



AGENDA

AUDIT RISK AND GOVERNANCE COMMITTEE MEETING

NOTICE IS HEREBY GIVEN

that an ORDINARY Meeting of the Audit, Risk and Governance Committee will be held in Newman Council Chambers
10.00am, Friday 23 February 2024

A handwritten signature in black ink, appearing to read 'S. Harding', is positioned above the printed name of the Chief Executive Officer.

Steven Harding
CHIEF EXECUTIVE OFFICER

OUR VISION

A cohesive community providing an economic hub for the region linked by vibrant local centres and shared spaces – a place to live and call home

Our towns have survived fluctuations of fortune for more than a century. Resourcefulness and resilience, along with planning, will hold them in good stead throughout the 21st century. The energy of our people will ensure that the heart of the Pilbara will beat on, and will beat strong.

The Shire of East Pilbara is not just about resources - it's also about resourcefulness.

From our Indigenous people to early pastoralists and miners, and through to the present day, people have shown their capacity to not only survive but thrive in the heart of the Pilbara.

DISCLAIMER

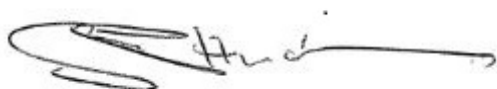
No responsibility whatsoever is implied or accepted by the Shire of East Pilbara for any act, omission or statement or intimation occurring during Council or Committee Meetings. The Shire of East Pilbara disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee Meeting does so at that person's or legal entity's own risk.

In particular and without derogating any planning application or application of a licence, any statement or intimation of approval made by any member or Officer of the Shire of East Pilbara during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of East Pilbara.

The Shire of East Pilbara advises that anyone who has any application lodged with the Shire must obtain and should only rely upon: **WRITTEN CONFIRMATION** of the outcome of the application and any conditions pertaining to the decision made by the Shire of East Pilbara in respect of the application.

Please be advised this Agenda may include the names of people who are deceased.



Steven Harding
CHIEF EXECUTIVE OFFICER

AUDIT, RISK AND GOVERNANCE COMMITTEE

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2 ATTENDANCE BY ELECTRONIC MEANS

3 RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

3.1 ATTENDANCES

Council Members

Anthony Middleton
Cr Peta Baer
Cr Lee Anderson

Shire President (Presiding Member)
Council Member
Council Member

Deputy Members

Cr Wendy McWhirter-Brooks
Cr David Everett
Cr Lou Lockyer

Deputy Shire President
Council Member
Council Member

Officers

Steven Harding
Cherie Delmage
Joshua Brown

Chief Executive Officer
Acting Director Corporate Services
Manager Governance, Risk &
Procurement

3.2 APOLOGIES

Council Member Apologies

Officer Apologies

3.3 LEAVE OF ABSENCE

4 DISCLOSURES OF INTEREST

5 DECLARATIONS BY COUNCIL MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER BEFORE THE MEETING

6 CONFIRMATION OF MINUTES OF PREVIOUS COMMITTEE MEETING

6.1 CONFIRMATION OF MINUTES

The Minutes of the Ordinary Audit Risk and Governance Committee Meeting held on 15 December 2023 be confirmed as a true and correct record of proceedings.

[15 December 2023 Minutes\ ARG Committee](#)

7 OFFICER'S REPORTS

7.1 CHIEF EXECUTIVE OFFICER

7.1.1 COMPLIANCE AUDIT RETURN 2023

Attachments: [Appendix 1 Compliance Audit Return 2023 Draft Responses](#)

Responsible Officer: Steven Harding
Chief Executive Officer

Author: Tehsin Ali
Governance Administration Officer

Proposed Meeting Date: 23 February 2024

Author Disclosure of Interest: Nil

REPORT PURPOSE

To provide the Audit, Risk and Governance Committee with a copy of the draft 2023 Compliance Audit Return responses for endorsement and feedback.

BACKGROUND

Each WA local government is required to complete the Annual Compliance Audit Return (CAR) for the period 1 January to 31 December 2023. The CAR is used by the Department of Local Government, Sport and Cultural Industries ("the Department") to monitor compliance by local governments in a range of areas.

The CAR 2023 examines the following matters:

- Commercial Enterprises by Local Governments (5 questions)
- Delegation of Power/Duty (13 questions)
- Disclosure of Interest (21 questions)
- Disposal of Property (2 questions)
- Elections (3 questions)
- Finance (7 questions)
- Integrated Planning and Reporting (3 questions)
- Local Government Employees (5 questions)
- Official Conduct (4 questions)
- Optional Questions (9 questions)
- Tenders for Providing Goods and Services (22 questions)

The CAR must be reviewed by the Audit, Risk and Governance Committee, prior to reporting to Council for adoption before its submission with the Department by the due date of 31 March 2024.

COMMENTS/OPTIONS/DISCUSSIONS

The audit has been undertaken with data supplied by staff and subject to a process of verification.

The draft responses for the CAR are attached as **Appendix 1**. There were four (4) non-compliances identified.

The following exceptions report provides a summary of those non-compliances, each of which has been subject to corrective action:

Question	2023 Official Response	2023 Justification / Comment
Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	No	Two employees did not lodge their annual returns. Reasons were maternity leave and discontinued employment with the Shire.
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?	No	The report was provided to council at the November 2023 OCM.
Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (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?	No	There were a number of instances identified where procurement undertaken breached the Requirements of our Procurement Policy i.e raising retrospective purchase orders, failing to raise a PO, insufficient quotes sourced and splitting to avoid sourcing 3 quotes, or undertaking a Formal RFQ process. Training and monitoring through regular auditing is leading a downward trend on previous years.
Subject to Local Government F&G Reg 1996, 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)?	No	There were several instances identified where the Shire did not comply with this Regulation, arising from unanticipated cumulative expenditure. The introduction of Tenders for Panels of Prequalified Provides has reduced instances of this occurrence. Work is continue to eliminate this from occurring in the future.

STATUTORY IMPLICATIONS/REQUIREMENTS

The review of the Compliance Audit Return by the Committee complies with regulations 14(3A) and (3) of the *Local Government (Audit) Regulations 1996*.

POLICY IMPLICATIONS

Report is consistent with the Committee's Terms of Reference.

STRATEGIC COMMUNITY PLAN

5: Governance

- G1 Vibrant local democracy, forward-thinking civic leadership, and transparent stewardship of the community's assets and resources.
- G1.1 Continued focus on good governance, transparency and community and stakeholder engagement in significant decisions, including place-based plans.
- G1.4 Ensure a high standard of organisational management and effectiveness

RISK MANAGEMENT CONSIDERATIONS

Compliance – Minor

FINANCIAL IMPLICATIONS

No financial resource impact.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That the Committee:

1. **Reviews the draft responses to the Compliance Audit Return 2023 and reports its findings to Council; and**
2. **Recommends to Council that pursuant to regulation 14(3)(b) of the *Local Government (Audit) Regulations 1996*, it adopts the Compliance Audit Return for the period 1 January to 31 December 2023 and authorises the Chief Executive Officer to submit the completed Return to the Department of Local Government, Sports and Cultural Industries.**

Compliance Audit Return (CAR) 2023

Commercial Enterprises by Local Government

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	s3.59(2)(a) F&G Regs 7,9,10	N/A	No major trading undertaking entered into.
2	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	s3.59(2)(b) F&G Regs 7,8A, 8, 10	N/A	No major trading undertaking entered into.
3	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?	s3.59(2)(c) F&G Regs 7,8A, 8,10	N/A	No major trading undertaking entered into.
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?	s3.59(4)	N/A	No major trading undertaking entered into.
5	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	s3.59(5)	N/A	No major trading undertaking entered into.

Delegation of Power/Duty

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Were all delegations to committees resolved by absolute majority?	s5.16	N/A	There are no delegations given to Committees.
2	Were all delegations to committees in writing?	s5.16	N/A	There are no delegations given to Committees.
3	Were all delegations to committees within the limits specified in section 5.17?	s5.17	N/A	There are no delegations given to Committees.
4	Were all delegations to committees recorded in a register of delegations?	s5.18	N/A	There are no delegations given to Committees.
5	Has council reviewed delegations to its committees in the 2022/2023 financial year?	s5.18	N/A	There are no delegations given to Committees.
6	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	s5.42(1) & s5.43 Admin Reg 18G	Yes	No powers delegated to the CEO included those excluded by s5.43 of the Act.
7	Were all delegations to the CEO resolved by an absolute majority?	s5.42(1)	Yes	Delegations to CEO resolved by absolute majority on 28 July 2023.
8	Were all delegations to the CEO in writing?	s5.42(2)	Yes	Delegations to CEO included in 2023 Authorisations and Delegations Manual adopted by Council on 28 July 2023.
9	Were all delegations by the CEO to any employee in writing?	s5.44(2)	Yes	The delegations by the CEO to employees are captured in the Delegations and Authorisations Register (including non-Statutory)

10	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	s5.16(3)(b) & s5.45(1)(b)	Yes	Delegations were amended by Council on 28 July 2023
11	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	s5.46(1)	Yes	The Delegations published in register.
12	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	s5.46(2)	Yes	Delegations made under Division 4 were reviewed on 28 July 2023
13	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?	s.546(3) Admin Reg 19	Yes	To the best of our knowledge, all exercises of delegated power were recorded in writing.

Disclosure of Interest

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	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?	s5.67	N/A	One request of participation approval was made to the department and refused.
2	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?	s5.68(2) & s5.69(5) Admin Reg 21A	N/A	One request of participation approval was made to the department and refused.
3	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?	s5.73	Yes	The minutes recorded all declared interests in the relevant items of the Council Minutes 2023.
4	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	s5.75 Admin Reg 22, Form 2	Yes	Primary returns were lodged by all relevant persons in the prescribed form within three months of their start day.
5	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	s5.76 Admin Reg 23, Form 3	No	Two employees did not lodge their annual returns. Reasons were maternity leave and discontinued employment with the Shire.
6	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	s5.77	Yes	All returns were acknowledged in writing by the CEO or president (in the case of the CEO's returns)
7	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	s5.88(1) & (2)(a)	Yes	Register of returns maintained.

8	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?	s5.88(1) & (2)(b) Admin Reg 28	Yes	Register of returns maintained.
9	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?	s5.88(3)	Yes	Returns removed from public register.
10	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?	s5.88(4)	Yes	All returns removed from the register in accordance with section 5.88(3)
11	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?	s5.89A(1), (2) & (3) Admin Reg 28A	Yes	Register of Gifts maintained
12	Did the CEO publish an up-to-date version of the gift register on the local government's website?	s5.89A(5) & (5A)	Yes	Register published on website.
13	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?	s5.89A(6)	N/A	no relevant disclosures were made in 2023.
14	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?	s5.89A(7)	N/A	no relevant disclosures were made in 2023.
15	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?	s5.70(2) & (3)	Yes	Performance Review Committee report. CEO was the employer of the report writer.
16	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?	s5.71A & s5.71B(5)	N/A	N/A

17	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?	s5.71B(6) & s5.71B(7)	N/A	N/A
18	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates that incorporates the model code of conduct?	s5.104(1)	Yes	Model Code of Conduct was adopted on 26 March 2021 and reviewed on 24 November 2023 by absolute majority vote.
19	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)?	s5.104(3) & (4)	No	No additional requirements were adopted.
20	Did the CEO publish an up-to-date version of the adopted code of conduct for council members, committee members and candidates on the local government's website?	s5.104(7)	Yes	The code of conduct was published on 8 December 2023.
21	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	s5.51A(1) & (3)	Yes	The code of conduct was updated on October 2021.

Disposal of Property

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	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)?	s3.58(3)	Yes	Public notice was given in each case of property disposal.
2	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?	s3.58(4)	Yes	Details contained in each public notice were in accordance with those prescribed by section 3.58(4).

Elections

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	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?	Elect Regs 30G(1) & (2)	Yes	No Electoral gifts were disclosed.

2	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?	Elect Regs 30G(3) & (4)	N/A	No Electoral gifts were disclosed.
3	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)?	Elect Regs 30G(5) & (6)	N/A	No Electoral gifts were disclosed.

Finance

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	s7.1A	Yes	Council appointed members to the Audit, Risk and Governance Committee by absolute majority on 27 October 2023.
2	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?	s7.1B	N/A	There are no delegations given to committees
3	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	s7.9(1)	No	A meeting occurred between the Acting CEO, Manager Corporate Services, RSM Auditors & the OAG. An agreement (between all parties) was made to extend the provision of the FY23 financials to the auditors by 29 January 2024 due to unforeseen delays.
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, did the local government ensure that appropriate action was undertaken in respect of those matters?	s7.12A(3)	N/A	Final auditor's report not yet received.
5	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?	s7.12A(4)(a) & (4)(b)	N/A	Final auditor's report not yet received.
6	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?	s7.12A(5)	N/A	Final auditor's report not yet received.

7	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?	Audit Reg 10(1)	No	The delay was due to the revaluation of infrastructure assets needing to be included as part of the FY23 financials. There was a hold up in the final report being received & approved by the auditors.
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Integrated Planning and Reporting

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	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?	Admin Reg 19C	Yes	Council adopted the revised Shire of East Pilbara Strategic Community and Corporate Business Plan 2022-2032 on 30/06/2023.
2	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?	Admin Reg 19DA(1) & (4)	Yes	Council adopted the revised Shire of East Pilbara Strategic Community and Corporate Business Plan 2022-2032 on 30/06/2023.
3	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Admin Reg 19DA(2) & (3)	Yes	Refer to the Shire's Corporate Business Plan

Local Government Employees

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	s5.36(4) & s5.37(3) Admin Reg 18A	Yes	Advertisements placed for vacant senior employee roles in accordance with regulation 18A.
2	Was all information provided in applications for the position of CEO true and accurate?	Admin Reg 18E	N/A	There was no vacancy in the role.
3	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)?	Admin Reg 18F	N/A	There was no vacancy in the role.
4	Did the CEO inform council of each proposal to employ or dismiss senior employee?	s5.37(2)	Yes	Council accepted the Chief Executive Officer's proposal to employ a senior employee at the 29/9/2023 OCM.
5	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?	s5.37(2)	N/A	Council accepted the Chief Executive Officer's proposal to employ a senior employee at the 29/9/2023 OCM.

Official Conduct

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Has the local government designated an employee to be its complaints officer?	s5.120	Yes	The Delegations and Authorisations Register designates the Director Corporate Services as Complaints Officer for the purposes of s.5.37.
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)?	s5.121(1) & (2)	Yes	No complaints resulting in a finding under s.5.110(2)(a) were made in 2023.
3	Does the complaints register include all information required by section 5.121(2)?	s5.121(2)	Yes	The complaints register include all information required by section 5.121(2)

4	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	s5.121(3)	Yes	https://www.eastpilbara.wa.gov.au/registers/complaints
Optional Questions				
Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	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 2023? If yes, please provide the date of council's resolution to accept the report.	Financial Management Reg 5(2)(c)	Yes	Reported to the 22 July 2022 Audit Risk and Governance Committee Meeting, item 5.1.2
2	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 2023? If yes, please provide date of council's resolution to accept the report.	Audit Reg 17	Yes	Date of council's resolution to accept the report was 26/08/2022.
3	Where a disclosure was made under sections 5.87A or 5.87B, were the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	s5.87C	Yes	Yes the disclosure was made within 10 days after receipt of the gift. The disclosure included the information required by section 5.87C.
4	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?	s5.90A(2) & (5)	Yes	Council's Attendance at Events Policy was reviewed and re-adopted on 24 March 2023 by an absolute majority vote.
5	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	s5.96A(1), (2), (3) & (4)	Yes	All prescribed information is available on the Shire website.
6	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	s5.128(1)	Yes	The Policy was reviewed and adopted on 24 November 2023.
7	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?	s5.127	No	The report was provided to council at the November 2023 OCM.

8	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?	s6.4(3)	Yes	Balanced accounts and annual financial report submitted to auditors by 30 September 2023/
9	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	s.6.2(3)	Yes	Expenditure, revenue and income all considered by Council as part of the budget process.

Tenders for Providing Goods and Services

Question No.	Question	Statutory Reference	2023 Official Response	2023 Justification / Comment
1	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (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?	F&G Reg 11A(1) & (3)	No	There were a number of instances identified where procurement undertaken breached the Requirements of our Procurement Policy i.e raising retrospective purchase orders, failing to raise a PO, insufficient quotes sourced and splitting to avoid sourcing 3 quotes, or undertaking a Formal RFQ process. Training and monitoring through regular auditing has led to a downward trend on previous years.
2	Subject to Local Government F&G Reg 1996, 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)?	s3.57 F&G Reg 11	No	There were several instances identified where the Shire did not comply with this Regulation, arising from unanticipated cumulative expenditure. The introduction of Tenders for Panels of Prequalified Provides has reduced instances of this occurrence. Work is continue to eliminate this from occurring in the future.
3	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)?	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	Yes	All included closing date/time, who to contact, how and where to make a submission, details on the goods/services required.
4	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	F&G Reg 12	Yes	Where the Shire awarded contracts to one or more Tenderers, these were through a Tender process that was either for Separable Portions or for a Panel of Prequalified Suppliers with multiple contracts to be issued.
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?	F&G Reg 14(5)	Yes	SoEP utilise an electronic tendering portal, so Addendums, Variations, All Questions/Responses are uploaded to the etp and anyone who has/or does download the Tender documentation will receive a copy of any additional information uploaded (via an emailed alert direct from Tenderlink)
6	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	F&G Regs 15 & 16	Yes	Tender details are recorded in the Tender Register. Two staff present when the tender documents are downloaded. No access to tender submissions until closing time - where we receive an electronic key code to open them from the Electronic Tendering Portal. We also operate with the tender being open for 14 +1 full working days minimum.
7	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?	F&G Reg 17	Yes	All required details are recorded in the Tender register. The Physical File with Tender Register details is available on request for public inspection. Electronic copy of Tender Register is uploaded to SoEP Website
8	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	F&G Reg 18(1)	Yes	SoEP utilise an electronic tendering portal, that closes and will not permit responses to be uploaded after the closing time. If any are received by an alternative method they are rejected.

9	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?	F&G Reg 18(4)	Yes	All Tenders have weighted qualitative criteria that is assessed individually by three Evaluation Panel Members.
10	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	F&G Reg 19	Yes	Written notice is given to all Tenderers of the outcome
11	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	F&G Regs 21 & 22	N/A	No EoI processes were undertaken in Cal Yr 2023.
12	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?	F&G Reg 23(1) & (2)	N/A	No EoI processes were undertaken in Cal Yr 2023.
13	Were all expressions of interest that were not rejected under F&G Reg 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	F&G Reg 23(3) & (4)	N/A	No EoI processes were undertaken in Cal Yr 2023.
14	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?	F&G Reg 24	N/A	No EoI processes were undertaken in Cal Yr 2023.
15	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?	F&G Regs 24AD(2) & (4) and 24AE	Yes	1 x Prequalified Supplier Panel tendered (Feb 23) which met the requirements for Statewide public notice.
16	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?	F&G Reg 24AD(6)	Yes	SoEP utilise an electronic tendering portal, so Addendums, Variations, All Questions/Responses are uploaded to the etp and anyone who has/or does download the Tender documentation will receive a copy of any additional information uploaded (via an emailed alert direct from Tenderlink)
17	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?	F&G Reg 24AF	Yes	1 x Prequalified Supplier Panel tendered (Feb 23) which met the requirements - all details other than the hourly/daily rates tendered were included in the Tender Register uploaded to the website as these are classed as Commercial in Confidence.
18	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?	F&G Reg 24AG	Yes	Physical File with Tender Register details is available on request for public inspection. Electronic copy of Tender Register is uploaded to SoEP Website - all details other than the hourly/daily rates tendered were included in the Tender Register uploaded to the website as these are classed as Commercial in Confidence.
19	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?	F&G Reg 24AH(1)	Yes	SoEP utilise an electronic tendering portal, that closes and will not permit responses to be uploaded after the closing time. If any are received by an alternative method they are rejected.
20	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?	F&G Reg 24AH(3)	Yes	All Tenders have weighted qualitative criteria that is assessed individually by three Evaluation Panel Members.
21	Did the CEO send each applicant written notice advising them of the outcome of their application?	F&G Reg 24AI	Yes	Written notice is given to all Tenderers of the outcome
22	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	F&G Regs 24E & 24F	Yes	RPP Policy in place (the current RPPP from 2017) meets the F&G Regs, and statewide notice (for public comment) was given advising of the 2017 amendments

**8 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A
DECISION OF COUNCIL**

9 GENERAL BUSINESS

At the 15 December 2023 meeting of the Committee, Cr Peta Baer requested that the CEO conduct an internal audit of payments made to Dick Tracey Contracting, and all payments made under RFT 02 2022/2023.

The Chief Executive Officer's response to the question is provided under separate cover, and is confidential in accordance with subsections 5.23(2)(c) and (e) of the *Local Government Act 1995*.

10 CLOSURE