



Busselton - Compliance Audit Return 2015

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government and Communities 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 2015.	Yes	A Business Plan was prepared relating to the 'Busselton Regional Airport Redevelopment'. No other major trading undertakings were contemplated.	Mike Archer
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 2015.	N/A		Mike Archer
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 2015.	N/A		Mike Archer
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 2015.	Yes	The notice of the 'Busselton Regional Airport Redevelopment' major trading undertaking was advertised from 8 July 2015, including in the West Australian newspaper as required.	Mike Archer
5	s3.59(5)	Did the Council, during 2015, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes	The Council resolved to proceed with the major trading undertaking for the 'Busselton Regional Airport Redevelopment' by absolute majority at its meeting of 26 August, 2015.	Mike Archer



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.	Yes	10 June 2015 (C1506/161) and 14 October 2015 (C1510/294 and C1510/296) by absolute majority. While the report does not specify the absolute majority relating to the Meelup Committee's delegation, the vote did achieve an absolute majority as required	Lynley Rich
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Lynley Rich
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Lynley Rich
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Lynley Rich
5	s5.18	Has Council reviewed delegations to its committees in the 2014/2015 financial year.	Yes	10 June 2015 (C1506/161)	Lynley Rich
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		Lynley Rich
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	10 June 2015 (C1506/161) by absolute majority	Lynley Rich
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Lynley Rich
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Lynley Rich
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Lynley Rich
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Lynley Rich
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 2014/2015 financial year.	Yes	10 June 2015 (C1506/161) and by the CEO on 15 June, 2015	Lynley Rich
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		Lynley Rich

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent



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		Lynley Rich
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		Lynley Rich
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		Lynley Rich
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	Three new elected members were elected in October 2015. All primary returns were lodged prior to the expiration of three months in January 2016.	Lynley Rich
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		Lynley Rich
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2015.	Yes		Lynley Rich
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2015.	Yes		Lynley Rich
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		Lynley Rich
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		Lynley Rich
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		Lynley Rich
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	The returns from three former elected members were removed following the October 2015 election. Returns from staff whose employment has ceased have also been removed.	Lynley Rich
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		Lynley Rich



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		Lynley Rich
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		Lynley Rich
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		Lynley Rich
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Lynley Rich

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)).	Yes		Mike Archer
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		Mike Archer

Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates 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 candidates.	Yes	An electoral gift register exists, however, no disclosures of gifts were made in relation to the 2015 ordinary local government election.	Lynley Rich

Finance					
No	Reference	Question	Response	Comments	Respondent



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	Council resolutions C1510/294 and C1510/275 from 14 October 2015 and 19 October 2015 (members) by absolute majority.	Matthew Smith
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.	Yes		Matthew Smith
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	Registered Company Auditors Nos. 225698 and 308235.	Matthew Smith
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	Council resolution C1310/265 (9th October 2013) carried by absolute majority.	Matthew Smith
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2015 received by the local government within 30 days of completion of the audit.	Yes	On-site component of audit finalised on 11th September 2015, with Auditor's report received on 1st October 2015.	Matthew Smith
6	s7.9(1)	Was the Auditor's report for 2014/2015 received by the local government by 31 December 2015.	Yes	Auditor's report was received on 1st October 2015.	Matthew Smith
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		Matthew Smith
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		Matthew Smith
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		Matthew Smith
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	Refer Audit Agreement dated 4th November, 2013.	Matthew Smith
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	Refer Audit Agreement dated 4th November 2013.	Matthew Smith
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	Refer Audit Agreement dated 4th November 2013.	Matthew Smith



No	Reference	Question	Response	Comments	Respondent
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	Refer Audit Agreement dated 4th November 2013.	Matthew Smith
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	Refer Audit Agreement dated 4th November 2013.	Matthew Smith

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		Mike Archer
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		Mike Archer
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		Mike Archer
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		Mike Archer
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Mike Archer



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 Director, Finance and Corporate Services, Matthew Smith is the complaints officer.	Matthew Smith
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	Note: No complaints were received in relation to the period covered by the Return.	Matthew Smith
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		Matthew Smith
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		Matthew Smith
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		Matthew Smith
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		Matthew Smith

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)).	Yes	Analysis of the City's supplier payments for the 2015 calendar year undertaken	Matthew Smith
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.	Yes	Analysis of the City's supplier payments for the 2015 calendar year undertaken	Matthew Smith
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	A copy of the Statewide public notice of each invitation to tender is included in the Tender Register	Matthew Smith



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4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	See copies of the Statewide public notices for each invitation to tender in the Tender Register	Matthew Smith
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	Records were kept of each person requesting tender documents and each such person was notified in writing of any variation	Matthew Smith
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	Only hard copy tenders were allowed to be submitted. All tenders received remained sealed and were kept in a locked 'tender box' until the tender closing time. Members of the public were at all times allowed to attend tender openings. Other relevant details are in the Tender Register	Matthew Smith
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	All tenders not submitted at the place and within the time specified in the invitation for tenders, were marked as such and rejected and copies have been maintained within the City's records	Matthew Smith
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	See written reports of evaluation panels for all tenders which are in the City's records system (electronic tender files). Evaluation reports formed the basis of all tender award decisions - evaluation report attached to Council report or memo to CEO as applicable	Matthew Smith
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	See the Tender Register	Matthew Smith



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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	Except for RFT03/15, RFT08/15, RFT10/15 and tenders which are still under evaluation, notices advising particulars of the successful tenders or advising that no tender was accepted were sent to each tenderer. In respect of RFT03/15, RFT08/15 and RFT10/15 each tenderer was advised of the name of the successful tenderer but not with particulars of the contract price	Matthew Smith
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.	Yes	The only time the City followed the preliminary selection process under Reg 21 & 22, was in relation to RFT05/15 - Construction of the City of Busselton New Admin and Civic Building	Matthew Smith
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		Matthew Smith
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.	Yes	See the Tender Register	Matthew Smith
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.	Yes	See correspondence in City's records system (electronic tender file)	Matthew Smith
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	Yes	Under RFT06/15 the City of Busselton invited applicants for a panel of pre-qualified suppliers to establish an Engineering Consultancy Panel. The relevant Statewide public notice was published 20 June 2015 with the closing date for submissions 21 July 2015 but, prior to the panel being established, the changes to F&G Regs in relation to panels of pre-qualified suppliers came into effect on 1 October 2015 and the City decided not to proceed with establishing a panel and subsequently cancelled RFT06/15. All persons submitting a proposal were notified accordingly	Matthew Smith



No	Reference	Question	Response	Comments	Respondent
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A	The City has not invited any submissions for or sought to establish any panels of pre-qualified suppliers in accordance with Division 3 of the F&G Regs	Matthew Smith
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.	N/A	The City has not invited any submissions for or sought to establish any panels of pre-qualified suppliers in accordance with Division 3 of the F&G Regs	Matthew Smith
18	F&G Reg 24AD(6)	If the local government to 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	The City has not invited any submissions for or sought to establish any panels of pre-qualified suppliers in accordance with Division 3 of the F&G Regs	Matthew Smith
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.	N/A	The City has not invited any submissions for or sought to establish any panels of pre-qualified suppliers in accordance with Division 3 of the F&G Regs	Matthew Smith
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.	N/A	The City has not invited any submissions for or sought to establish any panels of pre-qualified suppliers in accordance with Division 3 of the F&G Regs	Matthew Smith
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.	N/A	The City has not established any panels in accordance with this regulation	Matthew Smith
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.	N/A	See question 21 above	Matthew Smith
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	On all occasions that regional price preference was applied in 2015, the City's policy adopted in 2010 was complied with	Matthew Smith
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.	N/A	City's current policy adopted in 2010	Matthew Smith



No	Reference	Question	Response	Comments	Respondent
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.	N/A	The City has 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, \$100,000 or less. Subject to relevant exemptions under the F&G Regs, the City publicly invites tenders for the supply of goods and services in accordance with Part 4 of the F&G Regs where the consideration under the contract is, or is expected to be, \$100,000 or more. Despite the changes to the F&G Regs which came into effect on 1 October 2015, the City continued to maintain the same purchasing requirements and thresholds for the remainder of 2015. The City will operate in accordance with new purchasing thresholds only after a revised purchasing policy is adopted by the Council in March 2015	Matthew Smith

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

 Signed Mayor / President, Busselton

 Signed CEO, Busselton