

MINUTES AUDIT ADVISORY COMMITTEE MEETING 24 February 2021

The Chief Executive Officer recommends the endorsement of these minutes at the next Audit Advisory
Committee Meeting.

Signed: Date 1/03/2021

These minutes were confirmed at the Audit Advisory Committee Meeting held on 14 July 2021

Signed:

(Presiding Person at the meeting at which minutes were confirmed)

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Please note that meetings may be recorded for minute taking purposes.

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AUDIT COMMITTEE MEETING AGENDA 24 FEBRUARY 2021

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, President Ballard, declared the meeting open at 5.36 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Committee Members (Voting)

Mr L Ballard – Shire President (Presiding Member)

Cr T Wiese – Deputy Shire President

Cr S Lushey (via Instantaneous Communication)

Cr M Fisher

Cr G Broad

Cr C Bartron

Cr J Early

Cr B Seale

Cr G Ballard

Staff

Mr D Stewart - Chief Executive Officer

Mr F Ludovico – Executive Manager Corporate & Community Services

Mr T Evans – Executive Manager Technical & Rural Services

Apologies

Nil

3. DECLARATION OF INTEREST BY ELECTED MEMBERS AND COUNCIL EMPLOYEES IN MATTERS INCLUDED IN THE MEETING AGENDA

Name	Item No	Interest	Nature
Nil			

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OFFICER'S RECOMMENDATION & COMMITTEE RESOLUTION

Moved: Cr Seale Seconded: Cr Wiese

That the minutes of the Audit Committee Meeting held 11 February 2020 be confirmed as an accurate record of the proceedings.

CARRIED 9/0

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

6. MATTERS WHICH REQUIRE DECISIONS

6.1 ANNUAL COMPLIANCE AUDIT RETURN 2020

File Reference	14.1.1			
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.			
Applicant	Shire of Narrogin			
Previous Item Numbers	Nil			
Date	12 February 2021			
Author	Josh Pomykala – Governance Officer			
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services			
Attachments	<u>'</u>			
1. Compliance Audit Return 2020				

Summary

The completed Annual Compliance Return for 2020 is presented to the Committee for consideration.

Background

It is a requirement of all Local Governments to complete the Annual Compliance Audit Return as part of its regulatory obligations to the Department of Local Government, Sport and Cultural Industries.

Consultation

Consultation has been undertaken with:

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Manager Corporate Services
- Executive Assistant

Statutory Environment

The following statutory provisions apply:

- Local Government (Audit) Regulations Regulation 14 Compliance audit return to be reviewed by Audit Committee and report made to Council.
- Local Government (Audit) Regulations Regulation 15 once considered by Council, the return is to be signed by President and CEO and lodged with the Department by 31 March.

Policy Implications

There are no current policies that relate nor any proposed new policies.

Financial Implications

There are no financial implications with respect to the item.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027					
Objective	jective 4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)				
Outcome:	come: 4.1 An efficient and effective organisation				
Strategy: 4.1.1 Continually improve operational efficiencies and provide effective services		Continually improve operational efficiencies and provide effective services			
Strategy:	Continue to enhance communication and transparency				

Comment/Conclusion

The Compliance Audit Return has been completed for the 2020 year and is submitted for review. There are no issues of non-compliance identified for further attention.

As per the Local Government (Audit) Regulations, this item is presented to the Audit Committee to make appropriate recommendation to Council.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION AND COMMITTEE'S RESOLUTION

Moved: Cr Seale Seconded: Cr Broad

That, with respect to the Compliance Audit Return 2020, the Committee recommend its acceptance to Council, for approval to lodge with the Department of Local Government, Sporting and Cultural Industries.

CARRIED 9/0

ATTACHMENT 1

No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A	No delegations made to Committee.	Josh Pomykala
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	N/A		Josh Pomykala
3	s3.59(2)(c) F&G Regs 7,8,10	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 2020?	N/A		Josh Pomykala
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 2020?	N/A		Josh Pomykala
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Josh Pomykala

No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A		Josh Pomykala
2	s5.16	Were all delegations to committees in writing?	N/A		Josh Pomykala
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A		Josh Pomykala
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Josh Pomykala
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	N/A	No delegations to committees.	Josh Pomykala
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		Josh Pomykala
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Josh Pomykala
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Josh Pomykala
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Josh Pomykala
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		Josh Pomykala
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		Josh Pomykala
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes	Reviewed 26 May 2020	Josh Pomykala
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes		Josh Pomykala

No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Carolyn Thompson
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	N/A		Carolyn Thompson
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Carolyn Thompson
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		Carolyn Thompson
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes		Carolyn Thompson
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		Carolyn Thompson
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Carolyn Thompson
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Carolyn Thompson
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Carolyn Thompson

10 s5.88(4) Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at	Yes Carolyn Thompson
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		least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?		
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes	Carolyn Thompson
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	Carolyn Thompson
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes	Carolyn Thompson
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	Carolyn Thompson
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes	Carolyn Thompson
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?	Yes	Carolyn Thompson
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	Carolyn Thompson
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	Carolyn Thompson
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A	Carolyn Thompson
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members,	Yes	Carolyn Thompson

	committee members and employees?		
21 Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes	Carolyn Thompson

Disp	Disposal of Property						
No	Reference	Question	Response	Comments	Respondent		
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes		Josh Pomykala		
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		Josh Pomykala		

No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes		Carolyn Thompson
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?	N/A		Carolyn Thompson
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes		Carolyn Thompson

Fina	nce				
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	Oct 2019	Alex Mulenga
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Alex Mulenga
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	N/A		Alex Mulenga
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	N/A	As above	Alex Mulenga
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	No	Auditors currently finalising	Alex Mulenga
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	30/6/20 audit report not received	Alex Mulenga
7	s7.12A(4)(a)	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?	N/A	30/6/20 audit report not received	Alex Mulenga
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), 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	30/6/20 audit report Not received	Alex Mulenga
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A	30/6/20 audit report Not received	Alex Mulenga

10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	N/A	Objectives and scope of audit independently determined by OAG (Per 7.12AC of the Local Govt Amendment (Auditing) Act 2017	Alex Mulenga
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	N/A	Audit currently being finalised	Alex Mulenga

Integ	rated Planning	and Reporting			
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adopted 24 May 2017 Reviewed 22 May 2019	Josh Pomykala
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	Adopted 27 June 2018 Reviewed 28 July 2020	Josh Pomykala
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Josh Pomykala

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Josh Pomykala
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A		Josh Pomykala
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Josh Pomykala
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A		Josh Pomykala
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A		Josh Pomykala
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A		Josh Pomykala

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	Yes		Josh Pomykala
2	s5.121(1)	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)?	Yes		Josh Pomykala
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2)?	Yes		Josh Pomykala
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		Josh Pomykala

Opti	Optional Questions						
No	Reference	Question	Response	Comments	Respondent		
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	Yes	OCM of 25/2/20	Alex Mulenga		
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	Yes	OCM of 25/2/20	Alex Mulenga		
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	Yes		Carolyn Thompson		
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	Yes		Carolyn Thompson		
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes		Carolyn Thompson		
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		Carolyn Thompson		
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Carolyn Thompson		
8	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		Carolyn Thompson		

9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		Carolyn Thompson
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	No	Obtained an extension	Alex Mulenga

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Josh Pomykala
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy 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		Josh Pomykala
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	N/A		Josh Pomykala
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	N/A		Josh Pomykala
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A		Josh Pomykala
6	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		Josh Pomykala
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Josh Pomykala
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Josh Pomykala

9	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?	N/A		Josh Pomykala
10	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		Josh Pomykala
11	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		Josh Pomykala
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes		Josh Pomykala
13	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	No EOI invited.	Josh Pomykala
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	N/A		Josh Pomykala
15	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 as an acceptable tenderer?	N/A		Josh Pomykala
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	N/A		Josh Pomykala
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre- qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A		Josh Pomykala
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		Josh Pomykala
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of prequalified 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 prequalified supplier panel application?	N/A		Josh Pomykala

20	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	Josh Pomykala
21	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	Josh Pomykala
22	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	Josh Pomykala
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	Josh Pomykala
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes	Josh Pomykala

7. CLOSURE OF MEETING

There being no further business to discuss, the Presiding Member declared the meeting closed at 5.55 pm.