



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

Nungarin - 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 | | Leonard Long |
| 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? | N/A | | Leonard Long |
| 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? | N/A | | Leonard Long |
| 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? | N/A | | Leonard Long |
| 5 | s3.59(5) | During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? | N/A | | Leonard Long |



| Delegation of Power/Duty | | | | | |
|---------------------------------|--------------------------------|--|-----------------|-----------------|-------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s5.16 | Were all delegations to committees resolved by absolute majority? | N/A | | Leonard Long |
| 2 | s5.16 | Were all delegations to committees in writing? | N/A | | Leonard Long |
| 3 | s5.17 | Were all delegations to committees within the limits specified in section 5.17? | N/A | | Leonard Long |
| 4 | s5.18 | Were all delegations to committees recorded in a register of delegations? | N/A | | Leonard Long |
| 5 | s5.18 | Has council reviewed delegations to its committees in the 2019/2020 financial year? | N/A | | Leonard Long |
| 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 | | Leonard Long |
| 7 | s5.42(1) | Were all delegations to the CEO resolved by an absolute majority? | Yes | | Leonard Long |
| 8 | s5.42(2) | Were all delegations to the CEO in writing? | Yes | | Leonard Long |
| 9 | s5.44(2) | Were all delegations by the CEO to any employee in writing? | Yes | | Leonard Long |
| 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? | N/A | | Leonard Long |
| 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 | | Leonard Long |
| 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 | | Leonard Long |
| 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 | | leonard long |

| 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? | Yes | | Leonard Long |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------------------|--|----------|---|--------------|
| 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 | | leonard long |
| 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 | | Leonard Long |
| 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? | N/A | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 entries made during the audit period | leonard long |
| 12 | s5.89A(5) & (5A) | Did the CEO publish an up-to-date version of the gift register on the local government's website? | Yes | | Leonard Long |
| 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? | Yes | | leonard long |



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| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------------------|---|----------|--------------------------------------|--------------|
| 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? | Yes | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 record of any such requests found | leonard long |
| 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 | | leonard long |
| 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 | | Leonard long |
| 21 | Admin Reg 34B(5) | Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)? | Yes | | leonard long |

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)? | N/A | no record of any disposal of property found | leonard long |
| 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 | no record of any disposal of property found | leonard long |



| 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? | Yes | no entries made during audit period | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |

| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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? | No | OAG only had the Shires exit meeting in March 2021 | leonard long |
| 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? | N/A | | Leonard Long |



| No | Reference | Question | Response | Comments | Respondent |
|----|-----------------|--|----------|--|--------------|
| 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? | No | OAG only had the Shires exit meeting in March 2021 | Leonard Long |
| 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 | | Leonard Long |
| 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? | N/A | | Leonard Long |
| 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 | | Leonard Long |
| 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? | No | the OAG only arranged the Shires Exit Meeting for 3 March 2021 | Leonard Long |

Integrated Planning and Reporting

| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------------|--|----------|----------|--------------|
| 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 | 2013 | leonard long |
| 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 | 2013 | leonard long |
| 3 | Admin Reg 19DA (2) & (3) | Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)? | Yes | | leonard long |



| Local Government Employees | | | | | |
|-----------------------------------|------------------------------------|--|-----------------|-----------------|-------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 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 | | leonard long |
| 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 | | leonard long |
| 3 | Admin Reg 18E | Was all information provided in applications for the position of CEO true and accurate? | N/A | | leonard long |
| 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 | | leonard long |
| 5 | s5.37(2) | Did the CEO inform council of each proposal to employ or dismiss senior employee? | N/A | | leonard long |
| 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 | | leonard long |

| Official Conduct | | | | | |
|-------------------------|------------------|--|-----------------|---|-------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s5.120 | Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer? | No | as per s5.120(2) CEO is the designated complaints officer | leonard long |
| 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)? | Yes | no complaints registered during the audit period | leonard long |
| 3 | s5.121(2) | Does the complaints register include all information required by section 5.121 (2)? | Yes | | leonard long |
| 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? | No | no complaints registered during the audit period | leonard long |

| Optional Questions | | | | | |
|---------------------------|--|--|--|--|--|
| | | | | | |



| No | Reference | Question | Response | Comments | Respondent |
|----|-----------------------------------|--|----------|--|--------------|
| 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. | No | a review was undertaken by the Shires Financial Consultant DL Consulting but was not submitted to an OCM | leonard long |
| 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. | No | a review was undertaken by the Shires Financial Consultant DL Consulting but was not submitted to an OCM | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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? | No | | leonard long |
| 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? | No | | leonard long |
| 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 | | leonard long |
| 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? | No | | leonard long |
| 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? | No | | leonard long |
| 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 | | leonard long |



| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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? | N/A | | leonard long |
| 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? | N/A | | leonard long |
| 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 | | leonard long |
| 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 | | Leonard long |
| 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? | N/A | | leonard long |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------------|---|----------|---------------------------------------|--------------|
| 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? | No | no written evaluation has been found. | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 14 | F&G Reg 23(3) | Were all expressions of interest that were not rejected assessed by the local government? | N/A | | leonard long |
| 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 | | leonard long |
| 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 | | leonard long |
| 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? | N/A | | leonard long |
| 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 | | leonard long |
| 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? | N/A | | leonard long |
| 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? | N/A | | leonard long |



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| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|----------|--------------|
| 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 | | leonard long |
| 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 | | leonard long |
| 23 | F&G Reg 24AI | Did the CEO send each applicant written notice advising them of the outcome of their application? | N/A | | leonard long |
| 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? | N/A | | leonard long |

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

Signed Mayor/President, Nungarin

Signed CEO, Nungarin