



A G E N D A

FOR CITY AUDIT COMMITTEE TO BE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 12
MARCH 2007 AT 5:30PM

PRESENT:

APOLOGIES:

OBSERVERS:

IN ATTENDANCE:

DECLARATION OF MEMBERS' INTERESTS

PUBLIC QUESTION TIME

Note:

Meetings of the City Audit Committee are closed to the public on the basis that matters to be dealt with by Committee will generally be of a sensitive and confidential nature which, if disclosed, could reasonably be expected to impair the effectiveness of the audit process – Council resolution CS18/2001 refers.

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the City Audit Committee Meeting held on 14 November 2006, be confirmed.

I N D E X

CITY AUDIT COMMITTEE

12 MARCH 2007

COMPLIANCE AUDIT RETURN	
- 1 January to 31 December 2006.....	3

COMPLIANCE AUDIT RETURN – 1 JANUARY 2006 TO 31 DECEMBER 2006

WARD ALL
FILE REF: FIN/6
DATE 20 February 2007
REF NP
RESPONSIBLE MANAGER Manager Governance & Administration

In Brief:

Council is requested to:

- Adopt the 2006 Annual Compliance Audit Return for the period 1 January 2006 to 31 December 2006
- Endorse remedial action(s) either taken or proposed to be taken, in regard to reported instances of non compliance.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Initiative 5 - Developing Our Organisation:

- Deliver high quality, professional governance and administration
- Ensure the Council is a proactive, enquiring organisation

Legislation Implications

Local Government Act 1995 – Section 7.13(i)

Local Government (Audit) Regulations 1996 – Regulations 13, 14, 15

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

- Management Executive Group (MANEX)
- Delegated Senior officers

BACKGROUND

The *Local Government (Audit) Regulations 1996* requires each local government to carry out a compliance audit for the period 1 January to 31 December each year and to prepare a compliance audit return (CAR) as produced by the Department of Local Government and Regional Development (DLGRD).

The CAR is to be:

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

After the CAR has been presented to and adopted by Council, a certified copy of the Return signed by the Mayor and CEO, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Local Government by 31 March 2007.

The 2006 Local Government Compliance Audit Return is the seventh such Return that has been required by statute.

Last year's Return reported three (3) instances of non-compliance, the details of which in brief, were as follows:

1. Local Laws, Question 7. Council's Refuse, Rubbish and Disused Materials Local Law was reviewed administratively but not in accordance with the requirements of s3.16 ie. Management reviewed the local law, with the outcome of the review process confirming the ongoing relevance of the local law in all respects. A review of the Refuse Rubbish and Disused Materials Local Law in accordance with s3.16 has now commenced (February 2006) and officers responsible for periodic reviews of local laws were issued with written instructions on the s3.16 local law review requirements of the Act.
2. Local Government Employees, Question 5. Performance assessments of all employees, including the CEO, are reviewed on an annual basis. A small number of reviews fell outside the 12 month period due to absences of incumbents (annual leave, sick leave, long service leave). The CEO's performance appraisal had been completed within the 12 month period.
3. Local Government Employees, Question 7. Written based contracts are in place for the CEO and three (3) of the four (4) designated senior employees. One (1) outstanding contract had been substantially completed, letters of agreement in place, with details to be finalized.

COMMENT

The CAR is one of the tools available to assist Council in its monitoring role, enabling the Council to check its level of compliance with the legislative requirements of the Local Government Act 1995 (Act). The Return also forms part of the Department of Local Government and Regional Development's (DLGRD) monitoring program.

Non-compliance with the requirements of the Act continues to be highlighted through various inquiries and other similar reports prepared by the DLGRD and submitted to the Minister. With increased scrutiny being placed upon local governments in their operations, there is increased emphasis on ensuring every local government has, in place, processes that allow Council to monitor their operations.

The 2006 Return once again places emphasis on the need for Council to be aware and acknowledge instances of non-compliance or where full compliance was not achieved. In addition, the Return also requires Council to endorse details of remedial action either taken or proposed, to prevent future like occurrences.

The 2006 CAR has been compiled and is presented at **Attachment “A-1” - Summary of Attachments**, for consideration/comment by Committee, prior to it being submitted to Council.

The 2006 Return identifies seven (7) instances of non-compliance, the details of which together with remedial actions as appropriate, are presented hereunder:

1. Finance, Question 25 – Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution?

Response – Not all road works in progress as at 30th June 2006 were brought forward for inclusion in the 2006-07 Annual Budget. Consequently some road works expenditure occurred in 2006/2007 without appropriate budgets. Once the works were identified, a budget amendment pursuant to Section 6.8 of the Act was processed (by Absolute Majority) and the Road Works Program was modified accordingly.

Remedial Action – greater administrative attention be given to identifying those capital works in progress at year end requiring inclusion in the subsequent year’s budget.

2. Local Government Employees, Question 10 – Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment?

Response – As ordinarily happens due to staff being leave, there were but a few staff annual performance reviews that were not completed within the Return period.

Remedial Action – no specific action either taken or proposed.

3. Local Government Employees, Question 13 – During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996?

Response – Yes, with the exception of one (1) contract renewal which as at 31st December 2006, was in the process of being finalised.

Remedial Action - no specific action either taken or proposed.

4. Local Laws, Question 13 – Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years?

Response – The Signs, Hoardings and Billposting Local Law review, although commenced within the required 8 year review timeframe was not completed, due to delays experienced in what has been a major re-write of the local law requiring consider legal input. The review of this local law remains in progress.

Remedial Action - a written reminder of the need to complete local law reviews within the 8 year timeframe, together with a list of due review dates for each local law, be again forwarded to relevant officers.

5. Tenders for Providing Goods and Services, Question 1 – Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration was, or was expected to be, worth more than \$50,000. (Subject to Functions and General Regulation 11 (2))?

Response – There was one instance where value of materials/service provided by one supplier inadvertently exceeded the \$50,000 threshold, the details of which are explained as follows:

Carpet for refurbishment was purchased from a manufacturer to match already installed carpet. Manufacturer only supplies to approved installers. A written Schedule of Rates and Quotation was sought from the manufacturer's approved installers and three quotes obtained in compliance with Council's Purchasing Policy. The lowest quoted schedule of rates was accepted and work was carried out in a number of stages at various locations within the Administration Centre in an extended program accommodating the City's work flow.

Remedial Action - all officers having responsibility for initiating supplies worth more than \$50,000, are reminded of the Tender Requirements, noting that the \$50,000 limit has now been extended to \$100,000.

6. Disclosure of Interest, Question 5 – Was a primary return lodged by all newly designated employees within three months of their start date?

Response – One return not completed within the required 3 month timeframe, ie. was due by 26.1.06 but not completed until 8.5.06.

Remedial Action - New employee induction procedures have been implemented to ensure compliance.

7. Meeting Process, Question 57 – Has the local government reviewed its code of conduct in the 12 months immediately following each ordinary election day?

Response – Code review resolved by Council at 15.5.06 Council meeting whereas the due date was by 6.5.06 (ie within 12 months of 2005 election date)

Remedial Action - no specific action either taken or proposed.

Councillors have the opportunity to comment on the contents of the Return either via the March 12th City Audit Committee meeting or the March 19th Council Meeting, at which the 2006 CAR will be presented for adoption purposes.

The 2006 CAR once adopted will be certified/signed and forwarded to the Department of Local Government and Regional Development by the Return due date of 31st March 2007.

RECOMMEND

That Council:

- a) adopts the Local Government Compliance Audit Return for the Year 2006, as presented at Attachment “A-1” to the Agenda;**
- b) acknowledges the joint certification, which is to be signed by the Mayor and Chief Executive Officer; and**
- c) endorses the remedial action(s) as detailed within the Return.**

Moved Cr _____
Motion Carried/Lost (....)

CITY AUDIT COMMITTEE

SUMMARY OF "A" ATTACHMENTS

12 MARCH 2007

Attachment No.	Subject	Page
A-1	COMPLIANCE AUDIT RETURN - 1 January to 31 December 2006	9

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
and Regional Development**
Government of Western Australia

Armadale - Compliance Audit Return 2006

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2005 to 30 June 2006.	Yes		

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial.	N/A		
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants.	N/A		
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in 2 above.	N/A		

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) Functions & General Regulation 7,9	Has the local government prepared a business plan for each major trading undertaking in 2006.	N/A		
2	s3.59(2)(a)(b)(c) Functions & General Regulation 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2006.	N/A		
3	s3.59(2)(a)(b)(c) Functions & General Regulation 7,11	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 2006.	N/A		
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2006.	N/A		
5	s3.59(5)	Did the Council, during 2006, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
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Government of Western Australia

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		
4	s5.16, 5.17, 5.18	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 2005/2006 financial year.	N/A		
6	s5.42(1),5.43 Administration Regulation 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		
8	s5.42(1)(2) Admin Reg 18	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	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2005/2006 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 as required.	Yes		

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
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Government of Western Australia

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	One return not completed within the required 3 month timeframe, i.e. was due by 26.1.06 but not completed until 8.5.06. New employee induction procedures have been implemented to ensure compliance.	
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2006.	Yes		
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2006.	Yes		
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		
10	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		
13	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



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

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg19B	Has the local government prepared an annual report for the financial year ended 30 June 2006 that contained the prescribed information under the Act and Regulations.	Yes		
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2006.	Yes		
3	s5.54(1), (2)	If the Auditor's report was not available in time for acceptance by 31 December, will it be accepted no more than two months after the Auditor's report is made available.	N/A		
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	Yes		
7	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		
8	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		
9	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
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No	Reference	Question	Response	Comments	Respondent
10	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	Yes		
11	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		
12	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		
13	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		
14	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		
15	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	Yes		
16	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		
17	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes	7.8.2006	
18	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		
19	Financial Management Reg 33	Was the 2006/2007 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes	30.8.2006	
20	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
and Regional Development**
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No	Reference	Question	Response	Comments	Respondent
21	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	N/A		
22	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	N/A		
23	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2006, submitted to the Auditor by 30 September 2006 or by the extended time allowed by the Minister or his delegate.	Yes		
24	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes		
25	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	No	Not all road works in progress as at 30th June 2006 were brought forward for inclusion in the 2006-07 Annual Budget. Consequently some road works expenditure occurred in 2006-07 without appropriate budgets. Once the works were identified, a budget amendment pursuant to Section 6.8 of the Act was processed (by Absolute Majority) and the Road Works Program was modified accordingly. Greater administrative attention will be given to identifying those capital works in progress at year end requiring inclusion in the subsequent years budget	
26	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		
27	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
and Regional Development**
Government of Western Australia

No	Reference	Question	Response	Comments	Respondent
28	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		
29	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes		
30	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes		
31	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A		
32	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	N/A		
33	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000).	N/A		
34	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	N/A		
35	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		
36	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		
37	s6.17(3)	Were the fees or charges imposed for a copy of information available under section 5.96, limited to the cost of providing the service or goods.	Yes		
38	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		
39	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
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No	Reference	Question	Response	Comments	Respondent
40	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes		
41	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A		
42	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		
43	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A		
44	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A		
45		Did Council determine by absolute majority to impose a general rate on rateable land within its district .	Yes		
46		Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	Yes		
47		Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		
48		Did Council determine by absolute majority to impose a service charge on rateable land within its district .	N/A		
49	s6.33(3)	Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	N/A		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
and Regional Development**
Government of Western Australia

No	Reference	Question	Response	Comments	Respondent
50	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	No		
51	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		
52	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		
53	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	N/A		
55	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	N/A		
56	s6.36	Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	N/A		
57	s6.36	Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	N/A		
58	s6.38(1) FM Reg 54	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A		

Department of Local Government and Regional Development - Compliance Audit Return



**Department of Local Government
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No	Reference	Question	Response	Comments	Respondent
59	s6.38	Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A		
60	s6.46	Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	N/A		
61	s6.47	When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	N/A		
62	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes		
63	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	N/A		
64	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes		
65	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes		
66	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes		
67	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes		
68	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes		
69	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	N/A		

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No	Reference	Question	Response	Comments	Respondent
70	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	Yes		
71	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes		
72	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		
73	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	N/A		
74	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		
75	FM Reg 19	Do the internal control procedures over investments, established and documented by the local government, enable the identification of the transactions related to each investment.	Yes		
76	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes		
77	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		
78	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes		
79	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		
80	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		
81	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		
82	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		

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No	Reference	Question	Response	Comments	Respondent
83	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		
84	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2006 received by the local government within 30 days of completion of the audit.	Yes		
85	s7.9(1)	Was the Auditor's report for 2005/2006 received by the local government by 31 December 2006.	Yes		
86	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		
87	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		
88	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		
89	A Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		
90	A Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		
91	A Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		
92	A Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		
93	A Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		
94	FM Reg 33A	Did the local government, between 1 January and 31 March 2006, carry out a review of its annual budget for the year ended 30 June 2006.	Yes		

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Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	s9.59, Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position was advertised.	N/A		
2	s5.36(4), 5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and for designated senior employees advertised.	N/A		
3	s5.36(4), 5.37(3), Admin Reg 18A	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	N/A		
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	N/A		
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	N/A		
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	N/A		
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	N/A		
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	N/A		
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	No	98% were completed but as ordinarily happens due to staff being on leave, there were but a few staff annual performance reviews that were not completed within the Return period. No specific action either taken or proposed.	
11	Admin Reg 18D	When the Council considered the CEO's performance review did it decide to accept the review (with or without modification).	Yes		
12	Admin Reg 18D	When the Council considered the CEO's performance review did it decide to reject the review.	No		

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No	Reference	Question	Response	Comments	Respondent
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	No	Yes, with the exception of one (1) contract renewal which as at 31st December 2006, was in the process of being finalised.	
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes		
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true. (Applicable if staff engaged in 2006)	Yes		

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Local Government Grants Commission					
No	Reference	Question	Response	Comments	Respondent
1	s12(4) Local Government Grants Act 1978	Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission.	Yes		

Local Laws					
No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	Yes		
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	Yes		
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	Yes		
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	Yes		
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	Yes		
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	Yes		
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	Yes		
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	Yes		
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	Yes		

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No	Reference	Question	Response	Comments	Respondent
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	Yes		
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	Yes		
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	Yes		
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	No	The Signs, Hoardings and Billposting Local Law review, although commenced within the required 8 year review timeframe was not completed due to delays experienced in what has been a major re-write of the local law requiring considerable legal input. The review of this local law remains in progress. A written reminder of the need to complete local law reviews within the 8 year timeframe, together with a list of due review dates for each local law, be again forwarded to relevant officers.	
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	Yes		
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	Yes		
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	Yes		

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No	Reference	Question	Response	Comments	Respondent
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	Yes		
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	Yes		

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	Yes		
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		

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No	Reference	Question	Response	Comments	Respondent
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes		
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		

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No	Reference	Question	Response	Comments	Respondent
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	Yes		
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		
25	s5.24 (1) AR 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		
26	s5.24 (1) AR 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		
27	s5.24 (1) AR 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes		
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A		
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	N/A		
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes		
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		

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No	Reference	Question	Response	Comments	Respondent
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	Yes		
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	Yes		

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No	Reference	Question	Response	Comments	Respondent
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		

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No	Reference	Question	Response	Comments	Respondent
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all token gifts received by Council members and employees.	Yes		
57	s5.103	Has the local government reviewed its code of conduct in the 12 months immediately following each ordinary election day. (Please advise of the Date of Review in the comments column. If the review has not been done please indicate when the review will be undertaken).	No	Code review resolved by Council at 15.5.06 Council meeting whereas the due date was by 6.5.06 (i.e. within 12 months of 2005 election date). No specific action either taken or proposed.	

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	Yes		

Swimming Pools

No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		

Tenders for Providing Goods and Services

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No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than \$50,000. (Subject to Functions and General Regulation 11(2))	Yes	There was one instance where value of materials/service provided by one supplier inadvertently exceeded the \$50,000 threshold, the details of which are explained as follows: Carpet for refurbishment was purchased from a manufacturer to maych already installed carpet. This manufacturer only supplies to approved installers. A written Schedule of Rates and Quotation was sought from the manufacturer's approved installers and three quotes obtained in compliance with Council's Purchasing Policy. The lowest quoted schedule of rates was accepted and work was carried out in a number of stages and various locations within the Administration Centre in an extended program accommodating the City's work flow. At the conclusion it was found that the total value actually exceeded \$50,000. All officers having responsibility for initiating supplies worth more than \$50,000 are reminded of the Tender Requirements, noting that the \$50,000 limit has now been extended to \$100,000.	
2	F&G Reg 12	Is the local government aware of any occasion in which it entered into 2 or more contracts to avoid the requirements to call tenders in accordance with F&G Reg 11(1).	Yes		
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		

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No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		
12	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		
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		
16	F&G Reg 16 (2)&(3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		

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No	Reference	Question	Response	Comments	Respondent
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	N/A		
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	N/A		
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		

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29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	N/A		
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	N/A		
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	N/A		
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	N/A		
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	N/A		
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	N/A		
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		

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No	Reference	Question	Response	Comments	Respondent
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		