



Agenda

Governance, Audit and Community Services
Wednesday, 15 March 2023

Date	Wednesday 15 March 2023
Time	1:00pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 10 March 2023



Notice of Meeting

Please be informed an Governance, Audit and Community Services Meeting will be held at 1.00pm on Wednesday 15 March 2023 at the Shire of Wickepin Council Chambers, 77 Wogolin Road, Wickepin WA 6370.

Nathan Cain
Chief Executive Officer
Friday 10 March 2023

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin 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 / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin must obtain, and only should rely on, written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wickepin in respect of the application.

Terms of Reference

1. Name

Governance, Audit and Community Services Committee

2. Members

Cr Julie Russell

Cr Fran Allan

Cr Wes Astbury

Cr John Mearns

Cr Tyron Miller

Cr Lindsay Corke

Cr Peter Thompson

3. Objectives

The following objectives are to be considered by the Governance, Audit and Community Services Committee;

- This Committee deals with issues relating to Governance, Audit and Community Services in the Shire of Wickepin and makes recommendations to the Ordinary Council meeting.
- The Governance, Audit and Community Services Committee has no delegated authority, therefore the Committee cannot on-delegate the powers and duties delegated to it;
- The Committee is to provide an independent oversight of the financial systems of the Shire of Wickepin on behalf of the Council. As such, the Committee will operate to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to the Shire of Wickepin's financial reporting and audit responsibilities.
- Support Council in its endeavours to provide effective corporate governance and fulfil its responsibilities in relation to directing and controlling the affairs of the Shire of Wickepin.

4. Function of the Committee

To provide guidance and assistance to the Shire of Wickepin;

1. as to the carrying out of its functions in relation to audits;
2. as to the development of a process to be used to select and appoint a person to be the auditor;
3. matters to be audited;
4. the scope of the audit;
5. its functions under Part 6 of the Act that relate to financial management; and
6. the carrying out of its functions relating to other audits and other matters related to financial management.

5. Scope/Jurisdiction

The Committee is appointed and empowered in accordance with the provisions of the Local Government Act 1995.

A decision of the Committee is to be made by simple majority.

Resolutions/recommendations of the committee must first be considered and endorsed by Council prior to any action by a Committee Member or Chief Executive Officer.

The Shire of Wickepin shall provide secretarial and administrative support to the Governance, Audit and Community Services Committee.

Council's Governance, Audit and Community Services Committee brief includes the following roles and responsibilities;

1. Dog Act 1976
2. Cemeteries Act 1986
3. Litter Act 1979
4. Parts of the Local Government Act 1995 which control;
 - a) Trespass of cattle and pounds;
 - b) Aged persons welfare, centres and housing;
 - c) Management, advisory and community committees;
 - d) The protection and security of Council properties and facilities;
 - e) Aquatic centres;
 - f) Parking facilities;
 - g) Social welfare.
5. The Health Act 1911, as amended which includes;
 - a) Disposal of refuse, sewerage and liquid waste;
 - b) Offensive trades;
 - c) Distribution and sale of foods and drugs to the public;
 - d) Insects and pests;
 - e) Itinerant vendors of food;
 - f) Immunization;
 - g) Health education;
 - h) Child health centres;
 - i) Infectious diseases;
 - j) Drainage pertinent to health;
 - k) Stables;
 - l) Noxious industries;
 - m) Stalls and stall holders;
 - n) Hawking;
 - o) Child minding.
6. Environmental Protection Act (1986)
7. The Liquor Act 1970
8. Amendments, regulations, locals laws and enforcement of the above Acts
9. Prosecution for offences under the control of this Committee
10. Usage, sharing and hiring of Council controlled reserves and buildings
11. Ranger Services
12. Library Services
13. Civic Functions
14. Lease of land and buildings
15. Services for the aged and youth
16. Town Planning
17. Regulate use of land
18. Town Planning Scheme;
 - a) Preparation;
 - b) Amendments;
 - c) Submissions to Council.
19. Use of Land - Classification
20. Subdivisions
21. Amalgamations
22. Residential density codes
23. Applications to commerce development
24. Change of use
25. Re-zonings

26. Buildings;
 - a) Plot ratios;
 - b) Setback;
 - c) General character;
 - d) Dimensions.
27. Location of;
 - a) Parks and reserves;
 - b) Recreation grounds;
 - c) Public open space;
 - d) Community facilities;
 - e) Cultural facilities;
 - f) Parking areas and functions;
 - g) Civic developments;
 - h) Urban design.
28. Buildings - Statutory Control
29. Building Code of Australia
30. Private Swimming Pool Local Laws
31. Buildings - part (xv) of the Local Government Act
32. Signs and hoardings
33. Fencing
34. Buildings - Operations
35. Lightings
36. Maintenance of Council buildings
37. Cleaning of Council buildings
38. Construction of Council buildings
39. Local Laws for building
40. Any items referred by other Committees or Council
41. The calling and consideration of tenders for Council buildings
42. Review quarterly reports
43. Budget process and overview
44. The process of calling tenders and selecting the auditor
45. Recommending the auditor to Council
46. Managing the audit process from the Council perspective
47. Meeting with the auditor at least once each year to discuss the process and/or outcomes of the audit
48. Monitoring the administration's actions on, and responses to, any significant matters raised by the auditor in the report referred to in S7.9 of the Local Government Act 1995 and the Management Report
49. Submitting a copy of the audit contract to the Department each time a new one is entered into or the contract is amended
50. Submitting an annual report on the audit function to the Council and the Department
51. Considering the completed Statutory Compliance Return and monitoring the administration's corrective action on matters of non-compliance
52. Preparation and amendment of Principle Activities Plan
53. The calling of tenders and consideration of tenders for administrative matters
54. Elections
55. Elector meeting.

6. Appointment of Committee Members

The following guidelines are to be established when appointing members of the Governance, Audit and Community Services Committee;

- The Governance, Audit and Community Services Committee is to consist of three or more persons to exercise powers and discharge the duties conferred on it;
- Council calls for written nominations for members of the Governance, Audit and Community Services Committee at the end of each year. Committee members are appointed by Council at the December Ordinary Council meeting by an absolute majority decision;
- At least three of the members, and the majority of the members, are to be elected members;
- If the Shire of Wickepin wishes to appoint one or more persons other than elected members to the Committee, it should ensure that they have the requisite knowledge and skills to provide benefit to the Committee.
- The CEO is not to be a member of the Committee and may not nominate a person to be a member or have a person to represent him/her as a member of the Committee;
- An employee is not to be a member of the Committee;

7. Appointment of Committee Chair

A chairperson is appointed at the first Governance, Audit and Community Services Committee Meeting at the beginning of each year by the committee members.

8. Meeting Frequency

The Governance, Audit and Community Services Committee meet on the meeting dates for 2023 are as follows:

Committee	Day	Date	Time
Governance	Wednesday	February 15, 2023	1.30pm
Governance	Wednesday	June 21, 2023	1.30pm
Governance	Wednesday	December 13, 2023	1.30pm

9. Related Policies/Local Laws: Nil.

Contents

1	Declaration of Opening	8
2	Attendance	8
	2.1 Present	8
3	Public Question Time	8
	3.1 Responses to Previous Public Questions Taken On Notice	8
	3.2 Public Question Time	8
4	Apologies and Leave of Absence	8
	4.1 Apologies	8
	4.2 Previously Approved Leave of Absence	8
	4.3 Requests for Leave of Absence	8
5	Petitions, Memorials and Deputations	9
	5.1 Petitions	9
	5.2 Memorials	9
	5.3 Deputations	9
6	Declarations of Councillors and Officers Interest	9
7	Confirmation of Minutes of Previous Meetings	9
	7.1 Minutes of the Governance, Audit and Community Services Meeting held on 16 March 2022	9
8	Status Report	10
9	Motions of Which Notice Has Been Given	10
10	Receipt of Committee Minutes or Reports and Consideration of Recommendations	10
11	Notices of Motions for the Following Meeting	10
12	Reports and Information	11
	12.1 Annual Compliance Audit Return 2022	11
13	Confidential Reports and Information	14
14	Urgent Business	14
15	Closure	14

1 Declaration of Opening

The Presiding Member declared the meeting open at [time].

2 Attendance

2.1 Present

Councillors

J Russell	Shire President
W Astbury	Deputy Shire President
J Mearns	Councillor
T Miller	Councillor
F Allan	Councillor
P Thompson	Councillor
L Corke	Councillor

Employees

N Cain	Chief Executive Officer
E Clement	Deputy Chief Executive Officer
M Martin	Executive Support Officer

3 Public Question Time

3.1 Responses to Previous Public Questions Taken On Notice

Nil

3.2 Public Question Time

[Public Question Time]

4 Apologies and Leave of Absence

4.1 Apologies

Nil

4.2 Previously Approved Leave of Absence

Cr J Mearns be granted absence of leave for the 15 March 2023 Governance, Audit and Community Service Committee Meeting.

4.3 Requests for Leave of Absence

[Requests for Leave of Absence]

5 Petitions, Memorials and Deputations

5.1 Petitions

Nil

5.2 Memorials

Nil

5.3 Deputations

Nil

6 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

[Declarations of Councillors and Officers Interest]

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Governance, Audit and Community Services Meeting held on 16 March 2022

Officer Recommendation

That Council –

Confirm the minutes of the Governance, Audit and Community Meeting held on Wednesday 16 March 2022, as attached, as a true and accurate record.

8 Status Report

Item	Subject	Progress	Status	Action
9.3	Compliance Audit Return 2021	That the Governance, Audit and Community Services Committee accept the Compliance Audit Return 2021.	✓	Completed

Where a resolution is formal, procedural or lost it has not been recorded (e.g. confirmation of minutes, meeting behind closed doors, lapsed, etc).

Key

○ = in progress ✓ = completed ✕ =superseded

9 Motions of Which Notice Has Been Given

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

Nil

11 Notices of Motions for the Following Meeting

[Notices of Motion for the Following Meeting]

12 Reports and Information

12.1 Annual Compliance Audit Return 2022

Submission To	Governance, Audit and Community Services Committee Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.AUD.1200
Author	N.Cain – Chief Executive Officer
Interest Disclosures	-
Report Written Date	10 March 2023
Attachments	Compliance Audit Return 2022

Summary

For each calendar year, Council is required to undertake a Compliance Audit Return to ascertain the Shire's level of adherence to legislatively required functions.

The responses to the 2022 Compliance Audit Return are firstly required to be presented to the Governance, Audit and Community Services Committee for review before subsequently being submitted to Council.

Council is requested to adopt the 2022 Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

Background

Pursuant to legislation, local governments are required to carry out a compliance audit for each calendar year and to submit the audit findings to the Department of Local Government, Sport and Cultural Industries.

The compliance audit covers a range of matters requiring actions to be completed by local governments in performing their functions to maintain legislative compliance and focuses on areas considered to be high risk.

Comments

The 2022 Compliance Audit Return contains the following compliance categories –

- 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
- Tenders for Providing Goods and Services
- Optional Questions

Shire officers have responded to the questions in the 2022 Compliance Audit Return.

Of the ninety-four (94) questions included in the 2022 Compliance Audit Return, the Shire is considered as not having met compliance on nine (9) occasions.

The areas of non-compliance, and a brief summary of each, are below –

- Did all persons exercising a delegated power or duty under the *Local Government Act 1995*, keep on all occasions, a written record in accordance with *Local Government (Administration) Regulations 1996* regulation 19?
Details of exercising the delegated power or discharging the delegated duty do not contain the information as required.
- 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)?
The sale of a parcel of land was not advertised by local public notice, as required.
- 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?
The sale of a parcel of land was not advertised by local public notice, as required.
- Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?
The auditor's report for the financial year ended 30 June 2022 has not been received.
- Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?
The auditor's report for the financial year ended 30 June 2022 has not been received.
- Has the local government adopted by absolute majority a strategic community plan? What was the adoption date or the date of the most recent review?
The review of the Strategic Community Plan has not been completed in the prescribed timeframe.
- Has the local government adopted by absolute majority a corporate business plan? What was the adoption date or the date of the most recent review?
The review of the Corporate Business Plan has not been completed in the prescribed timeframe.
- Does the corporate business plan comply with the requirements of the *Local Government (Administration) Regulations 1996* 19DA (2) and (3)?
The review of the Corporate Business Plan has not been completed in the prescribed timeframe.
- 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?
The tenders register on the Shire website does not contain all the required information.

The 2022 Compliance Audit Return was reviewed by the Governance, Audit and Community Services Committee at a meeting held on 15 March 2023 (commencing at 1:00 pm).

Following Council endorsement, the 2022 Compliance Audit Return must be certified by the Shire President and Chief Executive Officer and submitted to the Department of Local Government, Sport and Cultural Industries by no later than 31 March 2023.

Statutory Environment

Local Government (Audit) Regulations 1996 – Regulation 14 Compliance audits by local governments

A local government is to carry out a compliance audit for the period 1 January to 31 December each year and submit this to the audit committee for review before then being adopted by council.

Local Government (Audit) Regulations 1996 – Regulation 15 Certified copy of compliance audit return and other documents to be given to Departmental CEO

A certified copy of the compliance audit and other required information is to be submitted to the Department of Local Government, Sports and Cultural Industries by 31 March next following the period to which the return relates.

Policy Implications

Nil

Financial Implications

Current Financial Year

Nil

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That the Governance, Audit and Community Services Committee recommends Council,

- 1. Adopts the Compliance Audit Return for the period 1 January 2022 to 31 December 2022, as attached, and*
- 2. Authorises the Shire President and Chief Executive Officer to jointly certify the Compliance Audit Return for submission to the Department of Local Government, Sports and Cultural Industries.*

13 Confidential Reports and Information

Nil

14 Urgent Business

Nil

15 Closure

The Presiding Member declared the meeting closed at [time].