



AGENDA

MARCH 2019

AUDIT COMMITTEE MEETING

Notice is hereby given that a meeting
of the Audit Committee will be held on Wednesday 27th of March 2019
at the Gascoyne Junction Council Chambers , commencing at 8.30am

A handwritten signature in black ink, appearing to read "John McCleary", is positioned above the printed name.

John McCleary
CHIEF EXECUTIVE OFFICER

DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Upper Gascoyne for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Upper Gascoyne disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Upper Gascoyne warns that anyone who has any application or request with the Shire of Upper Gascoyne must obtain and should rely on

WRITTEN CONFIRMATION

Of the outcome of the application or request of the decision made by the Shire of Upper Gascoyne.


John McCleary
CHIEF EXECUTIVE OFFICER

**SHIRE OF UPPER GASCOYNE
AGENDA FOR THE AUDIT COMMITTEE MEETING OF COUNCIL TO BE HELD AT THE SHIRE OF
UPPER GASCOYNE COUNCIL CHAMBERS
ON WEDNESDAY 27TH MARCH 2019 8.30am**

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Shire President declared the meeting open at _____

2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

2.1 Councillors

Cr D Hammarquist	Councillor	Shire President
Cr J. Caunt	Councillor	Deputy Shire President
Cr R.J Collins	Councillor	
Cr G. Watters	Councillor	
Cr H. McTaggart	Councillor	
Cr B. Walker	Councillor	
Cr G. Watters	Councillor	

Staff

John McCleary	Chief Executive Officer
Peter Hutchinson	Finance Manager
Jarrod Walker	Works Manager

Visitors

2.2 Apologies / Leave of Absence (Previously Approved)

3.0 PUBLIC QUESTION TIME

3.1 Questions on Notice

Nil

3.2 Questions without Notice

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 DISCLOSURE OF INTEREST

Nil

6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.0 REPORTS OF OFFICERS

7.3 Chief Executive Officer

7.3.1 Compliance Audit Return 2018

AGENDA ITEM:	7.3.1
SUBJECT:	2018 Compliance Audit Return (CAR)
PROPONENT:	N/A
SITE:	N/A
FILE REFERENCE:	2.1.2
PREVIOUS REFERENCE:	N/A
AUTHOR:	JOHN McCLEARY CEO

DISCLOSURE OF INTEREST Nil

PURPOSE

To receive and review the 2018 Compliance Audit Report (CAR) –see [Appendix 1](#)

BACKGROUND

Each year all Local Governments are required to undertake a Compliance Audit Report which covers the period from the 1st of January through to the 31st of December.

The CAR is prepared by the department of Local Government where it asks a number of questions across a broad spectrum of compliance issues and it requires each Local Government to answer these questions.

Once the CAR is completed it is required to be presented to the Audit committee for their deliberation, make any comments and present to Council for them to consider the report.

COMMENT

The questions asked by the Department of Local Government contained in the report in appendix 1 have been thoroughly researched; we have had one area of non-compliance that has been reported.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

Reg14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub regulation {3A}, the compliance audit return is to be -

- (a) presented to the council at a meeting of the council; and
- (b) adopted by the council; and
- (c) recorded in the minutes of the meeting at which it is adopted

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority at Committee

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION

Resolution No. C01032019

Moved Cr

Seconded Cr

That the Audit Committee:

- 1. Receive the Compliance Audit Report;*
- 2. Advise the Council that there was one area of non-compliance; and*
- 3. Recommend that Council adopt the Compliance Audit Report.*

CARRIED /

8.0 MEETING CLOSURE

The Shire President declared the meeting closed at ____ am.



Appendices

**Audit Committee Meeting
27th of March 2019**

APPENDIX 1

(2018 Compliance Audit Report)



Department of
Local Government, Sport
and Cultural Industries

Upper Gascoyne - Compliance Audit Return 2018

Certified Copy of Return

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

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2018.	N/A		John McCleary
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2018.	N/A		John McCleary
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2018.	N/A		John McCleary
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2018.	N/A		John McCleary
5	s3.59(5)	Did the Council, during 2018, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		John McCleary



Department of
Local Government, Sport
and Cultural Industries

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 committees have any delegated authority.	John McCleary
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A	As above	John McCleary
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A	As above	John McCleary
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A	As above	John McCleary
5	s5.18	Has Council reviewed delegations to its committees in the 2017/2018 financial year.	N/A	As above	John McCleary
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		John McCleary
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	Ordinary Meeting of Council - 27th of June 2018 - Item Number 05062018	John McCleary
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	As above	John McCleary
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		John McCleary
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		John McCleary
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		John McCleary
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2017/2018 financial year.	Yes		John McCleary
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		John McCleary

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		John McCleary



Department of
Local Government, Sport
and Cultural Industries

No	Reference	Question	Response	Comments	Respondent
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.	Yes	In general any Councillor who declares an interest removes themselves from the meeting for the duration of the item.	John McCleary
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		John McCleary
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.	N/A	No new members in this time period.	John McCleary
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.	N/A	No new staff members.	John McCleary
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2018.	No	The returns were completed in September 2018. The CEO has taken fully responsibility and has reported this matter to the CCC and the Department of Local Government.	John McCleary
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2018.	No	As above	John McCleary
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		John McCleary
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		John McCleary
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		John McCleary
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		John McCleary
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		John McCleary
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		John McCleary



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		John McCleary
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		John McCleary
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		John McCleary

Disposal of Property

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

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		John McCleary
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No delegated powers.	John McCleary
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	The Shire now come under the umbrella of the Auditor General and we will be provided with an auditor of the departments choice.	John McCleary
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	In this period the auditors contract was extended as required by the Auditor General to enable the transition into the new arrangements.	John McCleary
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government within 30 days of completion of the audit.	Yes		John McCleary



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No	Reference	Question	Response	Comments	Respondent
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government by 31 December 2018.	Yes	Resolved at the Ordinary Meeting of Council on the 28 of November 2018 - item number 05112018	John McCleary
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes	No adverse finding made by the Auditor - hence no action required.	John McCleary
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	As above	John McCleary
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	As per section 7.	John McCleary
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		John McCleary
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		John McCleary
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		John McCleary
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		John McCleary
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		John McCleary
15	Audit Reg 17	Has the CEO reviewed the appropriateness and effectiveness of the local government's systems and procedures in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.	Yes	The review was presented the Shires Audit Committee on the 28th of March 2018	John McCleary
16	Audit Reg 17	If the CEO has not undertaken a review in accordance with regulation 17 of the Local Government (Audit) Regulations 1996, is a review proposed and when.	N/A	Review was undertaken on the 28th of March 2018.	John McCleary



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Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	This was adopted at the Ordinary Meeting of Council on the 22nd of September 2017	John McCleary
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	No		John McCleary
3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Adopted on the 28th of June 2017. This was a full review with community participation.	John McCleary
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	No	The existing SCP will be subject to a desk top review this calendar year.	John McCleary
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	This was adopted at the Ordinary Meeting of Council on the 22nd of September 2017	John McCleary
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	This was adopted at the Ordinary Meeting of Council on the 22nd of September 2017	John McCleary
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	Adopted on the 28th of June 2017. In November 2019 a review of the structure was undertaken with minor changes made this was adopted at the November 2018 meeting.	John McCleary



Department of
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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	The Shires current CEO has been in place for three years and has been re-appointed for a further 5 years.	John McCleary
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A		John McCleary
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		John McCleary
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		John McCleary
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	The Shire has no designated senior officers.	John McCleary



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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	The CEO is the complaints Officer	John McCleary
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		John McCleary
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		John McCleary
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		John McCleary
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		John McCleary
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		John McCleary

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	We also chose to use the WALGA preferred supplier arrangement via E-Quotes.	John McCleary
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A	We only had single contracts.	John McCleary
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		John McCleary
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		John McCleary



**Department of
Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		John McCleary
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		John McCleary
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		John McCleary
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		John McCleary
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		John McCleary
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		John McCleary
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A	We did not seek any expressions of interest in this period.	John McCleary
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		John McCleary
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		John McCleary
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		John McCleary
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A	We do not have a pre-qualified panel of suppliers.	John McCleary
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		John McCleary
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		John McCleary



Department of
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No	Reference	Question	Response	Comments	Respondent
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		John McCleary
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		John McCleary
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		John McCleary
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		John McCleary
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		John McCleary
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	Yes	We have had a regional price preference policy in place for a number of years which is subject to revision.	John McCleary
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	Yes		John McCleary
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes		John McCleary



Department of
**Local Government, Sport
and Cultural Industries**

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

Signed Mayor / President, Upper Gascoyne

Signed CEO, Upper Gascoyne

John McCleary

From: John McCleary
Sent: Thursday, 20 September 2018 1:50 PM
To: 'info@ccc.wa.gov.au'
Subject: Breach of section 5.76 pf the Local Government Act 1995

Dear Sir / Madam

It is with deep regret and a lot of disappointment in myself that I must self-report that I inadvertently breached section 5.76 of the Local Government Act 1995. The Act clearly states that the Councillors and myself are to lodge our Annual returns by the 31st of August.

Due to a number of factors, some work related and possibly a health related issue where I have just been diagnosed with a Melanoma missed this critical date and are hence non-compliant. As the CEO I take fully responsibility of this breach and accept whatever consequences that may arise.

On the 19th of September 2018 I rectified this issue and all relevant persons and myself have now complied. My failure effected the following persons

Cr D Hammarquist
Cr B Walker
Cr G Watters
Cr H McTaggart
Cr A McKeough
Cr J Caunt
Cr R.J Collins

Kind Regards

John McCleary
CHIEF EXECUTIVE OFFICER



Address Lot 4 Scott Street| Gascoyne Junction | WA | 6705
E ceo@uppergascoyne.wa.gov.au
W www.uppergascoyne.wa.gov.au
phone (08) 9943 0988| **fax** (08) 9943 0507
Mobile 0417107446

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Your Ref: -
Our Ref: 02896/2018
CMIS Auth No.: 27561

4 October 2018

PRIVATE AND CONFIDENTIAL

Mr John McCleary
Chief Executive Officer
Shire of Upper Gascoyne
By email: ceo@uppergascoyne.wa.gov.au

Dear Mr McCleary

ALLEGATIONS OF SERIOUS MISCONDUCT - SHIRE OF UPPER GASCOYNE

Thank you for your notification of 20 September 2018 to the Corruption and Crime Commission.

The Commission notes the actions taken by the Shire of Upper Gascoyne and pursuant to the *Corruption, Crime and Misconduct Act 2003* s 33(1)(d) will take no further action and has closed its file.

Although the CCC is taking no further action, pursuant to the CCM Act s 152(4)(a) the CCC has forwarded your correspondence to the Department of Local Government, Sport and Cultural Industries for its consideration.

Yours sincerely

Erica Giles
ASSESSOR AND ENQUIRY OFFICER

Contact the Corruption and Crime Commission

Level 5, 45 Francis Street
Northbridge WA 6003

General Enquiries (08) 9215 4888
Report Corruption 1800 809 000

www.ccc.wa.gov.au

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Department of
**Local Government, Sport
and Cultural Industries**

Our ref: 20180440
Enquiries: M. Popis
Phone: (08) 6551 4864
Email: michael.popis@dlgsc.wa.gov.au

Mr John McCleary
Chief Executive Officer
Shire of Upper Gascoyne
4 Scott Street
GASCOYNE JUNCTION WA 6705

PRIVATE AND CONFIDENTIAL

Dear Mr McCleary

POTENTIAL BREACHES of SECTION 5.76 *Local Government Act 1995*

The Department of Local Government, Sport and Cultural Industries has received notification which suggests that you and several Councillors may have breached the financial interest provisions of the *Local Government Act 1995*.

It is alleged that you failed to lodge an Annual Return with the Mayor or President in the prescribed form by 31 August of that year (2018) within the specified deadline, pursuant to section 5.76 of the Act.

It is also alleged that seven Councillors failed to lodge an Annual Return with the Chief Executive Officer in the prescribed form by 31 August of that year (2018) within the specified deadline, pursuant to section 5.76 of the Act.

In order for the Department to assess the matters it would be appreciated if you would provide a copy of your Annual Return and the relevant Returns for the following Councillors:

Annual Returns:

1. Donald Hammarquist;
2. Blanche Walker;
3. Greg Watters;
4. Hamish McTaggart;
5. Alys McKeough;
6. Jim Caunt; and
7. Ross Collins.

Further, it would also be appreciated if you would provide a copy of the written acknowledgements given to you and the Councillors to confirm receipt of the Returns in accordance with section 5.77 of the Act, and any other information or comments that you believe to be relevant.

Gordon Stephenson House, 140 William Street
PO Box 8349 Perth Business Centre, WA 6849
Telephone (08) 6552 7300
Email info@dlgsc.wa.gov.au
Web www.dlgsc.wa.gov.au

At this time, I would emphasise that the Department is not conducting an authorised inquiry under section 8.3 of the Act; rather it is simply assessing the validity of the concerns identified.

I would appreciate your response in writing or via email within 14 days of your receipt of this letter.

Should you have any queries in relation to this matter please do not hesitate to contact me on (08) 6551 4864 or via email at michael.popis@dlgsc.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Popis', with a long horizontal stroke extending to the right.

Michael Popis
INVESTIGATIONS OFFICER

21 December 2018

John McCleary

From: Michael Popis <michael.popis@dlgsc.wa.gov.au>
Sent: Tuesday, 12 February 2019 4:47 PM
To: John McCleary
Subject: RE: Shire of Upper Gascoyne

Dear John,

Thank you for your emails of today.

I also refer to our telephone conversation of today. It was a pleasure to make your acquaintance

Thank you for all the documents you provided. I don't require anything else at this stage.

However I appreciate you providing all the information to me.

I wish you the very best of health for the future.

Should you have any queries please do not hesitate to contact me on (08) 6551 4864 or 0429 087 514.

Yours sincerely,

Michael Popis
Investigations Officer
Department of Local Government, Sport and Cultural Industries
Phone: (08) 6551 4888
Fax : (08) 9325 1041
Freecall: 1800 634 541
Level 2/140 William Street, PERTH, WA 6000
PO Box 8349, Perth Business Centre WA 6849
email : michael.popis@dlgsc.wa.gov.au
www.dlgsc.wa.gov.au

From: John McCleary <ceo@uppergascoyne.wa.gov.au>
Sent: Tuesday, 12 February 2019 9:29 AM
To: Michael Popis <michael.popis@dlgsc.wa.gov.au>
Subject: Shire of Upper Gascoyne

Hi Michael

Is there anything else required?

Kind Regards

John McCleary
CHIEF EXECUTIVE OFFICER



Address Lot 4 Scott Street| Gascoyne Junction | WA | 6705

E ceo@uppergascoyne.wa.gov.au
W www.uppergascoyne.wa.gov.au
phone (08) 9943 0988| fax (08) 9943 0507
Mobile 0417107446

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