**

Nil

8. **DISCLOSURE OF FINANCIAL INTEREST:**

**DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

**DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil at this time



## **9. REPORTS OF OFFICERS AND COMMITTEES:**

### **9.1 CHIEF EXECUTIVE OFFICER:**

9.1.1	2017 Compliance Audit Return
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Applicant:	N/A
File Ref. No:	ADM 35
Disclosure of Interest:	Nil
Date:	28 <sup>th</sup> February 2017
Author:	Gary Sherry
Attachments:	9.1.1A draft 2017 Compliance Audit Return

#### **Summary**

**The Shire of Cuballing Audit Committee is to consider the Compliance Audit Return for the period 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017 and make a recommendation to Council for action.**

#### **Background**

The Compliance Audit Return (CAR) is a Department of Local Government, Sport and Cultural Industries (DLGSCI) prepared check list of some of the statutory requirements for Local Governments were required to comply with in the twelve months to 31<sup>st</sup> December 2017.

While the structure of the 2017 CAR is generally similar to that of previous years, the DLGC has kept the reduced number of areas of compliance covered in recent CAR's to those considered high risk. The CAR contains substantially fewer questions, reducing the size of the CAR from the previous 27 pages in 2010 to eleven pages for 2017.

Regulation 14 of the Local Government (Audit) Regulations requires that a local government's Audit Committee reviews the CAR and reports the results of that review to the Council prior to adoption by Council and submission to the DLGC.

The Statutory Compliance Audit Return is to be:

1. presented to the Audit Committee for consideration at a meeting of the Audit Committee; by Council;
2. recommended for Adoption by Council at an Audit Committee Meeting;
3. presented to the Council at a meeting of Council;
4. adopted by the Council; and
5. the adoption recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Executive Director, Department of Local Government, by 31<sup>st</sup> March 2018.

#### **Comment**

The draft Compliance Audit Return 2017 is included at Attachment 9.1.1A. The Audit Committee is to make a recommendation to Council for formal adoption.

The draft 2017 Compliance Audit Return includes the following matters of non-compliance:

Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
1	s5.56 Admin Reg 19DA (6)	as the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	No	The Shire of Cuballing is in the process of preparing a Corporate Business Plan that is expected to be reviewed by Council in 2018
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond	No	The Shire of Cuballing is in the process of preparing a Corporate Business Plan that is expected to be reviewed by Council in 2018

Strategic Implications – Nil at this time

### Statutory Environment

Local Government Act 1995

7.13. Regulations as to audits

(1) Regulations may make provision —

- (aa) as to the functions of the CEO and the audit committee in relation to audits carried out under this Part and reports made on those audits;
- (ab) as to the functions of audit committees, including the selection and recommendation of an auditor;
- (ac) as to the procedure to be followed in selecting an auditor;
- (ad) as to the contents of the annual report to be prepared by an audit committee;
- (ae) as to monitoring action taken in respect of any matters raised in a report by an auditor;
- (a) with respect to matters to be included in agreements between local governments and auditors;
- (b) for notifications and reports to be given in relation to agreements between local governments and auditors, including any variations to, or termination of such agreements;
- (ba) as to the copies of agreements between local governments and auditors being provided to the Department;
- (c) as to the manner in which an application may be made to the Minister for approval as an auditor;
- (d) in relation to approved auditors, for —
  - (i) reviews of, and reports on, the quality of audits conducted;
  - (ii) the withdrawal by the Minister of approval as an auditor;
  - (iii) applications to the State Administrative Tribunal for the review of decisions to withdraw approval;
- (e) for the exercise or performance by auditors of their powers and duties under this Part;
- (f) as to the matters to be addressed by auditors in their reports;

- (g) requiring auditors to provide the Minister with such information as to audits carried out by them under this Part as is prescribed;
  - (h) prescribing the circumstances in which an auditor is to be considered to have a conflict of interest and requiring auditors to disclose in their reports such information as to a possible conflict of interest as is prescribed;
  - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
    - (i) of a financial nature or not; or
    - (ii) under this Act or another written law.
- (2) Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.

#### Local Government (Audit) Regulations

#### 13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table

Local Government Act 1995		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.70	s. 5.73	s. 5.75
s. 5.76	s. 5.77	s. 5.88
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
Local Government (Administration) Regulations 1996		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 22	r. 23	r. 28
r. 34B	r. 34C	
Local Government (Audit) Regulations 1996		
r. 7	r. 10	
Local Government (Elections) Regulations 1997		
r. 30G		
Local Government (Functions and General) Regulations 1996		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12
r. 14(1), (3) and (5)	r. 15	r. 16
r. 17	r. 18(1) and (4)	r. 19
r. 21	r. 22	r. 23
r. 24	r. 24E	r. 24F
Local Government (Rules of Conduct) Regulations 2007		
r. 11		

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.

Policy Implications – Nil

Financial Implications – Nil

Economic Implications – Nil

Social Implications – Nil

Environmental Considerations – Nil

Consultation – Nil

#### Options

The Council can resolve:

1. the Audit Committee's Recommendation; or
2. defer and seek additional information.

Voting Requirements – Simple Majority

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

**That Council:**

- 1. adopts the completed Local Government Compliance Audit Return for the period 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2017 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General of the Department of Local Government and Communities as required; and**
- 2. notes the non-compliance matter and requests that the Chief Executive Officer ensure the area of non-compliance is addressed.**



## Cuballing - Compliance Audit Return 2017

### Certified Copy of Return

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

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2017.	N/A		Gary Sherry
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2017.	N/A		Gary Sherry
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2017.	N/A		Gary Sherry
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2017.	N/A		Gary Sherry
5	s3.59(5)	Did the Council, during 2017, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Gary Sherry
<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, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	The Shire of Cuballing did not delegate authority to a committee	Gary Sherry
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Gary Sherry
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Gary Sherry
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Gary Sherry

5	s5.18	Has Council reviewed delegations to its committees in the 2016/2017 financial year.	N/A		Gary Sherry
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Gary Sherry
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Gary Sherry
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Gary Sherry
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Gary Sherry
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Gary Sherry
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Gary Sherry
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2016/2017 financial year.	Yes	Delegations were reviewed 15th June 2017	Gary Sherry
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes	I am not aware of any occasions persons exercising a delegated power or duty under the Act did not keep a written record	Gary Sherry
<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Gary Sherry
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Gary Sherry

3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Gary Sherry
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A	In 2017 no elected member was newly elected.	Gary Sherry
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Gary Sherry
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2017.	Yes		Gary Sherry
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2017.	Yes		Gary Sherry
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Gary Sherry
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Gary Sherry
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Gary Sherry
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Gary Sherry
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Gary Sherry
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Gary Sherry

14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Gary Sherry
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Gary Sherry
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Gary Sherry
<b>Disposal of Property</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A		Gary Sherry
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	N/A		Gary Sherry
<b>Elections</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Gary Sherry
<b>Finance</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
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		Richard Pares
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No delegation	Richard Pares



3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Richard Pares
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Richard Pares
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government within 30 days of completion of the audit.	Yes		Richard Pares
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government by 31 December 2017.	Yes		Richard Pares
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Richard Pares
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Richard Pares
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Richard Pares
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Richard Pares
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Richard Pares
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Richard Pares

13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Richard Pares
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Richard Pares
<b>Integrated Planning and Reporting</b>					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	No	The Shire of Cuballing is in the process of preparing a Corporate Business Plan that is expected to be reviewed by Council in 2018	Gary Sherry
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	No	The Shire of Cuballing is in the process of preparing a Corporate Business Plan that is expected to be reviewed by Council in 2018	Gary Sherry
3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Thursday 21st September 2017	Gary Sherry
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A	Council adopted a completely revised plan, not modifications to an existing plan.	Gary Sherry
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This	Yes	19th October 2017	Gary Sherry

		question is optional, answer N/A if you choose not to respond.			
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	19th October 2017	Gary Sherry
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	19th October 2017	Gary Sherry
<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 the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Gary Sherry
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	Yes		Gary Sherry
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Gary Sherry
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Gary Sherry
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes	21st September 2017	Gary Sherry
<b>Official Conduct</b>					

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Gary Sherry
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Gary Sherry
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Gary Sherry
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Gary Sherry
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Gary Sherry
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Gary Sherry
<b>Tenders for Providing Goods and Services</b>					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	N/A	The Shire of Cuballing did not conduct a Tender in 2017	Gary Sherry
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Gary Sherry

3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	N/A		Gary Sherry
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	N/A		Gary Sherry
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Gary Sherry
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	N/A		Gary Sherry
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Gary Sherry
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Gary Sherry
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	N/A		Gary Sherry
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	N/A		Gary Sherry
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Gary Sherry
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Gary Sherry
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Gary Sherry

14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Gary Sherry
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A	The Shire of Cuballing did not maintain a panel of pre-qualified suppliers in 2017	Gary Sherry
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Gary Sherry
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Gary Sherry
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		Gary Sherry
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		Gary Sherry
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Gary Sherry
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		Gary Sherry

22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Gary Sherry
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Gary Sherry
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Gary Sherry
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes		Gary Sherry

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

15<sup>th</sup> March 2018

Signed Mayor / President, Cuballing

Signed CEO, Cuballing

**9. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

Nil

**10. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDING MEMBER OR MEETING:**

Nil

**11. CONFIDENTIAL ITEM:**

Nil

**12. NEXT MEETING:**

The next Audit Committee will be held when next required.

**13. CLOSURE OF MEETING:**

The Presiding Member of the Audit Committee will close the meeting.