



## Minutes of Audit and Risk Committee Meeting

Held on

**Monday 10 March at 5.30pm**

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

### PRESENT:

COUNCILLOR	P ROGERS [Chairperson]	TOWN WARD
COUNCILLOR	B POND	COASTAL WARD (Deputising)
COUNCILLOR	A KEARNS	EAST WARD
COUNCILLOR	D WILKINS	EAST WARD (Deputising)
COUNCILLOR	A ZILANI	NORTH WARD
MAYOR	C KNIGHT	
MR	J SETH	INDEPENDENT MEMBER (Electronic Attendance)
MR	W TICEHURST	INDEPENDENT MEMBER (Electronic Attendance)

### GUESTS:

MS C MIHOVILOVICH	CHIEF EXECUTIVE OFFICER
MRS T JONES	DIRECTOR BUSINESS SERVICES
MR M HALL	DIRECTOR BUILT AND NATURAL ENVIRONMENT (Electronic Attendance)
MS J THOMAS	DIRECTOR PLACE AND COMMUNITY
MR J CAMPBELL-SLOAN	DIRECTOR STRATEGY AND ECONOMIC DEVELOPMENT
MRS L BARKER	MINUTE OFFICER

## 1. OPENING OF MEETING

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

The Chairperson declared the meeting open at 5.30pm.

## 2. ACKNOWLEDGEMENT OF COUNTRY

Councillor Rogers acknowledged that the meeting was being held on the traditional land of the Bindjareb people and paid his respect to their Elders past and present.

## 3. APOLOGIES

### Leave of Absence

Councillor Ryan Burns

### Apologies

Councillor Shannon Wright

## 4. 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.

## 5. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

## 6. AMENDMENT TO STANDING ORDERS

### AR.1/03/25 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 Mr Jonathan Seth and Mr Wayne Ticehurst can participate in and follow the meeting as it progresses.

#### MOTION

Moved: Mayor C Knight

Seconded: Councillor A Kearns

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 Committee Members Mr Jonathan Seth and Mr Wayne Ticehurst 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: Mayor C Knight, Cr A Kearns, Cr P Rogers, Cr B Pond, Cr D Wilkins, Cr A Zilani,  
Mr J Seth, Mr W Ticehurst

AGAINST: Nil

## 7. PUBLIC QUESTION TIME

Nil

## 8. PRESENTATIONS

Nil

## 9. DEPUTATIONS

Nil

**10. CONFIRMATION OF MINUTES**

**AR.2/03/25 CONFIRMATION OF MINUTES MONDAY 2 DECEMBER 2024**

**MOTION**

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

**That the Minutes of the Audit and Risk Committee meeting of Monday 2 December 2024 be confirmed.**

**CARRIED:** 8/0

**FOR:** Cr A Zilani, Cr A Kearns, Cr P Rogers, Cr B Pond, Cr D Wilkins, Mayor C Knight, Mr J Seth, Mr W Ticehurst

**AGAINST:** Nil

**11. DECLARATIONS OF INTERESTS**

Nil

**12. QUESTIONS FROM COMMITTEE MEMBERS**

Questions of Which Due Notice Has Been Given

Nil

Questions of Which Notice Has Not Been Given

Nil

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

Nil

## 14. REPORTS FROM OFFICERS

### AR.3/03/25 COMPLIANCE AUDIT RETURN 2024

#### Summary

The Department of Local Government, Sport and Cultural Industries (DLGSC) has circulated to all Western Australian local governments the annual 2024 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 Local Government in an approved form. The return covers the period 1 January 2024 to 31 December 2024.

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 the DLGSC prior to the 31 March 2025 deadline.

The Compliance Audit Return for 2024 has been completed and resulted in the City achieving 97.9% (92/94) compliance.

#### Officer Recommendation

That the Audit and Risk Committee recommend that Council:

1. Adopts the 2024 Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024 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 2024 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.

#### Committee Recommendation

#### **MOTION**

**Moved:** Councillor P Rogers  
**Seconded:** Councillor A Kearns

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

1. **Adopts the 2024 Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024 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 2024 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.**

CARRIED: 8/0

FOR: Cr P Rogers, Cr A Kearns, Cr B Pond, Cr D Wilkins, Cr A Zilani, Mayor C Knight, Mr J Seth, Mr W Ticehurst

AGAINST: Nil

**15. REPORTS FROM AUDITORS**

Nil

**16. LATE AND URGENT BUSINESS ITEMS**

Nil

**17. CONFIDENTIAL ITEMS**

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

Mr Jonathan Seth and Mr Wayne Ticehurst declared that confidentiality will be maintained during the closed part of the meeting to discuss the confidential report.

**AR.4/03/25      CLOSE DOORS**

**MOTION**

**Moved:            Mayor C Knight**  
**Seconded:        Councillor B Pond**

**That the meeting proceeds with closed doors at 6.03pm in accordance with Section 5.23(2)(a) and (f) of the *Local Government Act 1995*, to allow for the confidential discussion of an item.**

CARRIED:        8/0

FOR:              Mayor C Knight, Cr B Pond, Cr P Rogers, Cr A Kearns, Cr D Wilkins, Cr A Zilani, Mr J Seth, Mr W Ticehurst

AGAINST:        Nil

***Reasons:***

***(a) matter affecting an employee or employees***

***(f) would impair the effectiveness of dealing with a contravention, or possible contravention***

*The Minute Officer remained with Senior Officers.*

THE MEETING PROCEEDED WITH CLOSED DOORS AT 6.03PM

## 17.1 CONFIDENTIAL REPORTS

### **AR.5/03/25 STRATEGIC RISK UPDATE REPORT - QUARTER TWO FY 2024/25**

Confidential discussion ensued regarding this issue.

#### Officer Recommendation

That the Audit and Risk Committee note Quarter Two FY2024/25 – Strategic Risk Bowtie Report as per Confidential Attachment 1.1

#### Committee Recommendation

##### **MOTION**

**Moved:** Mayor C Knight  
**Seconded:** Councillor A Zilani

**That the Audit and Risk Committee note Quarter Two FY2024/25 – Strategic Risk Bowtie Report as per Confidential Attachment 1.1**

CARRIED: 8/0

FOR: Mayor C Knight, Cr A Zilani, Cr P Rogers, Cr B Pond, Cr A Kearns, Cr D Wilkins,  
Mr J Seth, Mr W Ticehurst

AGAINST: Nil

### **AR.6/03/25 STRATEGIC INTERNAL AUDIT MONITORING REPORT – QUARTER TWO FY 2024/25**

Confidential discussion ensued regarding this issue.

#### Officer Recommendation

That the Audit and Risk Committee notes the Strategic Internal Audit Plan Monitoring Report – Quarter Two Financial Year 2024/25 as detailed in Confidential Attachment 2.1.

#### Committee Recommendation

##### **MOTION**

**Moved:** Councillor P Rogers  
**Seconded:** Councillor A Kearns

**That the Audit and Risk Committee notes the Strategic Internal Audit Plan Monitoring Report – Quarter Two Financial Year 2024/25 as detailed in Confidential Attachment 2.1.**

CARRIED: 8/0

FOR: Cr P Rogers, Cr A Kearns, Cr B Pond, Cr D Wilkins, Cr A Zilani, Mayor C Knight,  
Mr J Seth, Mr W Ticehurst

AGAINST: Nil

**AR.7/03/25 WORK HEALTH AND SAFETY (WHS) 6 MONTHLY PERFORMANCE REVIEW FOR YEAR TO DATE (YTD) FINANCIAL YEAR (FY) 2024/25**

Confidential discussion ensued regarding this issue.

Officer Recommendation

The Audit and Risk Committee notes the City of Mandurah Work Health and Safety performance for the YTD2024/2025 financial year and the progress on the 2022/2025 3-Year Strategic Work Health and Safety Plan.

Committee Recommendation

**MOTION**

**Moved: Mayor C Knight**  
**Seconded: Councillor A Kearns**

**The Audit and Risk Committee notes the City of Mandurah Work Health and Safety performance for the YTD2024/2025 financial year and the progress on the 2022/2025 3-Year Strategic Work Health and Safety Plan.**

CARRIED: 8/0

FOR: Mayor C Knight, Cr A Kearns, Cr P Rogers, Cr B Pond, Cr D Wilkins, Cr A Zilani,  
Mr J Seth, Mr W Ticehurst

AGAINST: Nil

**AR.8/03/25 OPEN DOORS**

**MOTION**

**Moved: Councillor D Wilkins**  
**Seconded: Councillor B Pond**

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

CARRIED: 8/0

FOR: Cr D Wilkins, Cr B Pond, Cr P Rogers, Cr A Kearns, Cr A Zilani, Mayor C Knight,  
Mr J Seth, Mr W Ticehurst

AGAINST: Nil

THE MEETING PROCEEDED WITH OPEN DOORS AT 6.57PM

**AR.9/03/25      ENDORSE RESOLUTIONS**

**MOTION**

**Moved:**            **Mayor C Knight**  
**Seconded:**      **Councillor A Kearns**

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

CARRIED:         8/0

FOR:               Mayor C Knight, Cr A Kearns, Cr P Rogers, Cr B Pond, Cr D Wilkins, Cr A Zilani,  
                         Mr J Seth, Mr W Ticehurst

AGAINST:         Nil

**18.    CLOSE OF MEETING**

There being no further business, the Chairperson declared the meeting closed at 6.58pm.

Confirmed

CONFIRMED: .....[CHAIRMAN]

**Attachments to Committee Minutes: Audit and Risk Agenda 10 March 2025**

## **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 10 March 2025  
at 5.30pm**

**Casey Mihovilovich**  
Chief Executive Officer  
6 March 2025

Committee Members:

Councillor P Rogers [Chairperson]	Mayor C Knight
Councillor R Burns	Councillor S Wright
Councillor A Zilani	Councillor A Kearns
Mr W Ticehurst	
Mr J Seth	

Deputies:

Councillor B Pond  
Councillor D Wilkins

# AGENDA

**1. OPENING OF MEETING**

**2. ACKNOWLEDGEMENT OF COUNTRY**

**3. APOLOGIES**

**4. 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.

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

**6. AMENDMENT TO STANDING ORDERS**

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

**7. 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.

**8. PRESENTATIONS**

**9. 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.

**10. CONFIRMATION OF MINUTES - 2 DECEMBER 2024**

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)

**11. DECLARATIONS OF INTERESTS****12. QUESTIONS FROM COMMITTEE MEMBERS**

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

**13. BUSINESS LEFT OVER FROM PREVIOUS MEETING****14. REPORTS**

<b>No.</b>	<b>Item</b>	<b>Page No</b>	<b>Note</b>
1	Compliance Audit Return 2024	3 - 19	

**15. REPORTS FROM AUDITORS**

Nil

**16. LATE AND URGENT BUSINESS ITEMS****17. CONFIDENTIAL ITEMS**

<b>No.</b>	<b>Item</b>	<b>Page No</b>	<b>Note</b>
1	Strategic Risk Update Report Quarter Two FY 2024/25	20 - 30	Confidential Item
2	Strategic Internal Audit Monitoring Report – Quarter Two FY 2024/25	31 - 39	Confidential Item
3	Work Health and Safety (WHS) 6 Monthly Performance Review for Year to Date (YTD) Financial Year (FY) 2024-2025	40 - 51	Confidential Item

**18. CLOSE OF MEETING**

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<b>1</b>	<b>SUBJECT:</b>	Compliance Audit Return 2024
	<b>DIRECTOR:</b>	Business Services
	<b>MEETING:</b>	Audit and Risk Committee
	<b>MEETING DATE:</b>	10 March 2025

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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 2024 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 Local Government in an approved form. The return covers the period 1 January 2024 to 31 December 2024.

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 the DLGSC prior to the 31 March 2025 deadline.

The Compliance Audit Return for 2024 has been completed and resulted in the City achieving 97.9% (92/94) compliance.

## Disclosure of Interest

N/A

## Confidentiality

N/A

## Previous Relevant Documentation

- G.5/3/24 26 March 2024 Compliance Audit Return 2023
- 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 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 inquiries 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 and these responses were compiled by the Risk and Compliance Officer and reviewed by the Executive Manager Governance Services before being forwarded to the Director Business Services for final review before submission to ELT and the Audit and Risk Committee.

The 2024 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. Integrated Planning and Reporting
8. Local Government Employees
9. Official Conduct
10. Optional Questions
11. Tenders for Providing Goods and Services

Two areas did not achieve full compliance for 2024:

Category	Question	Comment	Action & Follow Up
Disclosure of Interest	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2024?	<p>One delayed annual return due to an officer being on extended leave and were incorrectly omitted from the reminders.</p> <p>The breach of 5.76 of the <i>Local Government Act 1995 requiring a relevant person to</i> and was reported to Corruption and Crime Commission and the DLGSC.</p>	<p>Primary and Annual Returns procedures updated to include requirement for relevant persons to complete an Annual Return when on periods of extended leave (including long service leave, annual leave and maternity leave). Additionally, procedures implemented to ensure where a Relevant Person applies for leave over the reporting period for Annual Returns, they are reminded of their obligation to report.</p>
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 Annual Internal Audit Plan internal improvement reviews are undertaken through the year, on moderate to high-risk areas to assess both compliance with and adequacy of the control environment.</p>	<p>Ongoing reviews of controls and system improvements are continuing, including focused internal improvement reviews aimed at reducing risk of non-compliance.</p> <p>Four training courses and 19 training sessions were delivered that relate to procurement activities in 2024.</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). As part of these reviews, there were some instances of non-compliance with the Policy including variations to purchase orders exceeding the permitted amount, waiver of the Policy requirements not consistently documented and obtaining the required number of quotations.</p>	<p>With the introduction of the new mandatory online procurement training course, the Requisition Raisers and Approvers training was delivered by Finance only and was focusing on using the OneCouncil system.</p> <p>Separate face-to-face training sessions for evaluation panel members (high value procurement training) and low value procurement training will be delivered throughout 2025 to supplement the mandatory online training.</p> <ol style="list-style-type: none"> <li>1. Evaluation Handbook Training <ul style="list-style-type: none"> <li>• This training is mandatory for members of a procurement evaluation panel. It provides an understanding of the high value/high risk procurement process when conducted in consultation with the procurement services team. It provides evaluation panel members with an understanding of their role and responsibilities when sitting on an evaluation panel.</li> <li>• 6 sessions delivered in the reporting period.</li> </ul> </li> <li>2. Procurement Training low-medium risk (up to \$100K) <ul style="list-style-type: none"> <li>• This training provides an understanding of the City of Mandurah's low value (low to medium risk) procurement process undertaken by City Officers outside of the procurement team. This will be in line with the City of Mandurah's Procurement Framework. It covers procurement risks in local government, an outline of the policy objectives, procurement process for low value procurement, the parameters of decision making and the importance of record keeping.</li> <li>• 2 sessions delivered in the reporting period.</li> </ul> </li> </ol>
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		<p>3. Requisition Raisers (Procurement and Finance)</p> <ul style="list-style-type: none"> <li>• This training provides requisition raisers with an understanding of the City of Mandurah's Procurement Framework. It covers procurement risks in local government, an outline of the policy objectives, procurement process, the parameters of decision making and the importance of record keeping.</li> <li>• 2 sessions delivered in the reporting period</li> </ul> <p>4. Requisition Approvers (Procurement and Finance)</p> <ul style="list-style-type: none"> <li>• This training provides purchase order approvers with an understanding of the City of Mandurah's Procurement Framework. It covers procurement risks in local government, an outline of the policy objectives, procurement process, the parameters of decision makers and the responsibility held by those who are empowered to approve purchase orders.</li> <li>• 2 sessions delivered by Procurement and Finance</li> </ul> <p>5. Order to Pay training – Requisition Raisers (Finance)</p> <ul style="list-style-type: none"> <li>• To educate participants on the CoM Order to Pay Process and to provide them with the skills and knowledge to execute this process efficiently in OneCouncil.</li> <li>• 4 sessions delivered in the reporting period.</li> </ul> <p>6. Order to Pay Training – Requisition Approvers (Finance)</p> <ul style="list-style-type: none"> <li>• To educate participants on the CoM Order to Pay Process and to provide them with the skills and knowledge to execute this process efficiently in OneCouncil.</li> <li>• 3 sessions delivered in the reporting period</li> </ul>
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The completed 2024 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 2025.

## Consultation

Department of Local Government, Sport and Cultural Industries.

## Statutory Environment

*Local Government (Audit) Regulations 1996*

### 14. 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 subregulation (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.*

### 15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
  - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
  - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*
- (2) *In this regulation — certified in relation to a compliance audit return means signed by — (a) the mayor or president; and (b) the CEO.*

## Policy Implications

Reference to relevant policies has been made where appropriate.

## Risk Implications

The risk associated with Council failing to adopt the 2024 Compliance Audit Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

## Financial Implications

The CAR is completed in-house independently from the business areas which undertake the compliance functions for the City.

## Strategic Implications

The following community outcomes from the City of Mandurah Strategic Community Plan 2024 – 2044 are relevant to this report:

### Leadership:

- 4.2 Sound decisions based on evidence and meaningful engagement
- 4.6 A committed, innovative, effective and values driven Council and workforce

## Conclusion

The City's 2024 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 final approval by the Mayor and CEO before the report can be uploaded to the Minister via the DLGSC online portal.

### NOTE:

- Refer **Attachment 1.1** **2024 Compliance Audit Return**

## RECOMMENDATION

That the Audit and Risk Committee recommend that Council:

1. **Adopts the 2024 Local Government Compliance Audit Return for the period 1 January 2024 to 31 December 2024 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 2024 Compliance Audit Return and submit to the Department of Local Government, Sport and Cultural Industries.**



## COMPLIANCE AUDIT RETURN 2024

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 2024?	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 2024?	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 2024?	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 2024?	Yes	
5	s3.59(5)	During 2024, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	The following Council minutes refer: G.6/5/24, G.11/8/24 and G.12/8/24

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 <i>Local Government Act 1995</i> ?	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 2023/2024 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 <i>Local Government Act 1995</i> ?	Yes	



7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	<a href="#">28 May 2024 G.13/5/24</a> <a href="#">27 August 2024 G.18/8/24</a> <a href="#">24 September 2024 G.10/9/24</a>
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	<a href="#">28 May 2024 G.13/5/24</a> <a href="#">27 August 2024 G.18/8/24</a> <a href="#">24 September 2024 G.10/9/24</a>
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 2023/2024 financial year?	Yes	<a href="#">G.13/5/24 Council Meeting 28 May 2024</a> <a href="#">CEO Memo signed 14/6/24</a>
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 <i>Local Government Act 1995</i> , 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 <i>Local Government (Administration) Regulations 1996</i> 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 <i>Local Government Act 1995</i> 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 2024?	No	One breach of non-compliance with s 5.76 of the Act. The City has taken the necessary



				steps to report the breach to the Corruption and Crime Commission and the DLGSC at the time the breach was identified.
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 <i>Local Government Act 1995</i> ?	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 <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , 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 <i>Local Government Act 1995</i> , 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 <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the <i>Local Government (Administration) Regulations 1996</i> , 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 <i>Local Government Act 1995</i> , 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) <i>Local Government Act 1995</i> 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	Yes	



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		that person disclose the nature and extent of that interest when giving the advice or report?		
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the <i>Local Government Act 1995</i> 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) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the <i>Local Government Act 1995</i> , 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 <a href="#">Council Meeting of 23 February 2021 (G.11/2/21)</a>  <a href="#">Code of Conduct for Elected Members, Committee Members and Candidates</a>
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 <i>Local Government Act 1995</i> ?	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 employee of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	

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 <i>Local Government Act 1995</i> (unless section 3.58(5) applies)?	Yes	



<b>2</b>	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	Yes	
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Elections				
No	Reference	Question	Response	Comments
<b>1</b>	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ?	N/A	
<b>2</b>	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ?	N/A	
<b>3</b>	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ?	N/A	

Finance				
No	Reference	Question	Response	Comments
<b>1</b>	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the <i>Local Government Act 1995</i> ?	Yes	<a href="#">Carried by absolute majority 31/10/23 - G.17/10/23 and G.18/10/23</a>
<b>2</b>	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , 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 2024 received by the local government by 31 December 2024?	Yes	Council agenda item G.4/12/24
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 <i>Local Government Act 1995</i> 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 <i>Local Government Act 1995</i> , 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 2024 received by the local government within 30 days of completion of the audit?	Yes	Council agenda item G.4/12/24

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 (11/1) on 25 June 2024. G.3/06/24 refers.
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 (11/1) on 25 June 2024 (G.4/6/24).
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of <i>Local Government (Administration) Regulations 1996</i> 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 <i>Local Government (Administration) Regulations 1996</i> , regulation 18A?	Yes	
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	
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 <i>Local Government Act 1995</i> ?	N/A	
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Yes	
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	<a href="#">Council 17 December 2024, G.12/12/24 POL-GVN 09 Code of Conduct Complaints Management Policy</a>
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 <i>Local Government Act 1995</i> ?	Yes	
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ?	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
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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 <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2024? If yes, please provide the date of council's resolution to accept the report.	Yes	Council meeting 26 March 2024, agenda item G.6/3/24
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 <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2024? If yes, please provide date of council's resolution to accept the report.	N/A	The most recent Reg 17 audit was completed in 2023 and submitted to Council on 18 April 2023. G.5/4/23 refers.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of <i>the Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	N/A	
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?	N/A	
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 <i>Local Government Act 1995</i> ?	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?	N/A	
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 2024?	Yes	
8	s6.4(3)	By 30 September 2024, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2024?	Yes	
9	s.6.2(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 <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?	No	There were some instances of non-compliance with the Council Purchasing Policy including variations to purchase orders exceeding the permitted amount, waiver of Policy requirements not consistently documented and obtaining the required number of quotations.
2	s3.57 F&G Reg 11	Subject to <i>Local Government (Functions and General) Regulations 1996</i> , 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 <i>Local Government Functions and General) Regulations 1996</i> , 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 <i>Local Government (Functions and General) Regulations 1996</i> , 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 Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , 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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 17 and did the CEO make the tenders	Yes	



		register available for public inspection and publish it on the local government's official website?		
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	No	
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 Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996</i> , 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 <i>Local Government (Functions and General) Regulations 1996</i> , 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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24?	N/A	
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with <i>Local Government (Functions &amp; General) Regulations 1996</i> 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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 16,	N/A	



		as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?		
<b>18</b>	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 <i>Local Government (Functions and General) Regulations 1996, Regulation 24AG</i> ?	N/A	
<b>19</b>	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	
<b>20</b>	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	
<b>21</b>	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	
<b>22</b>	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F</i> ?	Yes	

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor/President

\_\_\_\_\_  
Date