

# Special Audit & Risk Committee Meeting

Minutes | 19th March 2024

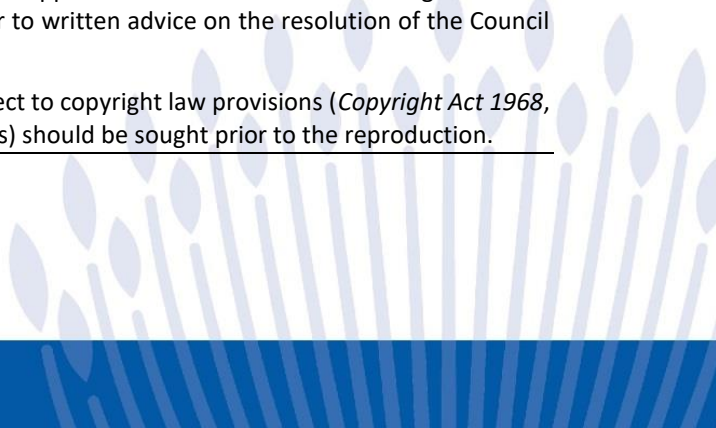
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## SHIRE OF QUAIRADING

### Special Audit & Risk Committee Meeting

The Special Audit & Risk Committee Meeting Minutes of Meeting held on 19th March 2024 commencing at 5.00pm.

#### ITEM 1 OPENING & ANNOUNCEMENTS

The Chief Executive Officer opened the Meeting at 5.00pm.

“Before we start our meeting, I would like to acknowledge that we are meeting on Noongar/Ballardong land. We pay respect to the original custodians of the land...past, present and future. I welcome you all here today for this meeting.”

The CEO called for nominations for a Presiding Member in Cr Stacey’s absence.

- Cr Jo Haythornthwaite nominated Cr Jonathan Hippisley.  
Cr Hippisley accepted the nomination.

The CEO called for any further nominations; no further nominations were received.

Cr Hippisley was elected unopposed to preside over the meeting.

#### ITEM 2 ATTENDANCE AND APOLOGIES

##### Councillors

Cr JN Haythornthwaite      Shire President  
Cr BR Cowcill  
Cr RC Faltyn  
Cr JR Hippisley  
Cr PD Smith

##### Council Officers

Ms NJ Ness      Chief Executive Officer  
Ms SE Caporn      Executive Manager, Works & Services  
Ms J Green      Acting Executive Manager Economic Development  
Ms M Haeusler      Executive Officer

##### Observer/Visitor

Nil

##### Apologies

Cr TJ Stacey      Deputy Shire President  
Cr JC Hayes  
Ms T Brown      Executive Manager, Corporate Services

##### Leave of Absence Previously Granted

Nil

**ITEM 3 DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/PETITIONS**



Nil

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**ITEM 4      DECLARATIONS OF INTEREST**

Nil

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**ITEM 5 STANDING ITEMS – CONTROLS, SYSTEMS AND PROCEDURES****5.1 Compliance Audit Return 2023****Responsible Officer** Natalie Ness, Chief Executive Officer**Reporting Officer** Marion Haeusler, Executive Officer**Attachments**  
1. Compliance Audit Return 2023 [↓](#)   
2. CEO Summary of Doctor Recruitment [↓](#) **Voting Requirements** Simple Majority**Disclosure of Interest** Reporting Officer: Nil  
Responsible Officer: Nil**COMMITTEE RESOLUTION: ARC 015-23/24**

Moved: Cr JN Haythornthwaite

Seconded: Cr BR Cowcill

That the Audit & Risk Committee recommend to Council that Council endorse the Statutory Compliance Audit Return for the period 1st January 2023 to 31st December 2023.

**FOR:** Crs JN Haythornthwaite, BR Cowcill, RC Faltyn, JR Hippisley and PD Smith**AGAINST:** Nil**CARRIED 5/0****IN BRIEF**

A Compliance Audit Return (CAR) is an opportunity for Council to review internal procedures and processes considered “high risk” to ensure they are compliant with relevant local government Acts and Regulations.

Council budgeted for Council’s Compliance Audit Return to be prepared by an independent Consultant for the calendar year of 2023. However, Officers deemed an external consultant unnecessary to perform the audit, so it was completed internally and then reviewed by a Local Government Governance & Compliance expert, before being taken to Council for consideration.

N/A responses indicate that the compliance requirement was not actioned nor required during the Year under Review.

**MATTER FOR CONSIDERATION**

The submission of a Compliance Audit Return for the period 1st January 2023 to 31st December 2023 is a statutory requirement. The CAR must be submitted to the Director General of the Department for Local Government, Sport and Cultural Industries no later than the 31<sup>st</sup> of March 2023.

## BACKGROUND

Under the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996* Council is required to undertake a Compliance Audit Return via the Statutory Compliance Return provided by the Department of Local Government each year.

For regional Councils the CAR contains 94 questions relating to the prescribed statutory requirements in regulation 13 of the *Local Government (Audit) Regulations 1996* and 10 optional questions.

The Local Government's Audit Committee is required to review the completed CAR and report the results to Council prior to its adoption by Council. A copy of the Statutory Compliance Return signed by the CEO or Shire President and the relevant section of the Council Meeting Minutes must then be provided to the Director General of the Department of Local Government by the 31st of March 2023.

Non-compliance reported in the 2023 Compliance Audit Return should be a reminder for Local Government Officers to engage with Council members via the Audit Committee, providing advice on what action has or will be taken to address it.

The Compliance Audit Return comprises of Questions in the following areas of activity:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Optional Questions (all answered)
- Tenders for Providing Good & Services

The only issues of non-compliance noted related to

- Tenders for Providing Goods and Services – Question 2

Officers failed to Request for Tender in relation to the recruitment for Supply of Doctor. The value of the contract offered exceeded the threshold amount of \$250,000.00 that would have made a Request for Tender necessary. Advice from WALGA to the CEO was to answer this question in the negative and provide a detailed description of the recruitment process in the comments/notes section. (Attachment 2)

- Optional – Question 5

The minutes of the Ordinary Council Meeting held 14 December 2023 do not comply with Section 5.96A(1)(f) as Council did not resolve to close the meeting to the public for the confidential discussion of Item 12.1. The CEO chose not to publish details other than the Resolution of Council regarding this item, as it should have been confidential in accordance with Section 5.23(2)(e) of the *Local Government Act 1995*.

While Council budgeted for Council's CAR to be prepared by an independent consultant, it was decided that the CAR would be completed internally, with the report being reviewed by Ms Belinda Knight, an independent Local Government Governance & Compliance Consultant.

Council's procedures, processes and actions for the 2023 calendar year were reviewed and the draft statutory compliance return has been developed for consideration by the Audit & Risk Committee.

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Elections) Regulations 1997*

*Local Government (Audit) Regulations 1996*

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Nil.

### ALIGNMENT WITH STRATEGIC PRIORITIES

**5.1 Governance & Leadership:** Shire communication is consistent, engaging and responsive

**5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations

### CONSULTATION

Council Officers corresponded with Belinda Knight, Local Government Compliance & Governance Consultant to ensure the Compliance Audit Return was completed correctly.

### RISK MANAGEMENT PRIORITIES

This report addresses the following identified Strategic Risk Management Priorities:

Misconduct (non-financial) by a Shire employee results in financial, legal and/or reputational damage.



**RISK ASSESSMENT**

	Option 1
Financial	Low <i>The CAR has been completed by an external consultant in previous years. This year and last year, it was completed internally with an external consultant checking over the final document to ensure everything had been completed correctly. This saved in consultancy costs.</i>
Health	N/A
Reputation	Low <i>The Compliance Audit Return is an opportunity for Council to ensure that internal processes are being completed in line with statutory requirements.</i>
Operations	Low <i>The completion of the CAR is not out of Council Officers' normal scope of work.</i>
Natural Environment	N/A

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

Nil.

**COMMENTS**

Cr Haythornthwaite congratulated the Administration on the completion of the document with depth of detail.

Cr Cowcill added that she was pleased to see that the document was prepared inhouse instead of outsourcing the work.

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



## Quairading – Compliance Audit Return

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
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 2023?	N/A	Nil major trading undertaken.
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	N/A	Nil major land transaction.
3	s3.59(2)(c) F&G Regs 7,8A, 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 2023?	N/A	Nil major land transaction.
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 2023?	N/A	Nil major trading undertaken.
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	Nil major trading undertaken.

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	No committee delegations.
2	s5.16 (2)	Were all delegations to committees in writing?	N/A	No committee delegations.
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	N/A	No committee delegations.
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	No committee delegations.
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	N/A	No committee delegations.
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 Local Government Act 1995?	Yes	

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7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	Resolution 265 - 22/23 June 2023 OCM
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Delegation Register <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf</a>
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Delegation Register <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf</a>
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	Nil revoked.
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 <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/Delegation-Register-2023-ENDORSED-JUNE-23-265-22_23.pdf</a>
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes	Resolution 265 - 22/23 June 2023 OCM
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 Local Government (Administration) Regulations 1996, regulation 19?	Yes	Delegation Register presented to Council monthly at Concept Forum

Disclosure of Interest				
No	Reference	Question	Response	Comments
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 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	Resolution 239 - 22/23 OCM May 2023  Resolution 027 - 23/24 OCM July 2023

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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 the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Yes	
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes	February OCM, May OCM, July OCM, August OCM, December OCM
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	T:\4 - CORPORATE MANAGEMENT\04. LEGISLATION\01. COMPLIANCE\ANNUAL AND PRIMARY RETURNS REGISTER\2024
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	Yes	T:\4 - CORPORATE MANAGEMENT\04. LEGISLATION\01. COMPLIANCE\ANNUAL AND PRIMARY RETURNS REGISTER\2024
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	
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 of the Local Government Act 1995?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2023-12-31-DISCLOSURE-OF-INTEREST-REGISTER-1.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2023-12-31-DISCLOSURE-OF-INTEREST-REGISTER-1.pdf</a>
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 of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2023-12-31-DISCLOSURE-OF-INTEREST-REGISTER-1.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2023-12-31-DISCLOSURE-OF-INTEREST-REGISTER-1.pdf</a>
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	Kept on file in Shared Drive.
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 of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-REGISTER-OF-GIFTS-DECEMBER-2023-1.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-REGISTER-OF-GIFTS-DECEMBER-2023-1.pdf</a>

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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	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-REGISTER-OF-GIFTS-DECEMBER-2023-1.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-REGISTER-OF-GIFTS-DECEMBER-2023-1.pdf</a>
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	Yes	As staff/Elected Members leave, their information is archived so that it is stored but cannot be viewed on the website. All information is kept in the spreadsheet in the documents folder.
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	Kept in the Shared Drive
15	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?	N/A	No such matter considered by Council.
16	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 section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	No such application made to the Minister.
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	No such decision made by the Minister.
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members candidates that incorporates the model code of conduct?	Yes	Adopted March 21, Resolution 141 - 20/21 Reviewed April 23, Resolution 216 - 22/23
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Code-of-Conduct-for-Elected-Members-Committee-Members-Candidates.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Code-of-Conduct-for-Elected-Members-Committee-Members-Candidates.pdf</a>
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Code-of-Conduct-for-Elected-Members-Committee-Members-Candidates.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Code-of-Conduct-for-Elected-Members-Committee-Members-Candidates.pdf</a>

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



21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	Review expected to be endorsed at February 24 OCM. <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/CODE2-EMPLOYEE-CODE-OF-CONDUCT.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/CODE2-EMPLOYEE-CODE-OF-CONDUCT.pdf</a>
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Disposal of Property				
No	Reference	Question	Response	Comments
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) of the Local Government Act 1995 (unless section 3.58(5) applies)?	N/A	Nil property disposed of.
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A	Nil property disposed of.

Elections				
No	Reference	Question	Response	Comments
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 in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	Yes	No Election held as Nominations equaled Vacancies. <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf</a>

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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 in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	Yes	No Election held as Nominations equaled Vacancies. <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf</a>
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 regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Yes	No Election held as Nominations equaled Vacancies. <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-ELECTORAL-GIFT-REGISTER_DEC-2023.pdf</a>

Finance				
No	Reference	Question	Response	Comments
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 Local Government Act 1995?	Yes	Original establishment of Committee with Resolution 62 - 19/20 in October 2019 Committee re-established after Local Government Elections 2023 with Resolution 100 - 23/24 in October 2023
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	Nil delegations.
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes	Auditors' report received on 18 December 2023.  Presented to Audit & Risk Committee 13 Feb 2024 Recommendation ARC 012-23/24  Tabled at Ordinary Council Meeting 29 February 2024 Resolution OCM 148-23/24

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



4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Findings reported to Audit and Risk Committee in February 2024. Policy related to the finding reviewed and presented to Council in February 2024 for endorsement.
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	Nil significant findings in the auditor's report.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	No such report required.
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	Auditors' report received on 18 December 2023.  Presented to Audit & Risk Committee 13 Feb 2024 Recommendation ARC 012-23/24  Tabled at Ordinary Council Meeting 29 February 2024 Resolution OCM 148-23/24

Local Government Employees				
No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	Yes	
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Yes	



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



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

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 under section 5.36(4) of the Local Government Act 1995?	Yes	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Yes	Resolution 231 - 22/23 April OCM
5	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	

Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	CEO appointed Complaints Officer Resolution 123 - 20/21 OCM February 2021
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	Yes	Nil complaints recorded.
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	N/A	Nil complaints recorded.
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?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2024-01-22-QSC-STATUTORY-COMPLAINTS-REGISTER-DECEMBER-2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/2024-01-22-QSC-STATUTORY-COMPLAINTS-REGISTER-DECEMBER-2023.pdf</a>

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	

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<p><b>2</b></p>	<p>s3.57 F&amp;G Reg 11</p>	<p>Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?</p>	<p>No</p>	<p>RFT 01/2023 in accordance with Regulations. Recruitment for Supply of Doctor not in accordance with Regulations as explained below: 1. The CEO contacted four dedicated medical recruitment firms. After inspection of the contract terms and conditions provided, it was decided that this approach was too high a level risk. This is because the cost of recruitment was high and there was no guarantee of continuation after three months. A refund would only be provided if the doctor left within the first three months. 2. The CEO contacted Rural Health West who advised of the doctor shortage across regional Australia and the fact that 92 local governments were seeking doctors. 3. Discouraged by the information provide by Rural Health West, the CEO contacted WACHS, in the hope that they could assist to recruit a doctor for Quairading through their own doctor recruitment process. Dr Peter Barret (Director, Wheatbelt, WACHS) advised that this was not possible. WACHS did not recruit to medical clinics. 4. The Shire was of the view that the only option available to secure a doctor was by formally advertising the position in medical publications established for that purpose. Jennifer Green ran this process and will have a record of the said advertising. 5. Once the advertising commenced, the media ran with our advertisement and we</p>
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				<p>received extraordinary media attention at a State, Federal and international level.</p> <p>6. Expressions of Interest were called for and 209 were submitted. Application Packages were then sent out to everyone who expressed interest, advising of how to submit an application.</p> <p>7. 102 applications were submitted, and the Doctor Recruitment Working Group short-listed this group to 12 applicants. 12 applicants were interviewed. The Working Group's top three preferences withdrew before the process was complete. The fourth preference, Dr Jack Yapp, was interviewed for a second time, was then offered the position and accepted.</p> <p>8. Note that the CEO contacted Dr Peter Barret (Director, Wheatbelt, WACHS) prior to offering Dr Yap the position, to ensure his qualifications and experience were sufficient to be able to work in Quairading hospital.</p> <p>Please see full email by CEO as attached.</p>
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	N/A	WALGA Preferred Supplier Portal utilised.
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	
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	All Tenderers informed through the WALGA Preferred Supplier Portal

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6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/TENDER-REGISTER-COVERSHEET-RFT01_2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/TENDER-REGISTER-COVERSHEET-RFT01_2023.pdf</a>
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/TENDER-REGISTER-COVERSHEET-RFT01_2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/02/TENDER-REGISTER-COVERSHEET-RFT01_2023.pdf</a>
8	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	No such tenders received.
9	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	Resolution 126 - 23/24 November OCM
10	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	All tenderers notified of the outcome through the WALGA Preferred Suppliers Portal.
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	N/A	Nil expressions of interest in 2023.
12	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	Nil expressions of interest in 2023.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	Nil expressions of interest in 2023.
14	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 Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	Nil expressions of interest in 2023.
15	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 Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?	N/A	Not required.

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16	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	Not required.
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 Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	Not required.
18	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 Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A	Not required.
19	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	Not required.
20	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	Not required.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	Not required.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	N/A	Not required.

Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
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	29/06/2023  Resolution 282 - 22/23 June OCM

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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	30/03/2023 Resolution 183 - 22/23 March OCM
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes	

Optional Questions				
No	Reference	Question	Response	Comments
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 the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	Yes	24/06/2021 Resolution 186 - 20/21 OCM June 2021
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 Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Yes	24/11/2022 Resolution 121 - 22/23 OCM November 2023
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	N/A	Nil gifts requiring disclosure.
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Attendance-at-Events-Policy.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Attendance-at-Events-Policy.pdf</a>
5	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) of the Local Government Act 1995?	No	Map of the District <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/03/Map-of-District-">https://www.quairading.wa.gov.au/wp-content/uploads/2024/03/Map-of-District-</a>

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			<p>Quairading.pdf</p> <p>Council's Annual Budget  <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/10/2023-2024-COUNCIL-BUDGET.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/10/2023-2024-COUNCIL-BUDGET.pdf</a></p> <p>Council's Fees and Charges  <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/10/Fees-Charges-23-24.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/10/Fees-Charges-23-24.pdf</a></p> <p>Strategic Community Plan  <a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Strategic-Community-Plan-2021-2031-ENDORSED-July-2021-6-21_22-2.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Strategic-Community-Plan-2021-2031-ENDORSED-July-2021-6-21_22-2.pdf</a></p> <p>Local Laws  <a href="https://www.quairading.wa.gov.au/my-council/local-laws-legislation/">https://www.quairading.wa.gov.au/my-council/local-laws-legislation/</a></p> <p>Council and Committee Meeting Agendas and Minutes                      and Annual Electors Meeting Agendas and Minutes  <a href="https://www.quairading.wa.gov.au/my-council/committee-meetings/council-minutes/">https://www.quairading.wa.gov.au/my-council/committee-meetings/council-minutes/</a></p> <p>The CEO had declared during the December Ordinary Council Meeting that the agenda report pertaining to Resolution 132 - 23/24 should not have been made public in</p>
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				accordance with Local Government Act 1995 Section 5.23(2)(e). However, Council subsequently failed to close the Meeting to the public for the discussion of the item. Following this, the CEO chose not to make any information other than Council's Resolution available to the public with the Minutes of the Meeting. The Minutes for the December OCM therefore do not comply with Section 5.96A(1)(f).
6	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	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Elected-Members-Continuing-Professional-Development-Policy.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2023/07/Elected-Members-Continuing-Professional-Development-Policy.pdf</a>
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	<a href="https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-COUNCILLOR-TRAINING-REPORT-FY-2022.2023.pdf">https://www.quairading.wa.gov.au/wp-content/uploads/2024/01/QSC-COUNCILLOR-TRAINING-REPORT-FY-2022.2023.pdf</a>
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	Resolution 65 - 23/24 September OCM
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor/President

\_\_\_\_\_  
Date



**From:** [Nicole Gibbs](#)  
**To:** [Tricia Brown](#); [Britt Hadlow](#)  
**Subject:** Doctor Recruitment Process  
**Date:** Tuesday, 23 May 2023 10:17:17 AM  
**Attachments:** [image001.jpg](#)

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### Please Retain for Compliance Audit Report Purposes

I have recently been made aware that under the *Local Government (Functions and General) Regulations 1996* we should have gone out to tender to recruit the doctor for the medical practice, the reason being is that the total amount of the contract exceeded \$250,000.

I have contacted the Department of Local Government, the Department of Health and WALGA for advice on how we disclose and rectify this breach. The only response I received was from Tony Brown, Governance Manager, WALGA. Tony advised that the only action we needed to take was to document the recruitment process we used and then declare the breach during the next Compliance Audit Report process. Would you both retain the following for records:

1. The CEO contacted four dedicated medical recruitment firms. After inspection of the contract terms and conditions provided, it was decided that this approach was too high a level risk. This is because the cost of recruitment was high and there was no guarantee of continuation after three months. A refund would only be provided if the doctor left within the first three months.
2. The CEO contacted Rural Health West who advised of the doctor shortage across regional Australia and the fact that 92 local governments were seeking doctors.
3. Discouraged by the information provide by Rural Health West, the CEO contacted WACHS, in the hope that they could assist to recruit a doctor for Quairading through their own doctor recruitment process. Dr Peter Barret (Director, Wheatbelt, WACHS) advised that this was not possible. WACHS did not recruit to medical clinics.
4. The Shire was of the view that the only option available to secure a doctor was by formally advertising the position in medical publications established for that purpose. Jennifer Green ran this process and will have a record of the said advertising.
5. Once the advertising commenced, the media ran with our advertisement and we received extraordinary media attention at a State, Federal and international level.
6. Expressions of Interest were called for and 209 were submitted. Application Packages were then sent out to everyone who expressed interest, advising of how to submit an application.
7. 102 applications were submitted, and the Doctor Recruitment Working Group short-listed this group to 12 applicants. 12 applicants were interviewed. The Working Group's top three preferences withdrew before the process was complete. The fourth preference, Dr Jack Yapp, was interviewed for a second time, was then offered the position and accepted.

- Note that the CEO contacted Dr Peter Barret (Director, Wheatbelt, WACHS) prior to offering Dr Yap the position, to ensure his qualifications and experience were sufficient to be able to work in Quairading hospital.

Kind Regards

Nicole Gibbs

CHIEF EXECUTIVE OFFICER

T: 9645 2400 | M: 0429 451 001 | E: [nicole.gibbs@quairading.wa.gov.au](mailto:nicole.gibbs@quairading.wa.gov.au)

PO Box 38, 10 Jennaberring Road, Quairading WA 6383



UNCONFIRMED

**ITEM 6 EMERGING ISSUES/LATE ITEMS****6.1 Mitigating break-ins on Shire Premises**

Cr Hippisley reported that the Quairading Swimming Pool had recently been broken into and \$100 worth of merchandise had been stolen. The contracted caretaker was considering putting up cameras to try and discourage any repeat of the incidence. Cr Hippisley asked the Committee to consider whether Council should take the responsibility to install CCTV not just to discourage break-ins, but also to discourage unauthorised use of the swimming pool after hours.

Cr Smith reminded that special meetings of Council or Committees are generally to discuss only the specific item or items for which they were held. He was, however, not opposed to continuing the discussion in this instance.

The CEO informed that the Administration had been discussing the issue, also concerning the Quairading Caravan Park. The EMWS was suggesting the installation of the same surveillance system at the Caravan Park and the Swimming Pool, as had been recently installed at Kwirradging Koort. Cameras cost about \$250 per unit.

The CEO reported that she was aware of who was thought to have been involved in the break-in and that the Police were involved.

**ITEM 7 NEXT MEETING DATE**

The next Audit & Risk Committee Meeting is scheduled to take place on Tuesday 14 May 2024 commencing at 5.00pm in the Council Chambers, 10 Jennaberring Road, Quairading, WA.

**ITEM 8 CLOSURE**

There being no further business, the Chairperson closed the Meeting at 5.08pm.