

SHIRE OF MT MARSHALL



Mt Marshall Audit Committee

**Minutes of the
Mt Marshall Audit Committee Meeting
held on Wednesday 15 February 2012
in Council Chambers,
80 Monger St, Bencubbin
commencing at 1:16pm.**

Cr Michael Hogan

Chairman

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1.0	Election of Chairman
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As a Chairman had not yet been elected, the Chief Executive Officer opened the meeting and called for nominations.

Cr MP Hogan was nominated by PA Gillett.

Cr Hogan accepted the nomination.

There being no further nominations, Cr MP Hogan was duly elected Chairman.

Cr MP Hogan called for nominations for Deputy Chairman.

Cr CJ Kirby was nominated by Cr PA Gillett.

Cr CJ Kirby accepted the nomination.

There being no further nominations, Cr CJ Kirby was duly elected Deputy Chairman.

2.0	Declaration of Opening / Announcement of Visitors
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The Chairman welcomed all those present to the meeting.

3.0	Record of Attendance / Apologies
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Attendance

Cr MP Hogan	Councillor/Chairman	
Cr CJ Kirby	Councillor/Deputy Chairman	
Cr PA Gillett	President	
Cr RN Breakell	Deputy President	
Cr DA Miguel	Councillor	
Cr WJ Beagley	Councillor	
Cr IC Sanders	Councillor	
Mr Matthew Gilfellow	Chief Executive Officer	
Mrs Lauren Grylls	Executive Administrator	
Mr Greg Godwin	UHY Haines Norton (Auditor)	1:19pm – 1:31pm
	(by telephone)	
Mr Peter Sachse	Public	1:33pm – 1:43pm

Apologies

Nil

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4.0	Confirmation of Minutes of Previous Meetings
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4.1	Minutes of Mt Marshall Audit Committee
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Audit2012/001	COMMITTEE DECISION:
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<p>That the Minutes of the Audit Committee Meeting held on Tuesday 22 March 2011 be confirmed as a true and correct record of proceedings.</p>

<p>Moved Cr PA Gillett</p>

<p>Seconded Cr CJ Kirby</p>

<p>Carried 7/0</p>

5.0	Meeting with Council's Auditor
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Mr Greg Godwin, UHY Haines Norton joined the meeting by telephone at 1:19pm.

Mr Godwin discussed with Council the Audit Report for the financial year ended 30 June 2011. The issues on the Management Report were discussed.

Mr Godwin left the meeting (by telephone) at 1:31pm.

Mr Peter Sachse entered the meeting at 1:33pm.

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6.0	Reports of Officers
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6.1	Compliance Audit Return 2011
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LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A2/27
AUTHOR:	Matthew Gilfellon – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	7 February 2012
ATTACHMENT NUMBER:	6.1 – Compliance Audit Return 2011
CONSULTATION:	Nil
STATUTORY ENVIRONMENT:	Local Government Act 1995 Local Government (Audit) Regulations 1996
POLICY IMPLICATIONS:	Nil
FINANCIAL IMPLICATIONS:	Nil
STRATEGIC IMPLICATIONS:	Nil
VOTING REQUIREMENT:	Simple Majority

Audit2012/002 COUNCIL DECISION / OFFICER RECOMMENDATION:

That the Compliance Audit Return (as attached) for the period from 1 January 2011 to 31 December 2011 be adopted and recorded in the minutes as required by the Local Government (Audit) Regulations 1996.

Moved Cr PA Gillett	Seconded Cr MP Hogan	Carried 7/0
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BACKGROUND:

The Local Government (Audit) Regulations 1996 require that the Shire carry out a compliance audit for the period 1 January to 31 December each year, and after carrying out the Audit prepare a compliance audit return in a form approved by the Minister.

The compliance audit return is to be presented to the Council at a meeting of the Council, adopted by the Council and recorded in the minutes of the meeting at which it is adopted.

The return, once adopted by Council is to be certified by the Shire President and the Chief Executive Officer and forwarded to the Director General of the Department of Local Government and Regional Development.

COMMENT:

The compliance audit is comprehensive and gives the Council an indication of the Shire's level of compliance with legislative requirements. This year the form has been shortened to seven years. Under the new form the shire is compliant in all areas however a local review still needs to be conducted.

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Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Mount Marshall - Compliance Audit Return 2011

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments

No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2011.	N/A	No major trading undertaken	Matthew Gilfellow
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 2011.	N/A	No major land transaction undertaken	Matthew Gilfellow
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 2011.	N/A		Matthew Gilfellow
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 2011.	N/A		Matthew Gilfellow
5	s3.59(5)	Did the Council, during 2011, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Matthew Gilfellow

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Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Delegation of Power / Duty

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Matthew Giffellon
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Matthew Giffellon
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Matthew Giffellon
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Matthew Giffellon
5	s5.18	Has Council reviewed delegations to its committees in the 2010/2011 financial year.	Yes		Matthew Giffellon
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		Matthew Giffellon
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Matthew Giffellon
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Matthew Giffellon
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Matthew Giffellon
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Matthew Giffellon
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Matthew Giffellon
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 2010/2011 financial year.	Yes		Matthew Giffellon
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		Matthew Giffellon

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Matthew Giffellon
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		Matthew Giffellon

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Department of Local Government

No	Reference	Question	Response	Comments	Respondent
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		Matthew Gilfellow
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.	Yes		Matthew Gilfellow
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		Matthew Gilfellow
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2011.	Yes		Matthew Gilfellow
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2011.	Yes		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow
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		Matthew Gilfellow

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Department of Local Government - Compliance Audit Return



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Department of Local Government

No	Reference	Question	Response	Comments	Respondent
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		Matthew Gilfellon
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Matthew Gilfellon

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Matthew Gilfellon
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		Matthew Gilfellon

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Matthew Gilfellon

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		Matthew Gilfellon
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.	Yes		Matthew Gilfellon
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Matthew Gilfellon
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Matthew Gilfellon
5	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		Matthew Gilfellon

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No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2011 received by the local government within 30 days of completion of the audit.	Yes		Matthew Gilfellow
7	s7.9(1)	Was the Auditor's report for 2010/2011 received by the local government by 31 December 2011.	Yes		Matthew Gilfellow
8	S7.12A(3), (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 that action undertaken.	Yes		Matthew Gilfellow
9	S7.12A(3), (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	No actions required	Matthew Gilfellow
10	S7.12A(3), (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		Matthew Gilfellow
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Matthew Gilfellow
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Matthew Gilfellow
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Matthew Gilfellow
14	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		Matthew Gilfellow
15	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		Matthew Gilfellow

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Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Matthew Giffellon
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		Matthew Giffellon
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Matthew Giffellon
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).	Yes		Matthew Giffellon
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	No senior employees dismissed	Matthew Giffellon

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Matthew Giffellon
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		Matthew Giffellon
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		Matthew Giffellon
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		Matthew Giffellon
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		Matthew Giffellon
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) (c).	Yes		Matthew Giffellon

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Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Matthew Gilfellow
2	F&G Reg 12	Has the local government entered into multiple contracts only where avoiding the requirement to call tenders for a single contract in accordance with F&G Reg 11(1) was not a significant reason for doing so.	Yes		Matthew Gilfellow
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Matthew Gilfellow
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Matthew Gilfellow
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Matthew Gilfellow
6	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.	Yes		Matthew Gilfellow
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Matthew Gilfellow
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.	Yes		Matthew Gilfellow
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Matthew Gilfellow
10	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.	Yes		Matthew Gilfellow
11	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.	Yes		Matthew Gilfellow

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Department of Local Government - Compliance Audit Return



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No	Reference	Question	Response	Comments	Respondent
12	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.	Yes		Matthew Gilfellon
13	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.	Yes		Matthew Gilfellon
14	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).	Yes		Matthew Gilfellon
15	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, \$100,000 or less.	Yes		Matthew Gilfellon

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

Signed Mayor / President, Mount Marshall

Signed CEO, Mount Marshall

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7.0	Next Meeting – to be advised
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8.0	Closure of Meeting
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The Chairman thanked the committee for their participation and declared the meeting closed at 1:43pm.

These Minutes were confirmed by the Mt Marshall Audit Committee at its meeting held on

Date

Cr MP Hogan

Chairman