

## **Minutes of Audit and Risk Committee Meeting**

**Held on**

**Monday 11 March 2024 at 5.30pm**

**Held at Council Chamber, 83 Mandurah Terrace, Mandurah**

### **PRESENT:**

COUNCILLOR	P ROGERS [Chairperson]	TOWN WARD
COUNCILLOR	A KEARNS	EAST WARD
COUNCILLOR	S WRIGHT	EAST WARD
COUNCILLOR	D WILKINS	EAST WARD [Deputising]
COUNCILLOR	C KNIGHT [Deputy Mayor]	NORTH WARD
COUNCILLOR	A ZILANI	NORTH WARD
COUNCILLOR	R BURNS	TOWN WARD
MAYOR	R WILLIAMS	
MR	J SETH	INDEPENDENT MEMBER [Electronic attendance]

### **ELECTED MEMBERS OBSERVING:**

Nil.

### **GUESTS:**

MS	C MIHOVILOVICH	CHIEF EXECUTIVE OFFICER
MRS	T JONES	A/DIRECTOR BUSINESS SERVICES
MR	M HALL	DIRECTOR BUILT AND NATURAL ENVIRONMENT
MS	J THOMAS	DIRECTOR PLACE AND COMMUNITY
MR	J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MS	J WEBER	A/EXECUTIVE MANAGER GOVERNANCE SERVICES
MRS	P WOOD	MINUTE OFFICER



## 1. OPENING OF MEETING

Prior to commencement of this electronic meeting Committee Member and other attendee connections by electronic means were tested and confirmed.

The Chairperson declared the meeting open at 5.30pm.

## 2. APOLOGIES

### Apologies

Mr W Ticehurst (Independent Member)

## 3. IMPORTANT NOTE

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or officer, or the content of any discussion occurring, during the course of the Committee meeting.

## 4. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

## 5. AMENDMENT TO STANDING ORDERS

### **AR.1/3/24 STANDING ORDERS LOCAL LAW 2016**

The Chairperson advised the meeting that the *City of Mandurah Standing Orders Local Law 2016* will be modified to ensure Jonathan Seth can participate in and follow the meeting as it progresses.

### **MOTION**

**Moved:** Councillor P Rogers

**Seconded:** Mayor R Williams

**That the Audit and Risk Committee:**

1. **Suspend the operation of the following provisions of the *City of Mandurah Standing Orders Local Law 2016* for the duration of this electronic meeting to ensure Jonathan Seth can follow and participate in the meeting as it progresses:**
  - 1.1. **Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.**

- 1.2. **Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.**
- 1.3. **Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.**

CARRIED: 8/0

FOR: Cr P Rogers, Mayor R Williams, Cr C Knight, Cr A Zilani, Cr S Wright, Cr A Kearns, J Seth, Cr D Wilkins

AGAINST: Nil

## 6. PUBLIC QUESTION TIME

Nil.

## AR.2/3/24 CHANGE OF AGENDA ORDER

### MOTION

Moved: Councillor A Kearns

Seconded: Councillor S Wright

**That Council move Item 7 Presentations to Item 15 Confidential Items due to the confidential presentation.**

CARRIED: 8/0

FOR: Cr A Kearns, Cr S Wright, Cr P Rogers, Mayor R Williams, Cr C Knight, Cr D Wilkins, Cr A Zilani, Mr J Seth

AGAINST: Nil

## 8. DEPUTATIONS

Nil.

## 9. CONFIRMATION OF MINUTES

### AR.3/3/24 CONFIRMATION OF MINUTES MONDAY 4 DECEMBER 2023

### MOTION

Moved: Councillor C Knight

Seconded: Councillor S Wright

**That the Minutes of the Audit and Risk Committee meeting of Monday 4 December 2023 be confirmed.**

CARRIED: 8/0

FOR: Cr C Knight, Cr S Wright, Cr P Rogers, Mayor R Williams, Cr D Wilkins, Cr A Zilani, Cr A Kearns, Mr J Seth  
AGAINST: Nil

*Councillor R Burns joined the meeting at 5.36pm.*

## **10. DECLARATIONS OF INTERESTS**

- 10.1 Jonathan Seth declared an impartiality interest in Minute AR.10/3/24 - Confidential Report 5 Work Health and Safety (WHS) 6 Monthly Review July – December. The reason being is up until 1 March 2023, he held the role of Chief Executive Officer, Local Government Insurance Scheme (LGIS). He is no longer involved in LGIS. Mr Seth declared his interest and remained online for debate and voting.

## **11. QUESTIONS FROM COMMITTEE MEMBERS**

Questions of Which Due Notice Has Been Given

Nil.

Questions of Which Notice Has Not Been Given

Nil.

## **12. BUSINESS LEFT OVER FROM PREVIOUS MEETING**

Nil.

## **13. REPORTS FROM OFFICERS**

### **AR.4/3/24 COMPLIANCE AUDIT RETURN 2023 (REPORT 1)**

#### Summary

The Department of Local Government, Sport, and Cultural Industries (DLGSC) has circulated to all Western Australian local governments the annual 2023 Compliance Audit Return for completion.

The return is a requirement of the *Local Government Act 1995* and its Regulations and is prepared for the Minister for Local Government in an approved form. The return covers the period 1 January 2023 to 31 December 2023.

There is a statutory requirement to have the compliance audit reviewed by the Audit and Risk Committee and then adopted by Council. Once adopted, it will be certified by the Mayor and Chief Executive Officer and forwarded to DLGSC prior to the 31 March 2024 deadline.

The Compliance Audit Return for 2023 has been completed and resulted in the City achieving 99% (93/94) compliance.



Officer Recommendation

That the Audit and Risk Committee recommend that Council:

1. Adopts the 2023 Local Government Compliance Audit Return for the period 1 January 2023 to 31 December 2023 as per Attachment 1.1 of the report.
2. Authorise the Mayor and the Chief Executive Officer to certify, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, the completed 2023 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.
3. Endorse the proposed action outlined in the report.

Committee Recommendation**MOTION**

**Moved:** Councillor P Rogers

**Seconded:** Mayor R Williams

That the Audit and Risk Committee recommend that Council:

1. Adopts the 2023 Local Government Compliance Audit Return for the period 1 January 2023 to 31 December 2023 as per Attachment 1.1 of the report.
2. Authorise the Mayor and the Chief Executive Officer to certify, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, the completed 2023 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.
3. Endorse the proposed action outlined in the report.

CARRIED: 9/0

FOR: Cr P Rogers, Mayor R Williams Cr C Knight, Cr S Wright, Cr R Burns, Cr A Zilani,  
Cr A Kearns, Mr J Seth, Cr D Wilkins

AGAINST: Nil

**14. LATE AND URGENT BUSINESS ITEMS**

Nil.

**15. CONFIDENTIAL ITEMS**

**AR.5/3/24 CLOSE DOORS**

**MOTION**

**Moved:** Councillor A Zilani

**Seconded:** Councillor A Kearns

That the meeting proceeds with closed doors at 5.39pm in accordance with Section 5.23(2)(a & f) of the *Local Government Act 1995*, to allow for the confidential discussion of an item.

CARRIED: 9/0

FOR: Cr A Zilani, Cr A Kearns, Cr C Knight, Cr S Wright, Cr P Rogers, Mayor R Williams, Cr R Burns, Mr J Seth, Cr D Wilkins

AGAINST: Nil

#### **DECLARATION OF CONFIDENTIALITY WHEN ATTENDING BY ELECTRONIC MEANS**

**Jonathan Seth declared that confidentiality will be maintained during the closed part of the meeting.**

THE MEETING PROCEEDED WITH CLOSED DOORS AT 5.39PM

*Members of the media, non-senior employees and persons in the gallery left the meeting at this point. The Minute Officer and Executive Manager Governance Services remained with Senior Officers.*

#### **7. PRESENTATION**

##### **BUILT AND NATURAL ENVIRONMENT CONFIDENTIAL PRESENTATION**

The Director Built and Natural Environment presented confidential presentation.

*Councillor C Knight left the meeting at 6.45pm and did not return.*

##### **AR.6/3/24 EMPLOYEE EXIT CONTROLS FOR GOVERNMENT TRADING ENTERPRISES (CONFIDENTIAL REPORT 1)**

Confidential discussion ensued regarding this issue.

#### **MOTION**

**Moved: Mayor R Williams**

**Seconded: Councillor S Wright**

**That the Audit and Risk Committee notes the findings in Confidential Attachment 1.1 Self-Assessment (Comparison with OAG findings) and the recommendations for improvement to the City's controls outlined in Confidential Attachment 1.2.**

CARRIED: 8/0

FOR: Mayor R Williams, Cr S Wright, Cr A Kearns, Cr A Zilani, Cr P Rogers, Cr R Burns, Cr D Wilkins, Mr J Seth

AGAINST: Nil

*Councillor A Kearns vacated the Chamber at 6.57pm.*

**AR.7/3/24            REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES  
(CONFIDENTIAL REPORT 2)**

Confidential discussion ensued regarding this issue.

**MOTION**

**Moved:**            Mayor R Williams  
**Seconded:**       Councillor A Zilani

**That the Audit and Risk Committee recommend that Council:**

- 1. Endorses the CEO's Review of Financial Management Systems as detailed in Confidential Attachment 2.1.**
- 2. Notes the Improvement Action Plan to be undertaken as detailed in Confidential Attachment 2.2.**
- 3. Notes that the Audit and Risk Committee will receive quarterly Strategic Internal Audit Monitoring Report to enable monitoring and oversight of the implementation of the improvements.**

**CARRIED:**        7/0

**FOR:**            Mayor R Williams, Cr A Zilani, Cr D Wilkins, Mr J Seth, Cr S Wright, Cr P Rogers,  
Cr R Burns

**AGAINST:**        Nil

*Councillor A Kearns returned to the Chamber at 6.59pm.*

**AR.8/3/24            STRATEGIC RISK UPDATE REPORT – QUARTER TWO FINANCIAL YEAR  
2023/2024 (CONFIDENTIAL REPORT 3)**

Confidential discussion ensued regarding this issue.

**MOTION**

**Moved:**            Councillor P Rogers  
**Seconded:**       Councillor S Wright

**That the Audit and Risk Committee note Quarter Two Financial Year 2023/24 – Strategic Risk Bowtie Report as per Confidential Attachment 3.1**

**CARRIED:**        8/0

**FOR:**            Cr P Rogers, Cr S Wright, Cr A Kearns, Cr A Zilani, Mayor R Williams, Cr R Burns,  
Mr J Seth, Cr D Wilkins

**AGAINST:**        Nil

**AR.9/3/24            STRATEGIC INTERNAL AUDIT MONITORING REPORT – QUARTER TWO 2023/2024 (CONFIDENTIAL REPORT 4)**

Confidential discussion ensued regarding this issue.

**MOTION**

**Moved:**            Mayor R Williams  
**Seconded:**        Councillor A Kearns

**That the Audit and Risk Committee notes the Strategic Internal Audit Plan Monitoring Report – Quarter Two Financial Year 2023/2024 as detailed in Confidential Attachment 4.1.**

**CARRIED:**        8/0

**FOR:**            Mayor R Williams, Cr A Kearns, Cr A Zilani, Cr D Wilkins, Cr S Wright, Cr P Rogers, Cr R Burns, Mr J Seth

**AGAINST:**        Nil

**AR.10/3/24        WORK HEALTH AND SAFETY (WHS) 6 MONTHLY REVIEW JULY – DECEMBER PERFORMANCE OVERVIEW FOR YEAR TO DATE (YTD) 2023-2024 (CONFIDENTIAL REPORT 5)**

Confidential discussion ensued regarding this issue.

**MOTION**

**Moved:**            Councillor A Zilani  
**Seconded:**        Councillor A Kearns

**That the Audit and Risk Committee recommend that Council:**

- 1. Notes the City's WHS performance for the 2022/23 financial year.**
- 2. Notes the progress of implementation of the 3-Year Strategic WHS Plan.**

**CARRIED:**        8/0

**FOR:**            Cr A Zilani, Cr A Kearns, Cr D Wilkins, Cr S Wright, Cr P Rogers, Mayor R Williams, Cr R Burns, Mr J Seth

**AGAINST:**        Nil

**AR.11/3/24        OPEN DOORS****MOTION**

**Moved:**            Councillor R Burns  
**Seconded:**        Councillor S Wright

**That the meeting proceeds with open doors.**

**CARRIED:**        8/0

**FOR:**            Cr R Burns, Cr S Wright, Cr A Kearns, Cr A Zilani, Cr D Wilkins, Cr P Rogers, Mayor R Williams, Mr J Seth



AGAINST: Nil

THE MEETING PROCEEDED WITH OPEN DOORS AT 7.13PM

**AR.12/3/24 ENDORSE RESOLUTIONS**

**MOTION**

**Moved:** Councillor R Burns  
**Seconded:** Councillor S Wright

**That Council endorses the resolutions taken with closed doors.**

**CARRIED:** 8/0

**FOR:** Cr R Burns, Cr S Wright, Cr A Kearns, Cr A Zilani, Cr D Wilkins, Cr P Rogers,  
Mayor R Williams, Mr J Seth

**AGAINST:** Nil

**16. CLOSE OF MEETING**

There being no further business, the Chairperson declared the meeting closed at 7.13pm.

CONFIRMED: .....[CHAIRMAN]

**Attachments to Committee Minutes: Audit and Risk Agenda 11 March 2024**

## **NOTICE OF MEETING**

### **AUDIT AND RISK COMMITTEE**

Members of the Audit and Risk Committee are advised that a meeting of the Committee will be held in the Council Chambers, 83 Mandurah Terrace  
Mandurah on

**Monday 11 March 2024  
at 5.30pm**

**Casey Mihovilovich**  
Chief Executive Officer  
7 March 2024

**Committee Members:**

Councillor P Rogers [Chairperson]  
Councillor C Knight [Deputy Mayor]  
Councillor A Kearns  
Councillor A Zilani  
Mr J Seth

Mayor R Williams  
Councillor R Burns  
Councillor S Wright  
Mr W Ticehurst

**Deputies:**

Councillor B Pond  
Councillor D Wilkins

# AGENDA

**1. OPENING OF MEETING**

**2. APOLOGIES**

**3. IMPORTANT NOTE**

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

**4. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**5. AMENDMENT TO STANDING ORDERS**

Modification to *Standing Orders Local Law 2016* - electronic attendance at meeting.

**6. PUBLIC QUESTION TIME**

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time please visit the City's website [mandurah.wa.gov.au](http://mandurah.wa.gov.au) or telephone 9550 3787.

**7. PRESENTATIONS**

Built and Natural Environment Confidential Presentation

**8. DEPUTATIONS**

Any person or group wishing to make a Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation please visit the City's website [mandurah.wa.gov.au](http://mandurah.wa.gov.au) or telephone 9550 3787.

**9. CONFIRMATION OF MINUTES 4 DECEMBER 2023**

Minutes available on the City's website via [mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes](http://mandurah.wa.gov.au/council/council-meetings/agendas-and-minutes)

**10. DECLARATIONS OF INTERESTS****11. QUESTIONS FROM COMMITTEE MEMBERS**

- 11.1 Questions of Which Due Notice Has Been Given
- 11.2 Questions of Which Notice Has Not Been Given

**12. BUSINESS LEFT OVER FROM PREVIOUS MEETING****13. REPORTS**

<i>No.</i>	<i>Item</i>	<i>Page No</i>	<i>Note</i>
1	Compliance Audit Return 2023	3-15	

**14. LATE AND URGENT BUSINESS ITEMS****15. CONFIDENTIAL ITEMS**

- 15.1 Employee Exit Controls for Government Trading Enterprises
- 15.2 Review of Financial Management Systems and Procedures
- 15.3 Strategic Risk Update Report – Quarter Two Financial Year 2023/2024
- 15.4 Strategic Internal Audit Monitoring Report – Quarter Two 2023/2024
- 15.5 Work Health and Safety (WHS) 6 Monthly Review July – December  
Performance Overview for Year to Date (YTD) 2023-2024

**16. CLOSE OF MEETING**



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1	<b>SUBJECT:</b>	Compliance Audit Return 2023
	<b>DIRECTOR:</b>	Business Services
	<b>MEETING:</b>	Audit and Risk Committee
	<b>MEETING DATE:</b>	11 March 2024

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## Summary

The Department of Local Government, Sport, and Cultural Industries (DLGSC) has circulated to all Western Australian local governments the annual 2023 Compliance Audit Return for completion.

The return is a requirement of the *Local Government Act 1995* and its Regulations and is prepared for the Minister for Local Government in an approved form. The return covers the period 1 January 2023 to 31 December 2023.

There is a statutory requirement to have the compliance audit reviewed by the Audit and Risk Committee and then adopted by Council. Once adopted, it will be certified by the Mayor and Chief Executive Officer and forwarded to DLGSC prior to the 31 March 2024 deadline.

The Compliance Audit Return for 2023 has been completed and resulted in the City achieving 99% (93/94) compliance.

## Disclosure of Interest

N/A

## Previous Relevant Documentation

- |            |               |                              |
|------------|---------------|------------------------------|
| • G.4/3/23 | 28 March 2023 | Compliance Audit Return 2022 |
| • G.8/3/22 | 22 March 2022 | Compliance Audit Return 2021 |
| • G.6/3/21 | 23 March 2021 | Compliance Audit Return 2020 |

## Background

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit forms part of the DLGSC's monitoring program which includes all statutory requirements as outlined in the audit regulations.

It is also a method of bringing to Council's attention cases of non-compliance, or where full compliance has not been achieved. It is noted that Council is required to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. In some instances, non-compliance can result in further enquiries by DLGSC.

## Comment

When preparing the return, responses are validated through a series of testing mechanisms to assure that the responses are correct and sufficient for review. This year relevant managers were requested to provide responses to their respective questions. The responses were compiled and reviewed by the Risk and Compliance Officer who is independent from the delivery of the functions, before being forwarded to the Acting Director Business Services and the Executive for final review before submission to the Audit and Risk Committee.

The 2023 Compliance Audit Return comprises of the following components:

1. Commercial Enterprises by Local Governments
2. Delegation of Power/Duty
3. Disclosure of Interest
4. Disposal of Property
5. Elections
6. Finance
7. Local Government Employees
8. Official Conduct
9. Tenders for Providing Goods and Services
10. Integrated Planning and Reporting
11. Optional Questions

One area did not achieve full compliance for 2023:

Category	Question	Comment	Action & Follow Up
Tenders for Providing Goods and Services	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , 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?	<p>In accordance with the City's Internal Audit Plan internal improvement reviews are undertaken each quarter on moderate to high-risk areas to assess both compliance with and adequacy of the control environment.</p> <p>Throughout the reporting period, independent reviews were undertaken on low value procurement activity to identify areas of improvement and any breaches of the Council Procurement Policy (Policy).</p> <p>As part of these reviews, some instances of non-compliance were identified, mainly relating to standing orders being raised on suppliers that were out-of-contract without a competitive process being undertaken or documented waiver from the purchasing policy and variations to purchase orders.</p> <p>It should be noted that compliance with the Policy has significantly improved in recent years. This is due to the delivery of training programs, automation of the control environment and the quarterly improvement reviews that are undertaken as part of the Internal Audit Plan.</p>	<p>Mandatory Procurement Training to address areas of non-compliance.</p> <p>Ongoing system improvement and control automation.</p> <p>Quarterly procurement improvement review.</p>

The completed 2023 Compliance Audit Return is required to be considered by the Audit and Risk Committee and adopted by Council before being finalised and submitted to DSGSC by no later than 31 March 2024.

## **Statutory Environment**

*Local Government Act 1995*

Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*

## **Policy Implications**

Reference to relevant policies has been made where appropriate.

## **Risk Analysis**

The risk associated with Council failing to adopt the 2023 Compliance Audit Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

## **Financial Implications**

N/A

## **Strategic Implications**

The following strategy from the City of Mandurah Strategic Community Plan 2020 – 2040 is relevant to this report:

### Organisational Excellence:

- Ensure the City has the capacity and capability to deliver quality services and facilities through accountable and transparent business practices, governance, risk, and financial management.

## **Conclusion**

The City's 2023 Compliance Audit Return is now to be reviewed by the Audit and Risk Committee and presented to Council for adoption. Council endorsement is required before the Mayor and CEO certify the report and submit to the Minister via the DLGSC online portal.

### **NOTE:**

- Refer **Attachment 1.1 2023 Compliance Audit Return**

**That the Audit and Risk Committee recommend that Council:**

- 1. Adopts the 2023 Local Government Compliance Audit Return for the period 1 January 2023 to 31 December 2023 as per Attachment 1.1 of the report.**
- 2. Authorise the Mayor and the Chief Executive Officer to certify, in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*, the completed 2023 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.**
- 3. Endorse the proposed action outlined in the report.**

## City of Mandurah – Compliance Audit Return 2023

Commercial Enterprises by Local Governments				
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 2023?	N/A	
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 2023?	N/A	
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 2023?	N/A	
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 2023?	N/A	
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	
2	s5.16 (2)	Were all delegations to committees in writing?	N/A	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	N/A	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	N/A	
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	Carried with absolute majority at the Council Meeting on 23 May 2023 (G.3/5/23)
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?	Yes	Carried with absolute majority at the Council Meeting on 23 May 2023 (G.3/5/23)



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	
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/23 financial year?	Yes	
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 <i>Local Government (Administration) Regulations 1996</i> , regulation 19?	Yes	To the best of the City's knowledge.

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?	Yes	
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	
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?	Yes	
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 2023?	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	5.89A(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?	Yes	
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	
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?	Yes	
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the 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?	Yes	
16	s5.71A & 5.71B (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) of the Local Government Act 1995 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	
17	s5.71B(6) & 5.71B(7)	Was any decision made by the Minister under subsection 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	
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 that incorporates the model code of conduct?	Yes	Carried with absolute majority at the Council Meeting on 23 February 2021 (G.11/2/21)
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?	N/A	
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	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-	Yes	

		date version of the code of conduct for employees on the local government's website?		
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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)?	Yes	
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 3.58(4) in the required local public notice for each disposal of property?	Yes	

Elections				
No	Reference	Question	Response	Comments
1	Elect Reg 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?	Yes	
2	Elect Reg 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	
3	Elect Reg 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?	Yes	

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 Government Act 1995?	Yes	Carried with absolute majority at the Council Meeting on 31 October 2023, G.17/10/23 Part A, G.18 17/10/23 Part B and G.19 17/10/23
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 2023 received by the local government by 31 December 2023?	Yes	
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	
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	
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	
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	

Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
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 by absolute majority at the Council Meeting on 24 March 2020 (G.16/3/20)
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 by absolute majority (13/0) at the Council Meeting on 27 June 2023 (G.7/6/23).
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	

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?	Yes	Council Meeting of 27 June 2023 – Certification of the Chief Executive Officer Recruitment Process – G.12/6/23
2	Admin Regs 18E	Was all information provided in applications for the position of CEO true and accurate?	Yes	Council Meeting of 27 June 2023 – Certification of the Chief Executive Officer Recruitment Process – G.12/6/23
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 under section 5.36(4) of the Local Government Act 1995?	Yes	Council Meeting of 27 June 2023 – Certification of the Chief Executive Officer Recruitment Process – G.12/6/23
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	
5	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	

Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	
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	

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 2023? If yes, please provide the date of council's resolution to accept the report.	Yes	Council Meeting 23 March 2021, G.5/3/21
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 2023? If yes, please provide date of council's resolution to accept the report.	Yes	Council Meeting 18 April 2023, G. 5/4/23
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?	Yes	
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	Adopted by absolute majority at Council Meeting 25 January 2022, G.12/1/22
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	
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	Adopted by absolute majority at Council Meeting 25 January 2022, G.12/1/22
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	
9	s6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	

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	No	

		where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?		
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	
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	
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?	Yes	
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	
6	F&G Reg 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	
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	
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?	Yes	
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	
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	
11	F&G Reg 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	
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	

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	
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	
15	F&G Reg 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 and General) Regulations 1996, Regulations 24AD(4) and 24AE?	N/A	
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	
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 pre-qualified supplier panel application?	N/A	
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	
19	F&G Reg 24AH (1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	
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	
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	
22	F&G Reg 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?	Yes	