



Cranbrook - Compliance Audit Return 2021

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	NA	There were no major trading undertakings entered into or made.	Consultant
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	NA	There were no major land transactions undertaken.	Consultant
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2021?	NA	There were no major land transactions undertaken.	Consultant
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	NA	There were no trading undertakings or major land transactions undertaken.	Consultant
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	NA	There were no trading undertakings or major land transactions undertaken.	Consultant



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Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	NA	No delegations specified in Oct 2021 resolutions re Audit and BF Ctees	Consultant
2	s5.16	Were all delegations to committees in writing?	NA	No delegations specified in Oct 2021 resolutions re Audit and BF Ctees	Consultant
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	NA	No delegations specified in Oct 2021 resolutions re Audit and BF Ctees	Consultant
4	s5.18	Were all delegations to committees recorded in a register of delegations?	NA	No delegations specified in Oct 2021 resolutions re Audit and BF Ctees	Consultant
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	NO	RoD reviewed and adopted Sept 2021. Prior adoption of RoD seems to be Feb 2020 covering 2019/20. Reference to a review at Feb 2020 OCM but nothing until Sept 2021.	Consultant
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	YES		Consultant
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	YES		Consultant
8	s5.42(2)	Were all delegations to the CEO in writing?	YES		Consultant
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	YES		Consultant
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	NA	No evidence of amendment or revocation of delegations	Consultant
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	YES		Consultant
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	NO	No evidence of same RoD reviewed and adopted Sept 2021. Prior adoption of RoD seems to be Feb 2020 covering 2019/20. Reference to a review at Feb 2020 OCM but nothing until Sept 2021.	Consultant



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13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	NO	System in development	Consultant
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Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	YES	Minutes show in all cases where interests disclosed that required a council member to leave a meeting that they did so. These included financial and proximity interests.	Consultant
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	NA	There were no occasions where participation approval was sought or given.	Consultant
3	s5.73	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?	YES		Consultant
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	YES	Samples viewed contained information required by Regs	Consultant
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	YES	Samples viewed contained information required by Regs	Consultant
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	YES	Acknowledgement observed	Consultant
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	YES	Register viewed	Consultant
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	YES	Register viewed	Consultant
9	s5.88(3)	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?	YES	Observed	Consultant
10	s5.88(4)	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?	YES	Observed	Consultant
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	YES	At website	Consultant



12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	YES	At website	Consultant
13	s5.89A(6)	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?	YES		Consultant
14	s5.89A(7)	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?	YES		Consultant
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*	NA	No such interests declared at Feb 2021 OCM	Consultant
		*Question not applicable after 2 Feb 2021			
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	NA	No such interests declared at Feb 2021 OCM	Consultant
		*Question not applicable after 2 Feb 2021			
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	YES	Minutes show in all cases where interests disclosed that required an employee to leave a meeting that they did so. These included financial interests.	Consultant
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under 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?	NA	There were no occasions where participation approval was sought or given.	Consultant
19	s5.71B(6) & s5.71B(7)	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?	NA	There were no occasions where participation approval was sought or given.	Consultant
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?*	YES	In Policy Manual at website	Consultant
		*Question not applicable after 2 Feb 2021			
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?*	YES	At website	Consultant
		*Question not applicable after 2 Feb 2021			



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22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	YES	Adopted by council on 17 Feb 2021	Consultant
23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	NO		Consultant
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	YES	Policy Manual at Shire website contains CoC	Consultant
25	s5.51A(1) & (3)	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?	Yes	At website.	Consultant



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Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	YES	May 2021 decision to advertise proposed sale, June decision to consider submissions and proceed	Consultant
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		Consultant



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Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	YES	At website	Consultant
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	NA	No disclosures made	Consultant
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	YES	At website	Consultant



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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	Special council meeting 20 October 2021	Consultant
2	s7.1B	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?	NA	Special council meeting 20 October 2021, no resolution proposing any delegations.	Consultant
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	YES	Dec 8 2021 received	Consultant
4	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, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes		Consultant
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Yes		Consultant
6	s7.12A(5)	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?	YES	At website	Consultant
7	Audit Reg 10(1)	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?	YES		Consultant



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Integrated Planning and Reporting						
No	Reference	Question	Response	Comments	Respondent	
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	Adopted May 2021 OCM - minutes show requirement was a Simple Majority, but it was adopted 9 - 0 and thus achieved an Absolute Majority.	Consultant	
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	OCM June 2021 minutes show requirement was a Simple Majority, but it was adopted 9 - 0 and thus achieved an Absolute Majority.	Consultant	
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	YES	CBP viewed on Shire website, see https://www.cranbrook.wa.gov.au/wp-content/uploads/2021/07/Corporate-Business-Plan-2021-2025.pdf	Consultant	



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Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	YES	OCM April 2021 minutes	Consultant
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	YES	In 2021 there was a recruitment of a CEO and a senior employee	Consultant
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	YES		Consultant
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	YES		Consultant
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	YES	There were no vacancies which arose due to the dismissal and employment of a senior employee in 2021. Following upcoming expiration of a contract the CEO proposed to Dec 2021 OCM an appointment to senior employee position, and Council agreed.	Consultant
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	NA	No rejections	Consultant



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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	NO	s5.120 requires CEO to designate, not the LG. Thus, CEO is the Complaints Officer.	Consultant
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121(2)?	YES		Consultant
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	YES	Vewed on Shire website	Consultant



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Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	YES	Feb 20 2019	Consultant
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	YES	Dec 19 2018	Consultant
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	YES		Consultant
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	YES	Policy Manual at website	Consultant
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	YES	5.96A(1)(a) - map - yes 5.96A(1)(b) - Local Laws - yes 5.96A(1)(c) - annual budget - yes 5.96(1)(d) - fees and charges - part of Budget - yes 5.96(1)(e) - Plans for the Future - yes 5.96(1)(f) - minutes of Council and Ctee meetings - yes 5.96(1)(g) - minutes of electors meetings - yes 5.96(1)(h) - agendas and notices - yes	Consultant
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	YES	Policy Manual at website	Consultant
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021	YES	At website	Consultant



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		financial year and publish it on the local government's official website by 31 July 2021?		
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	YES	Consultant
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	YES	Consultant



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Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	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?	YES		Consultant
2	s3.57 F&G Reg 11	Subject to F&G 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)?	YES	Oct 2021 OCM minutes	Consultant
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	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)?	YES	Advertising on website, Shire social media and the West Australian newspaper.	Consultant
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	NA	No multiple contracts entered into	Consultant
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		Consultant
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	YES	Shire uses Tenderlink online system. Submissions are locked until immediately after closure.	Consultant
7	F&G Reg 17	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?	YES/NO	Tender register available to the public but not published at website.	Consultant
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	NA	Tenderlink system automatically rejects tenders not received by closure time/ date.	Consultant
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	YES	Tenders register, Council minutes	Consultant



10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	NO	Equotes routinely advises unsuccessful tenderers, but CEO does NOT notify in writing, but SoC advises verbally all unsuccessful tenderers.	Consultant
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	YES	Tenderlink, West Australian, local newsletter, SoC website	Consultant
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	NA	No EOIs requested	Consultant
13	F&G Reg 23(3) & (4)	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?	NA	No EOIs requested	Consultant
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	NA	No EOIs requested	Consultant
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	YES		Consultant
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	YES	1 addendum and advice issued to all pre-qualified panel members	Consultant
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 pre-qualified supplier panel application?	YES		Consultant
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	YES		Consultant
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	NA	Several tenders were rejected as non-compliant	Consultant
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application	NA	No pre-qualified suppliers appointed	Consultant



satisfies the criteria for deciding which application to accept?					
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	NA	CEO does NOT notify in writing, but SoC advises verbally all unsuccessful tenderers	Consultant
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	YES	Observed at Policy Manual 4.8 (1.9)	Consultant