
Shire of Kalamunda

Special Council Meeting Minutes

Monday 29 March 2010



SHIRE OF KALAMUNDA

Index for Special Council Meeting Date Monday 1 February 2010

| | | |
|------|---|----|
| 1.0 | OFFICIAL OPENING | 3 |
| 2.0 | APOLOGIES AND LEAVE OF ABSENCE | 3 |
| 3.0 | PUBLIC QUESTION TIME..... | 4 |
| 4.0 | PETITIONS/DEPUTATIONS..... | 4 |
| 5.0 | CONFIRMATION OF MINUTES OF PREVIOUS MEETING..... | 4 |
| 6.0 | ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION4 | |
| 7.0 | MATTERS FOR WHICH MEETING MAY BE CLOSED | 4 |
| 8.0 | DISCLOSURE OF INTERESTS..... | 4 |
| 9.0 | CHIEF EXECUTIVE OFFICER'S REPORT TO COUNCIL | 5 |
| 9.1 | 2009 Compliance Audit Return..... | 5 |
| 10.0 | MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN | 10 |
| 11.0 | QUESTIONS BY MEMBERS WITHOUT NOTICE | 10 |
| 12.0 | QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN | 10 |
| 13.0 | URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION 10 | |
| 14.0 | MEETING CLOSED TO THE PUBLIC..... | 10 |
| 15.0 | CLOSURE | 11 |



Minutes of Special Council Meeting Held in the Council Chambers 2 Railway Road, Kalamunda Monday 29 March 2010

1.0 OFFICIAL OPENING

- 1.1 The Chairman opened the meeting at 6.30 pm and welcomed Councillors and Staff.

2.0 APOLOGIES AND LEAVE OF ABSENCE

2.1 PRESENT

Councillors

| | | |
|-------------|----------------------------|-----------------|
| D McKechnie | (CHAIRMAN/SHIRE PRESIDENT) | NORTH WARD |
| A Morton | | SOUTH WEST WARD |
| M Robinson | | SOUTH WEST WARD |
| N Townsend | | SOUTH WEST WARD |
| C Everett | | SOUTH EAST WARD |
| F Lindsey | | SOUTH EAST WARD |
| G Stallard | | SOUTH EAST WARD |
| D O'Connor | | NORTH WEST WARD |
| M Cresswell | | NORHT WEST WARD |
| P Heggie | | NORTH WEST WARD |

Officials

| | |
|-------------|-------------------------|
| J Trail | CHIEF EXECUTIVE OFFICER |
| D McPherson | MINUTE SECRETARY |

2.2 APOLOGY

| | |
|----------|------------|
| S Bilich | NORTH WARD |
|----------|------------|

2.3 ABSENT

| | |
|----------|------------|
| M Thomas | NORTH WARD |
|----------|------------|

Observers

Nil.

Newspapers

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

Nil.

4.0 PETITIONS/DEPUTATIONS

Nil.

5.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Not Applicable.

6.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

6.1 Nil.

7.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

8.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the Local Government Act 1995)

Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

8.1 Nil.

9.0 CHIEF EXECUTIVE OFFICER'S REPORT TO COUNCIL

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

9.1 2009 Compliance Audit Return

| | |
|-----------------|--------------------------|
| Previous Items: | N/A |
| Service Area: | Chief Executive's Office |
| Author: | Andrea Westacott |
| File Reference: | FI-AUD-004 |
| Applicant: | N/A |
| Owner: | N/A |

PURPOSE

1. To receive the 2009 Compliance Audit Return report which was considered by a meeting of the Audit Committee held on 22 March 2010.

BACKGROUND

2. Every local government in Western Australia is required under Section 7.13(1)(i) of the Local Government Act to complete a Compliance Audit Return (CAR) each year.
3. The CAR is produced by the Department of Local Government and, once presented to Council and adopted, is to be submitted to the Department by 31 March.
4. The CAR is designed to be a tool for the local government, allowing it to identify those areas where legislative requirements have not been met, so that processes can be amended.

DETAILS

5. The Terms of Reference of the Audit Committee require the Audit Committee to review and make recommendations to Council on the completed Compliance Audit Return.
6. The Terms of Reference state that *"the report presented the Audit Committee should specifically highlight those cases of non-compliance which have reoccurred."* The six questions that are in **bold** in section 8 of this report are those that also occurred in 2008.
7. The completed CAR for the year ending 31 December 2009 is presented as **(Attachment 1)**. Those questions where non-compliance has been identified are:

(1) Delegation of Power/Duty – Page 2, Question 13

Records of persons exercising a delegated authority are kept, but in various locations. It is intended to develop a database in SynergySoft that will allow the exercise of delegation to be recorded in a single location.

(2) Disclosure of Interest – Page 3, Question 4

The responsibility for completing a Primary Return lies with the individual employee or Councillor. Non-compliance in regard to Primary and Annual Returns must be reported to the Corruption and Crime Commission and the Department of Local Government.

(3) Disclosure of Interest – Page 3, Question 5

The responsibility for completing an Annual Returns lies with the individual employee or Councillor. It should be noted that the employee whose return was 20 days late no longer works at the Shire.

(4) Executive Functions – Page 8, Question 2

Planning staff have indicated that entry onto private property may have occurred without a notice of intended entry being given. All staff are to be made aware of their responsibilities in regard to the power of entry.

(5) Finance – Page 18, Question 84

Differential rates were introduced for the first time in 2009. The rate notice and budget did not contain required information in regard to the objects of and reasons for the differential rates. However, public notice was given that this information was available, it was published on the Shire's website, and all affected property owners were mailed the information.

(6) Local Government Employees – Page 20, Question 7

The advertisement for the position of Director Planning & Development Services did not state the duration of the proposed contract. All other required information was included in the advertisement.

(7) Local Laws – Page 22, Question 13

Two local laws were not reviewed within the prescribed 8 year time frame, although both are in the process of being reviewed. It is anticipated that the Manager of Governance, who will commence in early April, will take control of local laws, and more resources will be available to ensure that the process is carried out on time.

(8) Meeting Process – Page 24, Question 5

It has been identified that written notice to the CEO was not being given to call for special meetings of Council. While the Act does not specifically say that the notice is to be in writing, it suggests that this is the case, given that the notice has to set out the date and purpose of the proposed meeting. A "call for meeting" template has now been developed and is in use.

(9) Meeting Process – Page 26, Question 35

One Advisory Committee has advised that the times of entry and departure of members at committee meetings has not been recorded. All other committees have stated that the times are recorded and minuted. The Advisory Committee members will be reminded of the statutory requirements in regard to meetings.

(10) Meeting Process – Page 26, Question 38

While reasons are usually recorded when a decision is made that is different to the officer or committee recommendation, this does not occur on every occasion. It is recommended that a process be implemented whereby reasons must be set out after a decision is made that differs from the recommendation, and that these be formally recorded before moving on to the next item of business.

(11) Meeting Process – Page 27, Question 39

The answers to questions taken on notice at the General Services Committee (in December); Planning Services Committee (June and December); and the Ordinary Council (February, March, June and August) were not included in the minutes of the next meeting. On other occasions, the answers were included in the minutes. This is an error in process. The proposed new Meeting Procedures local law sets out that answers must be included in the minutes.

(12) Meeting Process – Page 27, Question 47

Four Advisory and Management committees have advised that unconfirmed minutes are not available within 5 working days of the meeting. It is recommended that all of the Shire's Management and Advisory committees be reminded of their statutory obligations. It may appropriate that the Manager of Governance provide training or information packages once he takes up his position in April.

(13) Meeting Process – Page 28, Question 52

On one occasion, 12 days notice of a special electors meeting was given to Councillors, rather than the required 14. On all other occasions the required notice was given.

(14) Miscellaneous Provisions – Page 29, Question 2

Officers attending the State Administrative Tribunal were not appointed in writing by the CEO. The Local Government Act allows the CEO to authorise a person to represent the local government "generally or in a particular case". In the case of planning matters before the State Administrative Tribunal it may be appropriate for a general authorisation to be issued. Staff to be made aware of this requirement.

STATUTORY AND LEGAL IMPLICATIONS

8. The return is required to be completed and submitted to the Department of Local Government.

POLICY IMPLICATIONS

9. Nil.

PUBLIC CONSULTATION/COMMUNICATION

10. Nil.

FINANCIAL IMPLICATIONS

11. Nil.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

12. Compliance is a key performance indicator.

OFFICER COMMENT

13. The level of compliance is continuing to improve (14 items requiring attention as opposed to 19 in 2008 and 21 in 2007). It is interesting to note that six of the fourteen items relate to meeting process. The review of the Shire's Standing Orders should address some of these issues. Education of the Shire's Advisory and Management committees would also improve compliance in this area.
14. Shire staff are investigating options for recording compliance requirements in a database, with actions and due dates assigned to the relevant officers. The aim is to continue to improve processes and awareness, with the eventual objective of a 'zero' return.
15. In the absence of executive staff the Audit Committee at its meeting of 22 March 2010 resolved:

RECOMMENDATION***A/C- 1/2010***

"That Council adopts the Compliance Audit Return for the year ending 31 December 2009 following clarification of questions taken on notice at the Audit Committee Meeting of 22 March 2010."

Moved: Cr D McKECHNIE

Seconded: Cr A MORTON

CARRIED UNANIMOUSLY

16. The requests for clarification taken on notice and the responses to these queries have been provided to all Councillors and are presented below.
17. Page 7 Question 31

Councillor Townsend asked if the overseas trip the CEO was to take with CAMMS should be registered in the gift register and if this would be done.

This question refers to the electoral gift register. It only applies to candidates in local government elections. Question 56 on page 28 refers to the register of notifiable gifts received by Council members and employees.

Councillor Townsend asked where the gift register is kept and if it is available for inspection.

The register of electoral gifts and notifiable gifts is currently held in the office of the Business Systems Officer (formerly the Compliance Officer) at the Shire Administration Centre. It is available for public inspection.

18. Page 26 Question 32

Councillor Townsend queried the response of “not applicable” as she thought there would have been occasions when this occurred.

The minutes do not indicate any revocation of a previous decision. There were many instances where the recommendation of the committee was not adopted by the Council, but no recorded instances of a Council or committee decision being revoked at a subsequent meeting. This very rarely occurs at the Shire of Kalamunda.

19. Page 27 Question 40

Councillor Townsend queried the response of “not applicable” and why the extent was not being included in the minutes.

Council members and employees declare the nature of their interest, but not the extent (for example, the value of shares held).

20. Page 28 Question 56

Councillor Townsend asked if the overseas trip the CEO was to take with CAMMS should be registered in the gift register and if this would be done.

Advice from the Department of Local Government indicates that contributions towards travel are not included in the definition of a gift (refer section 5.82(4) of the Local Government Act). However, it is a requirement that contributions towards travel, including incidental accommodation, be declared in the Annual Return.

21. Page 29 Question 1 and 3

Councillor Townsend queried the “not applicable” comment on these two as believed there would have been occasion where this had occurred.

Each Directorate was asked to answer these questions. All responded “Not applicable”. It should be noted that this refers to decisions under the Local Government Act, not the Planning and Development Act, which is the legislation that most Shire approvals are issued under.

22. Page 34 Question 43 and 44

The meeting sought clarification as to what was meant by a regional price preference?

A "Regional Price Preference" refers to the preferential treatment of tenders submitted by "local" suppliers. The conditions and definitions are set out in the *Local Government (Functions and General) Regulations 1996* (Part 4A).

A Regional Price Preference can only be applied by local governments located outside of the metropolitan area.

23. The recommendation to adopt the Compliance Audit is presented to Council for its consideration.

MEETING COMMENT

24. Nil.

RESOLVED SCM-46/2010

1. That Council adopts the Compliance Audit Return for the year ending 31 December 2009.

Moved: Cr Morton

Seconded: Cr Townsend

CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY

10.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11.0 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

12.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

13.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

14.0 MEETING CLOSED TO THE PUBLIC

15.0 CLOSURE

There being no further business, the Chairman declared the meeting closed at 6.35 pm .

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed.....Chairman

Dated thisday of.....2010

Kalamunda - Compliance Audit Return 2009

| Caravan Parks and Camping Grounds | | | | | |
|--|--|---|----------|----------|----------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s21(1) Caravan Parks and Camping Grounds Act 1995 | Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2008 to 30 June 2009. | Yes | | Jonathan Smith |
| 2 | Section 14(1) of the Caravans and Camping Grounds Act 1995 | Did you keep a register of caravan park licenses. (For the return period) | Yes | | Jonathan Smith |

| Cemeteries | | | | | |
|-------------------|------------------------------------|---|----------|--|------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s40(1)(a), (b) Cemeteries Act 1986 | Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period) | N/A | No cemeteries within the Shire of Kalamunda. | Andrea Westacott |
| 2 | s40(1)(a), (b) Cemeteries Act 1986 | Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period) | N/A | | Andrea Westacott |
| 3 | s40(2) Cemeteries Act 1986 | Have plans been kept and maintained showing the location of all burials registered in as above. | N/A | | Andrea Westacott |

| 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 2009. | N/A | No major trading undertakings in 2009. | Steve Leeson |
| 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 2009. | Yes | | Andrea Westacott |
| 3 | s3.59(2)(a)(b)(c) F&G Reg 7,11 | 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 2009. | N/A | | Andrea Westacott |
| 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 2009. | Yes | | Andrea Westacott |
| 5 | s3.59(5) | Did the Council, during 2009, resolve to proceed with each major land transaction or trading undertaking by absolute majority. | Yes | | Andrea Westacott |

| 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 | No delegations to committees currently in place. | Andrea Westacott |
| 2 | s5.16, 5.17, 5.18 | Were all delegations to committees in writing. | N/A | | Andrea Westacott |
| 3 | s5.16, 5.17, 5.18 | Were all delegations to committees within the limits specified in section 5.17. | N/A | | Andrea Westacott |
| 4 | s5.16, 5.17, 5.18 | Were all delegations to committees recorded in a register of delegations. | N/A | | Andrea Westacott |
| 5 | s5.18 | Has Council reviewed delegations to its committees in the 2008/2009 financial year. | N/A | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 7 | s5.42(1)(2) Admin Reg 18 | Were all delegations to the CEO resolved by an absolute majority. | Yes | | Andrea Westacott |
| 8 | s5.42(1)(2) Admin Reg 18 | Were all delegations to the CEO in writing. | Yes | | Andrea Westacott |
| 9 | s5.44(2) | Were all delegations by the CEO to any employee in writing. | Yes | | Andrea Westacott |
| 10 | s5.45(1)(b) | Were all decisions by the Council to amend or revoke a delegation made by absolute majority. | Yes | | Andrea Westacott |
| 11 | s5.46(1) | Has the CEO kept a register of all delegations made under the Act to him and to other employees. | Yes | | Andrea Westacott |
| 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 2008/2009 financial year. | Yes | 15 June 2009. | Andrea Westacott |
| 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. | No | Records are kept (eg minutes, correspondence), but these are not kept in a central register. | Andrea Westacott |

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 | | Andrea Westacott |
| 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 | Did not occur in 2009. | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|--|---|----------|--|------------------|
| 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 | | Andrea Westacott |
| 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. | No | Two Councillors who took office on 19/10/2009 did not submit a return by 19/1/2010. | Andrea Westacott |
| 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. | No | An Environmental Health Officer submitted their return 20 days late. They no longer work at the Shire. | Andrea Westacott |
| 6 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all continuing elected members by 31 August 2009. | Yes | | Andrea Westacott |
| 7 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all designated employees by 31 August 2009. | Yes | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 10 | s5.88(1)(2) Admin Reg 2 | 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|-----------|--|----------|---------------------------|------------------|
| 14 | s5.66(b) | Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed. | Yes | | Andrea Westacott |
| 15 | s5.71(a) | Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related. | Yes | | Andrea Westacott |
| 16 | 5.71(b) | Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related. | Yes | | Andrea Westacott |
| 17 | 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. | Yes | | Andrea Westacott |
| 18 | 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 | Not required during 2009. | Andrea Westacott |
| 19 | s5.66(a) | Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting. | Yes | | Andrea Westacott |
| 20 | s5.71 | On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related. | Yes | | Andrea Westacott |

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 | | Steve McKay |
| 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. | N/A | | Steve McKay |

Elections



| No | Reference | Question | Response | Comments | Respondent |
|----|-----------------------|---|----------|----------------------------------|------------------|
| 1 | 4.17(3) | Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b). | N/A | | Andrea Westacott |
| 2 | s4.20(2) | Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner. | N/A | Q.3 applies. | Andrea Westacott |
| 3 | s4.20(4) | Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the electoral commissioner. | Yes | | Andrea Westacott |
| 4 | s4.20(5) | Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day. | Yes | Declaration made on 18 May 2009. | Andrea Westacott |
| 5 | s4.32(4) | Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly. | Yes | | Lisa McManus |
| 6 | s4.32(6) Elect Reg 13 | Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol. | Yes | | Lisa McManus |
| 7 | s4.35(2) | Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter. | Yes | | Lisa McManus |
| 8 | s4.35(3) | Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person. | Yes | | Lisa McManus |
| 9 | s4.35(5) | Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision. | N/A | No appeals made in 2009. | Lisa McManus |
| 10 | s4.35(6) | Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward. | N/A | | Lisa McManus |
| 11 | s4.35(7) | Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6). | Yes | | Lisa McManus |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|--|------------------|
| 12 | s4.39(2) | Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments. | Yes | Notice given on 56th day - 22 August 2009. | Andrea Westacott |
| 13 | s4.41(1) | Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day. | Yes | | Andrea Westacott |
| 14 | s4.41(2) | Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments. | Yes | | Andrea Westacott |
| 15 | s4.43(1) | Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day. | N/A | CEO was not the Returning Officer. | Andrea Westacott |
| 16 | s4.47(1) | Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day. | N/A | CEO was not the Returning Officer. All statutory advertising organised through WAEC. | Andrea Westacott |
| 17 | s4.47(2)(a) | Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled. | N/A | | Andrea Westacott |
| 18 | s4.47(2)(b) | Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent. | N/A | | Andrea Westacott |
| 19 | s4.47(2)(c) | Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent. | N/A | | Andrea Westacott |
| 20 | s4.47(2)(d) | Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations. | N/A | | Andrea Westacott |
| 21 | s4.61(2) | Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority. | Yes | | Andrea Westacott |
| 22 | s4.61(3) | Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day. | Yes | Declaration made on 18 May 2009. | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------|--|----------|--|------------------|
| 23 | s4.64 | Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates. | N/A | | Andrea Westacott |
| 24 | Elect Reg 7 | Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7. | Yes | | Andrea Westacott |
| 25 | Elect Reg 8(2) | Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2009 Ordinary Elections. | N/A | | Andrea Westacott |
| 26 | Elect Reg 8(3) | Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2009 Ordinary Elections. | N/A | | Andrea Westacott |
| 27 | Elect Reg 13(1) | Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register. | Yes | | Lisa McManus |
| 28 | Elect Reg 13(4) | Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate. | Yes | | Lisa McManus |
| 29 | Elect Reg 17 | Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected. | Yes | | Lisa McManus |
| 30 | Elect Reg 26(4) | Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government. | Yes | | Steve Leeson |
| 31 | 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 | Register is kept, but no disclosures received in 2009. | Andrea Westacott |
| 32 | Elect Reg 30G(3) | Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years. | Yes | | Andrea Westacott |
| 33 | Elect Reg 30H | Has the electoral gift register been kept at the appropriate local government offices. | Yes | | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------|--|----------|--|------------------|
| 34 | Elect Reg 40 | Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered. | N/A | No applications received. | Lisa McManus |
| 35 | Elect Reg 81 | Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election. | Yes | WAEC responsible for the conduct of the councillor election. Report on the election of Shire President & Deputy submitted on 21/10/09, election date 19/10/09. | Andrea Westacott |

Executive Functions

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|--|----------|--|------------------|
| 1 | s3.18(3)(a) | Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments. | Yes | | Neil Wilson |
| 2 | s3.32(1) | Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered. | No | Planning - Officers attempt to arrange meeting on site with owner. | Andrea Westacott |
| 3 | s3.50 | Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50. | Yes | Ashford Road, High Wycombe. | Andrea Westacott |
| 4 | s3.18(3)(b) | Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector. | Yes | The Shire is not involved in direct competition with other providers, with the exception of recreational services, which are for the benefit of the community. | Neil Wilson |
| 5 | s3.18(3)(c) | Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed. | Yes | The Shire has moved to integrated performance management, establishing KPIs for all business units. | Neil Wilson |
| 6 | s3.40A(1) | Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government. | Yes | | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|-----------|--|----------|----------|------------------|
| 7 | s3.40A(2) | Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice. | Yes | | Andrea Westacott |
| 8 | s3.40A(3) | Where notice was given under s3.40A (2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47. | Yes | | Andrea Westacott |
| 9 | s3.51(3) | Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made. | N/A | | Andrea Westacott |
| 10 | s3.52(4) | Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection. | Yes | | Andrea Westacott |
| 11 | s3.32(2) | Did the notice of intended entry specify the purpose for which the entry was required. | N/A | | Andrea Westacott |
| 12 | s3.32(3) | Was the notice of intended entry given not less than 24 hours before the power of entry was exercised. | N/A | | Andrea Westacott |

Finance

| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------|--|----------|-------------------|------------------|
| 1 | s5.53, Admin Reg 19B | Has the local government prepared an annual report for the financial year ended 30 June 2009 that contained the prescribed information under the Act and Regulations. | Yes | | Andrea Westacott |
| 2 | s5.54(1), (2) | Was the annual report accepted by absolute majority by the local government by 31 December 2009. | Yes | 21 December 2009. | Andrea Westacott |
| 3 | s5.54(1), (2) | Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available. | N/A | | Andrea Westacott |
| 4 | s5.55 | Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report. | Yes | | Andrea Westacott |
| 5 | S5.56 Admin Reg 19C(2) | Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years). | Yes | | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------------|---|----------|---|------------------|
| 6 | Admin Reg 19D | After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2). | N/A | No adoption or review in 2009. Due for review in 2010. | Andrea Westacott |
| 7 | s5.94, s5.95 | Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection. | Yes | | Neil Wilson |
| 8 | s5.96 | Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies. | Yes | | Neil Wilson |
| 9 | s5.98 Admin Reg 30 | Was the fee made available to elected members for attending meetings within the prescribed range. | N/A | Annual fee paid - refer Q.13. | Andrea Westacott |
| 10 | s5.98 Admin Reg 31 | Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed. | N/A | Allowance paid - refer Q.15. | Andrea Westacott |
| 11 | s5.98A Admin Reg 33A | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority. | Yes | Included in budget, which was adopted by absolute majority. No separate resolution. | Andrea Westacott |
| 12 | s5.98A Admin Reg 33A | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5). | Yes | 20.7% | Andrea Westacott |
| 13 | s5.99 Admin Reg 34 | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority. | Yes | | Andrea Westacott |
| 14 | s5.99 Admin Reg 34 | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range. | Yes | \$7,000 Councillors \$14,000 Shire President | Andrea Westacott |
| 15 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority. | Yes | Included in budget, which was adopted by absolute majority. No separate resolution. | Andrea Westacott |
| 16 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range. | Yes | \$2400 telecommunication \$1000 IT | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------|--|----------|---|------------------|
| 17 | s5.100 (1) | Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee. | Yes | | Steve Leeson |
| 18 | s5.100 (2) | Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range. | N/A | No reimbursements made. | Steve Leeson |
| 19 | s6.2 | Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column) | Yes | Adopted 27 July 2009. Some required information omitted in error - Objects of, and reasons for, differential rates and differential minimum payment; An estimate of the total rateable values of the properties to which each minimum payment is to apply; Pensioner bin concession - circumstances in which it will be granted, objects of and reasons for the concession; Information in regard to major land transactions. All other required information included. | Andrea Westacott |
| 20 | s6.2 | If 'no', was Ministerial approval sought for an extension. | N/A | | Andrea Westacott |
| 21 | s6.3 | Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3. | N/A | | Andrea Westacott |
| 22 | FM Reg 33 | Was the 2009/2010 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column). | Yes | Adopted 27 July, posted 31 July 2009. | Andrea Westacott |
| 23 | s6.4(1) FM Reg 34 | Did the local government prepare an annual financial report as prescribed. | Yes | Some required information omitted in error - Budget amounts for disposal of assets; Objects and reasons for pensioner concession on rubbish charge. All other required information included. | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------|---|----------|--|------------------|
| 24 | s6.4(1) FM Reg 34 | Did the local government prepare other financial reports as prescribed. | Yes | On a number of occasions, some material variances were not explained. All other required information included. | Andrea Westacott |
| 25 | FM Reg 34 | If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted. | Yes | | Andrea Westacott |
| 26 | s6.4(3)(b) | Was the annual financial report, prepared for the financial year ended 30 June 2009, submitted to the Auditor by 30 September 2009 or by the extended time allowed by the Minister or his delegate. | Yes | 31 August. | Andrea Westacott |
| 27 | FM Reg 51(2) | Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report. | Yes | Audit report received 23 November. Financial report received by DLGRD on 8 December. | Andrea Westacott |
| 28 | s6.8 | Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution. | Yes | | Steve Leeson |
| 29 | s6.8(1)(c) | Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column) | N/A | | Steve Leeson |
| 30 | s6.8 | In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council. | N/A | | Steve Leeson |
| 31 | s6.9 (1) | Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund. | Yes | | Steve Leeson |
| 32 | s6.9 (1) | Does the local government's trust fund consist of all money or the value of assets held by the local government in trust. | Yes | | Steve Leeson |
| 33 | s6.9(2) | Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it. | Yes | | Steve Leeson |
| 34 | s6.9(3) | Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment. | Yes | | Steve Leeson |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------|---|----------|---|------------------|
| 35 | s6.9(3) | Has property held in trust been delivered to the persons entitled to it. | N/A | | Steve Leeson |
| 36 | s6.11(2) | Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority. | Yes | | Steve Leeson |
| 37 | s6.11(2) FM Reg 18 | Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000). | N/A | | Steve Leeson |
| 38 | s6.12, 6.13, 6.16 (1),(3) | Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority. | N/A | Rates only - refer Q.63. | Andrea Westacott |
| 39 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine the setting of an interest rate on money owing to Council by absolute majority. | N/A | Rates only - refer Q.65. | Andrea Westacott |
| 40 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges). | Yes | | Andrea Westacott |
| 41 | s6.17(3) | Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods. | Yes | | Steve Leeson |
| 42 | s6.17(3) | Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods. | Yes | | Steve Leeson |
| 43 | s6.19 | After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges. | N/A | No charges introduced after the adoption of the budget. | Steve Leeson |
| 44 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20). | N/A | None in 2009. | Steve Leeson |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|-----------------------------|------------------|
| 45 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year). | N/A | | Steve Leeson |
| 46 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21). | N/A | | Steve Leeson |
| 47 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21) | N/A | | Steve Leeson |
| 48 | s6.32(1)(a) | Did Council determine by absolute majority to impose a general rate on rateable land within its district . | Yes | | Andrea Westacott |
| 49 | s6.32(1)(b)(i) | Did Council determine by absolute majority to impose a specified area rate on rateable land within its district . | N/A | No specified rates. | Andrea Westacott |
| 50 | s6.32(1)(b)(ii) | Did Council determine by absolute majority to impose a minimum payment on rateable land within its district . | Yes | | Andrea Westacott |
| 51 | s6.32(1)(c) | Did Council determine by absolute majority to impose a service charge on rateable land within its district . | N/A | No service charges imposed. | Andrea Westacott |
| 52 | s6.33(3) | Did Council obtained the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed. | N/A | | Andrea Westacott |
| 53 | s6.34 | Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency. | N/A | 96% | Andrea Westacott |
| 54 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200). | Yes | 12% | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|---|----------|---|------------------|
| 55 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200). | Yes | 12% | Andrea Westacott |
| 56 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200). | Yes | 1% | Andrea Westacott |
| 57 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200). | Yes | 12%, 9% & 2% | Andrea Westacott |
| 58 | s6.36 | Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed. | Yes | | Andrea Westacott |
| 59 | s6.36 | Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions. | Yes | Published 1 July, submissions closed 21 July. | Andrea Westacott |
| 60 | s6.36 | Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected. | Yes | | Andrea Westacott |
| 61 | s6.38(1) FM Reg 54 | Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security. | N/A | No service charges imposed. | Andrea Westacott |
| 62 | s6.38 | Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act. | N/A | | Andrea Westacott |
| 63 | s6.46 | Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority. | Yes | | Andrea Westacott |
| 64 | s6.47 | When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority. | Yes | | Steve Leeson |

| No | Reference | Question | Response | Comments | Respondent |
|----|--------------|---|----------|--|------------------|
| 65 | s6.51 | Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority. | Yes | Included in budget, which was adopted by absolute majority. No separate resolution. | Andrea Westacott |
| 66 | S6.76(6) | Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision. | N/A | No objections to rate record in 2009. | Steve Leeson |
| 67 | FM Reg 5 | Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5. | Yes | In addition to staff review, the Shire has contracted independent reviews of compliance and service provision. | Neil Wilson |
| 68 | FM Reg 6 | Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee. | N/A | All audit functions currently undertaken by external auditor. | Andrea Westacott |
| 69 | FM Reg 8 | Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts. | Yes | | Steve Leeson |
| 70 | FM Reg 9 | On all occasions have separate financial records been kept for each trading undertaking and each major land transaction. | Yes | | Steve Leeson |
| 71 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained. | Yes | | Steve Leeson |
| 72 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems. | Yes | | Steve Leeson |
| 73 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made. | Yes | | Steve Leeson |



| No | Reference | Question | Response | Comments | Respondent |
|----|--------------|--|----------|------------------------------------|------------------|
| 74 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account. | Yes | | Steve Leeson |
| 75 | FM Reg 12 | Have payments from the Municipal or Trust fund been made under the appropriate delegated authority. | Yes | | Steve Leeson |
| 76 | FM Reg 12 | When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council. | N/A | Paid under FM Reg 13 - refer Q.77. | Andrea Westacott |
| 77 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name. | Yes | | Andrea Westacott |
| 78 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment. | Yes | | Andrea Westacott |
| 79 | FM Reg 13 | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction. | Yes | | Andrea Westacott |
| 80 | FM Reg 13 | Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council. | N/A | | Andrea Westacott |
| 81 | FM Reg 19 | Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments. | Yes | | Steve Leeson |
| 82 | FM Reg 33A | Did the local government, between 1 January and 31 March 2009, carry out a review of its annual budget for the year ended 30 June 2009. | Yes | 16 March 2009. | Andrea Westacott |
| 83 | FM Reg 55 | Does the local government's rate record include all particulars set out in the FM Regulations. | Yes | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|----------------|---|----------|--|------------------|
| 84 | FM Reg 56,57 | Are the contents of the local government's rate notice in accordance with the FM Regulations. | No | The objects and reasons for the differential rates and minimum were not included on or with the Rate Notice. Public notice was given that these could be obtained, and were on the website. Also, all affected owners were advised by mail. All other required information was included. | Andrea Westacott |
| 85 | FM Reg 56,57 | Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations. | Yes | | Andrea Westacott |
| 86 | FM Reg 68 | Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3). | N/A | No interest charged on instalments. | Andrea Westacott |
| 87 | 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 | | Andrea Westacott |
| 88 | 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 | No delegations to audit committee in place. | Andrea Westacott |
| 89 | s7.3 | Was the person(s) appointed by the local government to be its auditor, a registered company auditor. | Yes | | Andrea Westacott |
| 90 | s7.3 | Was the person(s) appointed by the local government to be its auditor, an approved auditor. | N/A | | Andrea Westacott |
| 91 | s7.3 | Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council. | Yes | | Andrea Westacott |
| 92 | Audit Reg 10 | Was the Auditor's report for the financial year ended 30 June 2009 received by the local government within 30 days of completion of the audit. | Yes | | Steve Leeson |
| 93 | s7.9(1) | Was the Auditor's report for 2008/2009 received by the local government by 31 December 2009. | Yes | 24 November 2009. | Andrea Westacott |
| 94 | S7.12A(3), (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 that action undertaken. | N/A | | Steve Leeson |



| No | Reference | Question | Response | Comments | Respondent |
|-----|----------------|--|----------|----------|------------------|
| 95 | S7.12A(3), (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 | | Steve Leeson |
| 96 | S7.12A(3), (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 | | Steve Leeson |
| 97 | Audit Reg 7 | Did the agreement between the local government and its auditor include the objectives of the audit. | Yes | | Andrea Westacott |
| 98 | Audit Reg 7 | Did the agreement between the local government and its auditor include the scope of the audit. | Yes | | Andrea Westacott |
| 99 | Audit Reg 7 | Did the agreement between the local government and its auditor include a plan for the audit. | Yes | | Andrea Westacott |
| 100 | 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 | | Andrea Westacott |
| 101 | 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 | | Andrea Westacott |

| 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 | CEO was appointed in 2008, not applicable for 2009. | Andrea Westacott |
| 2 | s5.36(4) s5.37(3) | Were all vacancies for the position of CEO and for designated senior employees advertised. | Yes | One vacancy in 2009 - Director Planning & Development Services. | Andrea Westacott |
| 3 | s5.36(4) s5.37(3) Admin Reg 18A(1) | Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State. | Yes | | Andrea Westacott |
| 4 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered. | Yes | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------------------------|--|----------|----------|------------------|
| 5 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted. | Yes | | Andrea Westacott |
| 6 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications. | Yes | | Andrea Westacott |
| 7 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract. | No | | Andrea Westacott |
| 8 | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information. | Yes | | Andrea Westacott |
| 9 | s5.37(2) | Did the CEO inform council of each proposal to employ or dismiss a designated senior employee. | Yes | | Andrea Westacott |
| 10 | s5.38 | Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment. | Yes | | Davina Sandhu |
| 11 | Admin Reg 18D | Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12). | Yes | | Andrea Westacott |
| 12 | Admin Reg 18D | Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11). | N/A | | Andrea Westacott |
| 13 | s5.39 | During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996. | Yes | | Davina Sandhu |
| 14 | s5.39 Admin Reg 18B | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract. | Yes | | Davina Sandhu |
| 15 | s5.39 Admin Reg 18B | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated. | Yes | | Davina Sandhu |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------------|---|----------|---|------------------|
| 16 | s5.50(1) | Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award. | Yes | | Andrea Westacott |
| 17 | s5.50(1) | Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount. | Yes | | Andrea Westacott |
| 18 | s5.50(2) | Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy. | N/A | | Davina Sandhu |
| 19 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more. | Yes | | Andrea Westacott |
| 20 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000. | Yes | | Andrea Westacott |
| 21 | 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 | CEO was appointed in 2008, not applicable for 2009. | Andrea Westacott |
| 22 | 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 | CEO was appointed in 2008, not applicable for 2009. | Andrea Westacott |
| 23 | Admin Reg 33 | Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range. | Yes | | Andrea Westacott |

Local Laws

| No | Reference | Question | Response | Comments | Respondent |
|----|--------------------|--|----------|----------|------------------|
| 1 | s3.12(2) F&G Reg 3 | On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3. | Yes | | Andrea Westacott |
| 2 | s3.12(3)(a) | On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law | Yes | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|--|------------------|
| 3 | s3.12(3)(a) | Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained. | Yes | | Andrea Westacott |
| 4 | s3.12(3)(b) | On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development | Yes | Note - Dogs local law advertised and sent to Minister January 2010. | Andrea Westacott |
| 5 | s3.12(3)(b) | On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made. | Yes | Health Amendment sent to Director Environmental Health, as required. | Andrea Westacott |
| 6 | s3.12(4) | Have all Council's resolutions to make local laws been by absolute majority. | Yes | | Andrea Westacott |
| 7 | s3.12(4) | Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting. | Yes | | Andrea Westacott |
| 8 | s3.12(5) | After making the local law, did the local government publish the local law in the Gazette. | Yes | | Andrea Westacott |
| 9 | s3.12(5) | After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made. | Yes | | Andrea Westacott |
| 10 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law. | Yes | | Andrea Westacott |
| 11 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation. | Yes | | Andrea Westacott |
| 12 | s3.12(6) | After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office. | Yes | | Andrea Westacott |
| 13 | s3.16(1) | Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years. | No | Dogs and Local Government Property local laws due by 3/10/2009. Commenced review 15/6/2009. Dogs reported to Council 21/12/2009, Property delayed, will be presented early 2010. | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|--|----------|----------|------------------|
| 14 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law. | Yes | | Andrea Westacott |
| 15 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice. | Yes | | Andrea Westacott |
| 16 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law. | Yes | | Andrea Westacott |
| 17 | s3.16(3) | Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council. | Yes | | Andrea Westacott |
| 18 | s3.16(4) | Was the decision to repeal or amend a local law determined by absolute majority on all occasions. | Yes | | Andrea Westacott |

| Meeting Process | | | | | |
|------------------------|-------------|--|----------|----------|------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s2.25(1)(3) | Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution. | Yes | | Andrea Westacott |
| 2 | s2.25(1)(3) | Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted. | Yes | | Andrea Westacott |
| 3 | s2.25(3) | Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting. | N/A | | Andrea Westacott |
| 4 | s2.25(2) | Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council. | N/A | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|--|------------------|
| 5 | s5.4 | On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting; | No | Verbal notice was given to the CEO, not in writing. A system is now in place to ensure that written notice is given. | Andrea Westacott |
| 6 | s5.5 | On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting. | Yes | | Andrea Westacott |
| 7 | s5.5(1) | Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council. | Yes | | Andrea Westacott |
| 8 | s5.5(2) | Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council. | Yes | | Andrea Westacott |
| 9 | s5.7 | Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting | N/A | | Andrea Westacott |
| 10 | s5.7 | Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities. | N/A | | Andrea Westacott |
| 11 | s5.8 | Did the local government ensure all Council committees (during the review period) were established by an absolute majority. | Yes | | Andrea Westacott |
| 12 | s5.10(1)(a) | Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)). | Yes | | Andrea Westacott |
| 13 | s5.10(2) | Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act. | Yes | | Andrea Westacott |
| 14 | s5.12(1) | Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act. | Yes | | Andrea Westacott |
| 15 | s5.12(2) | Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act. | Yes | | Andrea Westacott |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------------|--|----------|--|------------------|
| 16 | s5.15 | Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion. | N/A | | Andrea Westacott |
| 17 | s5.21 (4) | When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes. | Yes | | Andrea Westacott |
| 18 | s5.22(1) | Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings. | Yes | | Andrea Westacott |
| 19 | s5.22(2)(3) | Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation. | Yes | | Andrea Westacott |
| 20 | s5.22(2)(3) | Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed. | Yes | | Andrea Westacott |
| 21 | s5.23 (1) | Were all council meetings open to members of the public (subject to section 5.23(2) of the Act). | Yes | | Andrea Westacott |
| 22 | s5.23 (1) | Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act). | N/A | No delegations to committees currently in place. | Andrea Westacott |
| 23 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act. | Yes | | Andrea Westacott |
| 24 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting. | Yes | | Andrea Westacott |
| 25 | s5.24 (1) Admin Reg 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council. | Yes | | Andrea Westacott |
| 26 | s5.24 (1) Admin Reg 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council. | Yes | | Andrea Westacott |
| 27 | s5.24 (1) Admin Reg 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty. | N/A | No delegations to committees in place. | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-----------------|---|----------|---|------------------|
| 28 | Admin Reg 8 | Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum. | N/A | | Andrea Westacott |
| 29 | Admin Reg 9 | Was voting at Council or committee meetings conducted so that no vote was secret. | Yes | | Andrea Westacott |
| 30 | Admin Reg 10(1) | Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority. | N/A | None in 2009. | Andrea Westacott |
| 31 | Admin Reg 10(1) | Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee. | N/A | | Andrea Westacott |
| 32 | Admin Reg 10(2) | Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority. | N/A | | Andrea Westacott |
| 33 | Admin Reg 10(2) | Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority. | N/A | | Andrea Westacott |
| 34 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting. | Yes | | Andrea Westacott |
| 35 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting. | No | The Environmental Coordinator has answered "no" in relation to the Community Sustainability Committee. In all other cases, the answer is "yes". | Andrea Westacott |
| 36 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion. | Yes | | Andrea Westacott |
| 37 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting. | Yes | | Andrea Westacott |
| 38 | Admin Reg 11 | Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision. | No | Reason usually given and included in minutes, but not on all occasions. | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------|---|----------|---|------------------|
| 39 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given. | No | On some occasions, questions taken "on notice" had written responses provided to the persons asking the questions, but responses were not included in later minutes. | Andrea Westacott |
| 40 | Admin Reg 11 | Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest. | N/A | Nature of interest disclosed, not extent. | Andrea Westacott |
| 41 | Admin Reg 12(1) | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings. | Yes | | Andrea Westacott |
| 42 | Admin Reg 12(1) | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public. | Yes | | Andrea Westacott |
| 43 | Admin Reg 12(2) | Did the local government give local public notice of any changes to the dates, time or places referred to in the question above. | Yes | | Andrea Westacott |
| 44 | Admin Reg 12(3) (4) | In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice. | Yes | | Andrea Westacott |
| 45 | Admin Reg 12(3) (4) | Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting. | Yes | | Andrea Westacott |
| 46 | Admin Reg 13 | Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings. | Yes | | Andrea Westacott |
| 47 | Admin Reg 13 | Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings. | No | A "no" response has been given for 4 of the Shire's Advisory and Management committees. All other committees advise that minutes are available within this timeframe. | Andrea Westacott |
| 48 | Admin Reg 14(1) (2) | Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection. | Yes | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------------|--|----------|---|------------------|
| 49 | Admin Reg 14A | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority. | N/A | | Andrea Westacott |
| 50 | Admin Reg 14A | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4) | N/A | | Andrea Westacott |
| 51 | s5.27(2) | Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year. | Yes | Report accepted 15 December 2008, meeting held 3 February 2009. | Andrea Westacott |
| 52 | s5.29 | Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting. | No | One special electors meeting - 12 days notice given to Councillors. All other notice given as required. | Andrea Westacott |
| 53 | s5.32 | Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered. | Yes | | Andrea Westacott |
| 54 | s5.33(1) | Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose. | Yes | | Andrea Westacott |
| 55 | s5.33(2) | Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting. | N/A | Decisions noted only - no Council decisions made in response. | Andrea Westacott |
| 56 | s5.103(3) Admin Reg 34B | Has the CEO kept a register of all notifiable gifts received by Council members and employees. | Yes | | Andrea Westacott |

| Miscellaneous Provisions | | | | | |
|---------------------------------|------------------|---|-----------------|--|-------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s9.4 | Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision. | N/A | | Andrea Westacott |
| 2 | s9.29(2)(b) | On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO. | No | Officers attending the State Administrative Tribunal not appointed in writing. | Andrea Westacott |
| 3 | s9.6(5) | Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why. | N/A | | Andrea Westacott |
| 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. | N/A | CEO is the complaints officer. | Andrea Westacott |
| 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 | A register is held, but is empty, as no complaints have been made to date. | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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 | | Andrea Westacott |
| 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) (c). | Yes | | Andrea Westacott |



| Swimming Pools | | | | | |
|----------------|-------------------------------------|---|----------|---|------------------|
| No | Reference | Question | Response | Comments | Respondent |
| 1 | s245A(5)(aa) LG (MiscProv) Act 1960 | Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960. | Yes | 2007/2008 inspections completed, will next be carried out in 2011/2012. | Andrea Westacott |

| 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 | | Steve McKay |
| 2 | F&G Reg 12 | Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1). | Yes | | Steve McKay |
| 3 | F&G Reg 14(1) | Did the local government invite tenders via Statewide public notice. | Yes | | Steve McKay |
| 4 | F&G Reg 14(3) | Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender. | Yes | | Steve McKay |
| 5 | F&G Reg 14(3) | Did all the local government's invitations to tender include information as to where and how tenders could be submitted. | Yes | | Steve McKay |
| 6 | F&G Reg 14(3) | Did all the local government's invitations to tender include the date and time after which tenders would not be accepted. | Yes | | Steve McKay |
| 7 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required. | Yes | | Steve McKay |
| 8 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted. | Yes | | Steve McKay |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------|--|----------|----------|-------------|
| 9 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender. | Yes | | Steve McKay |
| 10 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted. | Yes | | Steve McKay |
| 11 | F&G Reg 14(3)(4) | Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender. | Yes | | Steve McKay |
| 12 | 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 | | Steve McKay |
| 13 | F&G Reg 15 | Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted. | Yes | | Steve McKay |
| 14 | F&G Reg 16(1) | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody. | Yes | | Steve McKay |
| 15 | F&G Reg 16(1) | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential. | Yes | | Steve McKay |
| 16 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders. | Yes | | Steve McKay |
| 17 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO. | Yes | | Steve McKay |
| 18 | F&G Reg 16 (3)(b) | Did the local government ensure members of the public were not excluded when tenders were opened. | Yes | | Steve McKay |
| 19 | F&G Reg 16 (3)(c) | Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening. | Yes | | Steve McKay |
| 20 | 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 | | Steve McKay |

| No | Reference | Question | Response | Comments | Respondent |
|----|----------------------|---|----------|----------|-------------|
| 21 | 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 | | Steve McKay |
| 22 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required. | Yes | | Steve McKay |
| 23 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1). | Yes | | Steve McKay |
| 24 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest. | Yes | | Steve McKay |
| 25 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4) | Yes | | Steve McKay |
| 26 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender. | Yes | | Steve McKay |
| 27 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened. | Yes | | Steve McKay |
| 28 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer. | Yes | | Steve McKay |
| 29 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender. | Yes | | Steve McKay |
| 30 | F&G Reg 19 | Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted. | Yes | | Steve McKay |
| 31 | F&G Reg 21(3) | On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice. | Yes | | Steve McKay |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------|--|----------|----------|------------------|
| 32 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include a brief description of the goods and services required. | Yes | | Steve McKay |
| 33 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained. | Yes | | Steve McKay |
| 34 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted. | Yes | | Steve McKay |
| 35 | F&G Reg 21(4) | Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted. | Yes | | Steve McKay |
| 36 | F&G Reg 22 | Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest. | Yes | | Steve McKay |
| 37 | 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. | Yes | | Steve McKay |
| 38 | 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 | | Steve McKay |
| 39 | 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 | | Steve McKay |
| 40 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council). | N/A | | Andrea Westacott |
| 41 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council). | N/A | | Andrea Westacott |
| 42 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council). | N/A | | Andrea Westacott |

| No | Reference | Question | Response | Comments | Respondent |
|----|-------------------|--|----------|----------|------------------|
| 43 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council). | N/A | | Andrea Westacott |
| 44 | F&G Reg 24E | Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council). | N/A | | Andrea Westacott |
| 45 | F&G Reg 11A(1) | Has the local government prepared and adopted a 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 or worth \$100,000 or less. | Yes | | Andrea Westacott |
| 46 | F&G Reg 11A(3)(a) | Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable. | Yes | | Andrea Westacott |
| 47 | F&G Reg 11(3)(b) | Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made. | Yes | | Andrea Westacott |