

## Irwin – Compliance Audit Return

No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022?	N/A	No major trading undertaking during 2022.
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2022?	N/A	No major land transactions undertaking during 2022.
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2022?	N/A	No major trading undertakings or major land transactions undertaking during 2022.
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2022?	N/A	No major land transactions undertaking during 2022.
5	s3.59(5)	During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	No major trading undertakings or major land transactions undertaking during 2022.

Dele	Delegation of Power/Duty				
No	Reference	Question	Response	Comments	
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A	No delegations to committees during 2022.	
2	s5.16	Were all delegations to committees in writing?	N/A	No delegations to committees during 2022.	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	N/A	No delegations to committees during 2022.	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	No delegations to committees during 2022.	
5	s5.18	Has council reviewed delegations to its committees in the 2021/2022 financial year?	N/A	No delegations to committees during 2021/2022.	
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?	Yes		



7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	N/A	No decisions to amend or revoke a delegation in 2022.
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	Through Integrity Compliance software.
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2021/2022 financial year?	Yes	Ordinary Council Meeting on 28 June 2022 (Minute reference: 090622).
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	No	No, as this is being done through Integrity Compliance software.

Disc	Disclosure of Interest				
No	Reference	Question	Response	Comments	
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	N/A	No such disclosures occurred during the reporting period.	
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	No such decisions made during the reporting period.	
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	N/A	No such disclosures occurred during the reporting period.	
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022?	Yes		
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		



7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?	Yes	
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	N/A	No gifts received during the reporting period. However, gift registry maintained through Integrity Compliance software.
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	Available at: https://www.irwin.wa.gov.au/council/docume nts- publications/reports/co- register-of-gifts- and-contributions-to-travel
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	N/A	No such people during the reporting period.
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6)  Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	N/A	No such disclosures occurred during the reporting period.
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the	N/A	No such occurrences during the reporting period.



		interest disclosed and any other information required by the Minister for the purposes of the application?		
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	No such occurrences during the reporting period.
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	No	The Code of Conduct for council members, committee members and candidates was adopted at the 26 October 2021 Ordinary Council Meeting (Minute reference: 051021).  The Shire will be reviewing and updating the Code of Conduct for council members, committee members and candidates in 2023.
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	No	
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	Available at: https://www.irwin.wa.gov.au/council/codes- of-conduct
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employee of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	The Shire will be reviewing and updating the Code of Conduct for employees in 2023.

Disp	Disposal of Property				
No	Reference	Question	Response	Comments	
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	N/A	No property disposed of, other than by public auction or tender, in the reporting period.	
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section	N/A	No property disposed of under section 3.58(3) in the reporting period.	



3.58(4) of the Act, in the required local public notice for each disposal of	
property?	

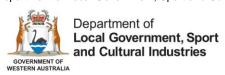
Elect	Elections				
No	Reference	Question	Response	Comments	
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	N/A	No election held in 2022.	
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	N/A	No election held in 2022.	
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	N/A	No election held in 2022.	

Finar	Finance				
No	Reference	Question	Response	Comments	
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local	Yes		
		Government Act 1995?			



2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?	N/A	As at 30 January 2023, the audit process still in train, pending final documentation from the Shire.
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	As at 30 January 2023, the audit process still in train, pending final documentation from the Shire.
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	As at 30 January 2023, the audit process still in train, pending final documentation from the Shire.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	As at 30 January 2023, the audit process still in train, pending final documentation from the Shire.
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit?	N/A	As at 30 January 2023, the audit process still in train, pending final documentation from the Shire.

Loca	Local Government Employees				
No	Reference	Question	Response	Comments	
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	N/A	Neither the CEO position nor senior positions were employed during the reporting period.	
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	The CEO position was not advertised during the reporting period.	



3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the	N/A	The CEO position was not advertised during
		same remuneration and benefits advertised for the position under section		the reporting period.
		5.36(4) of the Local Government Act 1995?		
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior	N/A	Senior positions were not employed during
		employee?		the reporting period.
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a	N/A	There were no senior positions employed or
		senior employee, did it inform the CEO of the reasons for doing so?		dismissed during the reporting period.

Offic	Official Conduct				
No	Reference	Question	Response	Comments	
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	The CEO is the designated complaints officer for the Shire.	
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	Yes		
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes		
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	Available at: https://www.irwin.wa.gov.au/council/docume nts-publications/reports/co-register-of- complaints-for-minor-breaches	

Tend	Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments		
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	The Shire complied with its current Purchasing Policy- CP20 Purchasing-Amended for State of Emergency, that was adopted by Council on 26 May 2020.  The Declared State of Emergency was revoked		



				on 4 November 2022. The Shire drafted an amended CP20 accordingly, which was adopted at the 28 February 2023 Ordinary Council Meeting.  The revocation did not affect any decisions made under F&G Reg 11A(1) & (3) from 4 November 2022 up to and including 31 December 2022.
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Yes	The Shire invited one tender in 2022.
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes	The Shire publicly invited one tender via Statewide Public notice under the regulation requirements of 11(1), 14(1),(3),(4), Reg 12(2). Regulation 13 did not apply.
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	The Shire did not enter into multiple contracts to avoid anti-avoidance provisions during the reporting period.
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	N/A	The Shire was not required to issue any additional information in the form of addendums to each person/business who sought copies of the tender documents.
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Yes	All tenders met the minimum 14 days after notice and the notice publishing requirements during the reporting period. All tender submissions complied with keeping and opening procedures and were recorded in the Tender Register during the reporting period.



7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	The Shire issued one tender in 2022 and complied with the Tender Registry requirements.
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	No	The Shire was not required to reject any tender submissions as they complied with the submission terms of place and time.  Two Tender submissions were rejected on the basis of failing to comply with other specified requirements.
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	The Shire assessed all submissions of written responses addressing the criteria, to determine who was most advantageous.
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	The CEO issued notices in writing containing particulars of the successful tender.
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	N/A	The Shire did not invite any expressions of interest in 2022.
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	The Shire did not invite any expressions of interest in 2022.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	The Shire did not invite any expressions of interest in 2022.
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	The Shire did not invite any expressions of interest in 2022.
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.



16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a prequalified supplier panel application?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of prequalified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	The Shire did not invite applicants for a panel of pre-qualified suppliers during 2022.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	N/A	The Shire did not give a Regional Price Preference to any tender submission in 2022.

Integ	Integrated Planning and Reporting					
No	Reference	Question	Response	Comments		
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic	Yes	26/10/2021		
		community plan?		_		
		If Yes, please provide the adoption date or the date of the most recent review		Minute reference: 041021.		
		in the Comments section?				



2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan?  If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	8/12/2020  Minute reference: 041220.
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes	Noting further that the Corporate Business Plan will be complemented by individual Asset Management, Workforce and Long-Term Financial Plans, the latter of which was adopted by Council, by absolute majority, at its Ordinary Council Meeting on 26 April 2022 (Minute reference: 070422).  Known as the Strategic Resource Plan 2022- 2037, the Long-Term Financial Plan, is an informing strategy under the Integrated Planning and Reporting Framework.

Optio	Optional Questions				
No	Reference	Question	Response	Comments	
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2022?  If yes, please provide the date of council's resolution to accept the report.	Yes	28/02/2023	
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?  If yes, please provide date of council's resolution to accept the report.	Yes	28/02/2023	



3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	N/A	No such disclosures made during the reporting period.
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	Council Policy CP45 Attendance of Events (Council Members and CEO) adopted by absolute majority at the 25 August 2020 Ordinary Council Meeting (Minute reference: 100820).  The Shire will be reviewing CP45 in 2023 as
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	Yes	part its Business Improvement process.
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Council Policy CP44 Councillor Training & Continuing Professional Development adopted by absolute majority at the 25 August 2020 Ordinary Council Meeting (Minute reference: 090820).  In accordance with section 5.128(5)(a) of the Local Government Act 1995, CP44 will be
				reviewed after the ordinary election in October 2023.
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022?	Yes	Available at: https://www.irwin.wa.gov.au/council/complia nce/accountability-governance
8	s6.4(3)	By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022?	No	This documentation was submitted to the Shire's Auditor end October 2022.
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	



Chief Executive Officer	Date
Mayor/President	Date