



Port Hedland - Compliance Audit Return 2018

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2018.	N/A	The Town has not entered into any major trading as defined in regulation 9 of the Local Government (Functions & General) Regulations 1996 for the 2018 calendar year.	Louise O'Donnell
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2018.	N/A		Louise O'Donnell
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2018.	N/A		Louise O'Donnell
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2018.	N/A		Louise O'Donnell
5	s3.59(5)	Did the Council, during 2018, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Louise O'Donnell



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	Delegations to committees were removed in the Delegation Register review in May 2018.	Louise O'Donnell
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Louise O'Donnell
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Louise O'Donnell
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Louise O'Donnell
5	s5.18	Has Council reviewed delegations to its committees in the 2017/2018 financial year.	Yes	The Delegation Register was reviewed in May 2018 and Council approved to remove delegations to the Committee.	Louise O'Donnell
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Louise O'Donnell
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	On 23 May 2018, decision CM201718/199, Council adopted the Town of Port Hedland Delegation Register carried by absolute majority.	Louise O'Donnell
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	Delegations to the Chief Executive Officer were provided by instrument of delegation.	Louise O'Donnell
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Louise O'Donnell
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Louise O'Donnell
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Delegation Register is available on the Town's website. The Delegation Register with Non Statutory Powers for employees is available on the Town's internal intranet.	Louise O'Donnell
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2017/2018 financial year.	Yes	Reviewed by the Chief Executive Officer in May 2018	Louise O'Donnell
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Louise O'Donnell



Disclosure of Interest						
No	Reference	Question	Response	Comments	Respondent	
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Louise O'Donnell	
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Louise O'Donnell	
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes	All disclosures in relation to section 5.65 and 5.70 were recorded in the minutes of each meeting.	Louise O'Donnell	
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Louise O'Donnell	
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Louise O'Donnell	
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2018.	Yes		Louise O'Donnell	
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2018.	Yes		Louise O'Donnell	
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Louise O'Donnell	
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Louise O'Donnell	
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Louise O'Donnell	
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Louise O'Donnell	
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Louise O'Donnell	



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No	Reference	Question	Response	Comments	Respondent
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Louise O'Donnell
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A		Louise O'Donnell
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A		Louise O'Donnell
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Louise O'Donnell

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A		Louise O'Donnell
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Louise O'Donnell

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	The new Audit Risk and Governance Committee was resolved by absolute majority at Ordinary Council Meeting (OCM) 01/11/17 (CM201718/065). A community member was appointed to this committee by absolute majority at OCM 13/11/17 (CM201718/101). Another community member was appointed to this committee by absolute majority at OCM 28/02/18 (CM201718/145).	Louise O'Donnell



No	Reference	Question	Response	Comments	Respondent
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	The reviewed Delegation Register for 2018 did not include for the Audit, Risk and Governance Committee to receive any delegations.	Louise O'Donnell
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	RSM Australia Pty Ltd are a registered company auditor.	Louise O'Donnell
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	The tender 14/22 Provision of Audit Services to the Town 2014-2019 was awarded by absolute majority to RSM Bird Cameron (now RSM Australia) at Ordinary Council Meeting 25 February 2015 (201415/175).	Louise O'Donnell
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government within 30 days of completion of the audit.	Yes	The Town received the auditors report for the financial year ended 30 June 2018 on 4 February 2019 which is within 30 days of completion of the audit.	Louise O'Donnell
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government by 31 December 2018.	No	The Town wrote to the Department on 13 December 2018 to advise them of the reason why the Auditor's report would not be received by the local government by 31 December 2018.	Louise O'Donnell
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	A draft of audit matters was received by the Town on 4 December 2018. The Town commenced working on them immediately and discussed it with the Audit, Risk and Governance Committee on that same day. The Auditor's report was received by the Town on 4 February 2019 and any proposed actions will be formally recognised by the Audit, Risk and Governance Committee at its scheduled meeting on 12 February 2019.	Louise O'Donnell
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	As above.	Louise O'Donnell



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No	Reference	Question	Response	Comments	Respondent
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	As above.	Louise O'Donnell
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	The Town and RSM Bird Cameron have an Audit Agreement for the period of 1 July 2014 - 30 June 2019. This agreement sets out the Audit objectives.	Louise O'Donnell
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	The Town and RSM Bird Cameron have an Audit Agreement for the period of 1 July 2014 - 30 June 2019. This agreement sets out the Audit Scope.	Louise O'Donnell
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	The Town and RSM Bird Cameron have an Audit Agreement for the period of 1 July 2014 - 30 June 2019. This agreement sets out the plan for the audit.	Louise O'Donnell
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Louise O'Donnell
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Louise O'Donnell
15	Audit Reg 17	Has the CEO reviewed the appropriateness and effectiveness of the local government's systems and procedures in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.	N/A	The Audit Regulation 17 was completed in 2017 and presented to Audit, Risk and Governance Committee on 6 March 2018 - decision ARG201718/065.	Louise O'Donnell
16	Audit Reg 17	If the CEO has not undertaken a review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, is a review proposed and when.	Yes	The Towns next review is due in 2020.	Louise O'Donnell



Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	The Council adopted the Corporate Business Plan 2018 - 2022 on 24 October 2018 (CM201819/067).	Louise O'Donnell
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A		Louise O'Donnell
3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	The Council adopted the Strategic Community Plan 2018 - 2028 on 23 May 2018 (CM201718/205).	Louise O'Donnell
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A		Louise O'Donnell
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	The ToPH Asset Management Plan is on the website under Strategic Plans. It was endorsed by OCM on 26/11/14 (201415/121) and is currently being reviewed. 26 November 2014 (201415/121)	Louise O'Donnell
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	The Council adopted the Long Term Financial Plan at the Ordinary Council Meeting held on 22 October 2014 (201415/077). The Town is currently reviewing an up to date Long Term Financial Plan.	Louise O'Donnell
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	No	The Council endorsed in principle a draft Workforce Plan at Ordinary Council Meeting held on 24/10/12 (201213/151).	Louise O'Donnell



Local Government Employees						
No	Reference	Question	Response	Comments	Respondent	
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	There was no recruitment of the CEO in 2018.	Louise O'Donnell	
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	There was recruitment for the positions of CEO and designated senior employees in 2018.	Louise O'Donnell	
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	No recruitment of CEO took place in 2018, however current CEO contract details & the CEO appointment remuneration is same as those advertised.	Louise O'Donnell	
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	No recruitment of CEO took place in 2018, however the current CEO appointment included extensive reference checking, independent verification of education & qualifications, and a full medical.	Louise O'Donnell	
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	There was no employment or dismissal of any designated senior employees in 2018.	Louise O'Donnell	



Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes	The Council has appointed designated senior employees as the complaints officer. This is stipulated in the Town's Delegation Register.	Louise O'Donnell
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Louise O'Donnell
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Louise O'Donnell
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Louise O'Donnell
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Louise O'Donnell
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes	For 2018, no actions has been undertaken due to the findings being appealed to the State Administrative Tribunal.	Louise O'Donnell

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	No	The Town is aware of one project that was delivered via multiple contracts rather than by the process of inviting a tender.	Louise O'Donnell
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	No	The Town is aware of one project that was delivered via multiple contracts rather than by the process of inviting a tender.	Louise O'Donnell



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No	Reference	Question	Response	Comments	Respondent
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	All tenders were advertised in the West Australian on all occasions.	Louise O'Donnell
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	All tenders were advertised for a minimum of 14 days, contained the correct information, and are opened in accordance with regulations.	Louise O'Donnell
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	The Town use Vendorpanel as their only source for suppliers to submit their tenders. All addendums are issued online utilising Vendorpanel to all suppliers to ensure everyone gets notice of any changes made.	Louise O'Donnell
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes	All tender submissions are opened at the Civic Centre reception and in public with two local government officers present to open the tender. A list of respondents is printed and added to the tender register. Responsible officers that open tenders sign the register.	Louise O'Donnell
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes	Only submissions received on time, and using Vendorpanel are evaluated, all others are rejected.	Louise O'Donnell
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	Evaluation Criteria is used for all tenders, and is listed in the request document. Vendorpanel (Multi-Party Evaluation) is used to assess all tenders.	Louise O'Donnell
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes	The tender register is kept up to date by the procurement team and is available for public view. This register contains all relevant information.	Louise O'Donnell
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes	Letters are sent to all respondents advising of the outcome particulars of each tender.	Louise O'Donnell
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A	No expressions of interest were released in 2018.	Louise O'Donnell



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No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Louise O'Donnell
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Louise O'Donnell
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Louise O'Donnell
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	Yes	All Invitations were advertised in the West Australian on all occasions.	Louise O'Donnell
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	Yes	All invitations were advertised for a minimum of 14 days, contained the correct information.	Louise O'Donnell
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 F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	Yes	All tender submissions are opened in public at the Civic Centre reception, with 2 officers present. A list of respondents is printed and added to the tender register.	Louise O'Donnell
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	Yes	All addendums are issued online utilising Vendorpanel to all suppliers.	Louise O'Donnell
19	F&G Reg 24AH(1)	Did the local government reject the 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.	Yes	An emailed response was rejected and marked non compliant. Only those received via Vendorpanel within the applicable timeframe, were evaluated.	Louise O'Donnell
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Louise O'Donnell
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	Yes	The tender register is available for public view and contains the relevant information.	Louise O'Donnell



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No	Reference	Question	Response	Comments	Respondent
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	Yes	Letters are sent to all respondents advising of the outcome.	Louise O'Donnell
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	Yes	The Council adopted a regional price preference policy in 2013 with the latest review adopted by Council in February 2018.	Louise O'Donnell
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	No	The Town did not advertise the amended Regional Price Preference Policy in 2018.	Louise O'Donnell
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes	Council adopted a purchasing policy in 2009. This policy has been amended a number of times with Council adopting the latest version in February 2018.	Louise O'Donnell

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

Signed Mayor / President, Port Hedland

Signed CEO, Port Hedland