

CITY OF ARMADALE

MINUTES

OF CITY AUDIT COMMITTEE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON
WEDNESDAY, 20 MARCH 2024 AT 7.00PM.

In the absence of the Chair, Cr Peter and Deputy Chair, Cr Hetherington, the Executive Director Corporate Services called for nominations for a Committee Member to Chair the meeting. Cr Keogh was nominated by Mayor Butterfield. Cr Keogh accepted the nomination and took the Chair.

PRESENT:

- Cr J Keogh (Chair)
- Cr Sargeson (Deputy to Cr P A Hetherington)
- Mayor R Butterfield
- Cr S J Mosey
- Cr S Virk (Deputy to Cr M Silver)
- Cr K Kamdar (Deputy to Cr S Peter)
- Mr S Linden (Independent Member)

APOLOGIES:

- Cr M Silver (Leave of Absence)
- Cr S Stoneham (Leave of Absence)
- Cr S Peter (Chair) (Leave of Absence)
- Cr P A Hetherington (Deputy Chair) (Leave of Absence)

OBSERVERS:

- Cr J Joy
- Cr G J Smith
- Cr P A Hetherington (Teams)

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	Executive Director Corporate Services
Mr M Hnatojko	Executive Manager Corporate Services
Mr B Bell	Manager ICT
Ms M Bell	Head of City Legal (Teams)
Mr D Baker	Senior Governance Advisor (Teams)
Mrs A Owen-Brown	Executive Assistant Corporate Services

Note:

The Audit Committee is a formally appointed committee of council responsible to that body and does not have any power or duty from the Council. As the matters discussed may be of a sensitive and confidential nature which, if disclosed could reasonably be expected to impair the effectiveness of the audit process, the Audit Committee meetings are closed to the public.
– Council resolution CS53/10/2020 refers.

*“For details of Councillor Membership on this Committee, please refer to the City’s website
– www.armadale.wa.gov.au/mayor-councillors-and-wards.”*

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read as there were no members of the public present.

DECLARATION OF MEMBERS' INTERESTS

Nil.

QUESTION TIME

Nil.

DEPUTATION

Nil.

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the City Audit Committee Meeting held on 7 February 2024 be confirmed.

**Moved Cr S J Mosey
MOTION CARRIED**

(7/0)

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CITY AUDIT COMMITTEE

20 MARCH 2024

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1.1 - 2023 COMPLIANCE AUDIT RETURN

WARD : ALL
FILE No. : M/108/24
DATE : 5 March 2024
REF : DB
RESPONSIBLE : Manager City
MANAGER : Governance

In Brief:

- Council is requested to consider and adopt the 2023 Compliance Audit Return covering the period 1 January 2023 to 31 December 2023 as presented, noting that there were 5 instances of non-compliance out of 94 questions.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes

Legal Implications

Local Government Act 1995

Section 7.13(1)(i) – Regulations as to audits

Local Government (Audit) Regulations 1996

Regulation 13 – prescribed statutory requirements for which compliance audit needed.

Regulation 14 – compliance audits by local governments.

Regulation 15 – compliance audit return, certified copy of etc. to be given to Department CEO.

Regulation 16 – Functions of audit committee

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

Nil.

Consultation

- Executive Leadership Team (ELT)
- Internal stakeholders and managers.

BACKGROUND

The Local Government (Audit) Regulations 1996 require every local government to carry out a Compliance Audit for the period 1 January to 31 December each year and to complete a Compliance Audit Return (CAR) as produced by the Department of Local Government, Sport and Cultural Industries (DLGSC).

The CAR is to be:

- Reviewed by the Audit Committee
- Presented to Council at a meeting of the Council
- Adopted by the Council
- Recorded in the minutes of the council meeting at which it is adopted.

After the CAR has been presented to and adopted by Council, a certified copy is to be signed by the Mayor and CEO for lodgement with the Department by 31 March 2024 together with the relevant section of the council minutes and any additional information explaining or qualifying the compliance audit.

ANALYSIS

Officers with delegated powers were randomly selected to provide responses to the CAR in respect of the recording of their use of delegated powers, and procurement activity. Note however, Executive Directors and Managers were not subject to this random selection – all Executive Directors and Managers were required to provide responses.

The process then examined documents and other records to assess the City’s compliance with the questions posed in the CAR. Each question has been addressed either wholly or by sample, depending on the volume of activity and assessed risk factors. Where a sample has been examined, the audit findings are based only on that sample. The City Legal business unit then reviewed all responses and where necessary, clarified them with the relevant Manager or Executive Director and conducted any further research to quantify a response.

The content of the CAR and wording of the questions was the same as the previous reporting period. In all, there are 94 questions with 9 of those being optional. The following areas of activity are required to be answered:

1. Commercial Enterprises by Local Governments (5 questions)
2. Delegation of Power / Duty (13 questions)
3. Disclosure of Interest (21 questions)
4. Disposal of Property (2 questions)
5. Elections (Gift Register) (3 questions)
6. Finance (7 questions)
7. Integrated Planning and Reporting (3 questions)
8. Local Government Employees (5 questions)
9. Official Conduct (4 questions)
10. Tenders for providing Goods and Services (22 questions)
11. Optional Questions (9 questions).

The CAR process identified 5 non-compliances as follows:

Delegation of Power/Duty			Answer	Narration
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 Local Government (Administration) Regulations 1996, regulation 19?	No	Sample auditing of the City’s records shows inconsistent compliance with this requirement. Education and reinforcement of the requirement is ongoing.
Disclosure of Interest			Answer	Narration
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?	No	A designated employee did not submit a Primary Return within three months of their start day notwithstanding numerous reminders. This has been reported to the CCC.

Tenders for Providing Goods and Services		Answer	Narration
1	F&G Reg 11A(1) & (3)	No	Examples identified where purchase orders were raised after invoice date. This was impacted by the transition from Authority to OneCouncil however with the new chart of accounts and reporting functions of OneCouncil, instances of staff raising POs after invoice date are being reported to ELT monthly from January 2024.
7	F&G Reg 17	No	Tender 26 of 2022 shown in the register does not contain the information required by r. 17(2)(f) and 17(3) – name of successful tenderer and consideration sought in the tender
10	F&G Reg 19	No	Tender 3 of 2023, no tender was accepted. However notice to the tenderers that they were unsuccessful did not reference that no tender was accepted in accordance with r. 19.

The 2023 CAR was released early compared to being released late for 2022, consequently officers were able to invest more time interrogating responses and information.

Some of the matters identified are low level administrative errors, such as those relating to tenders, and are able to be easily corrected. For others, ongoing education and reinforcement of existing procedures is occurring to reduce the likelihood of repeat occurrences and the Executive Leadership Team has required monthly reporting on purchase orders raised after invoice date in particular; this will allow Executive Directors to address this issue with officers directly.

CONCLUSION

It is recommended that the 2023 Compliance Audit Return as presented in the attachment to this report, be adopted by Council.

ATTACHMENTS

1. 2023 Compliance Audit Return

RECOMMEND

CA2/3/24

That Council:

1. **Adopt the 2023 Compliance Audit Return, presented as an attachment.**
2. **Note that that the 2023 Compliance Audit Return presented as an attachment will be subsequently jointly certified by the Mayor and Chief Executive Officer for submission to the Department of Local Government, Sport and Cultural Industries.**

Moved Cr L Sargeson
MOTION CARRIED

(7/0)

1.2 - CYBER SECURITY - 2024 UPDATE

WARD : ALL
FILE No. : M/135/24
DATE : 13 March 2024
REF : AO
RESPONSIBLE : Executive Director
MANAGER : Corporate Services

In Brief:

- A confidential report is presented separately to this Agenda.

Strategic Implications

- 4.1 Strategic Leadership and effective management
 - 4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes
- 4.2 A culture of innovation
 - 4.2.1 Embrace the use of technology to achieve improved efficiency and effectiveness of City functions

Legal Implications

Nil.

Council Policy/Local Law Implications

- ADM25 – Risk Management Policy.

Budget/Financial Implications

The ICT Strategy has a number of projects and initiatives to strengthen the City’s cyber security maturity. This includes an allocation of \$145,000 in FY24 for an Information/Cyber Security Officer, a position that has assisted in advancing the City’s cyber security maturity.

To align with the Australian Government Cyber security requirements the level of monitoring, reporting and analysis of Cyber security issues has increased. In the 2023/24 financial year this is expected to grow from \$12,000 to \$31,00 per annum, with future increases as the City becomes more mature in its Cyber Security processes.

Consultation

Details are outlined in the confidential report.

A Confidential Report is presented separately to this Agenda.

ATTACHMENTS

RECOMMEND

CA3/3/24

That Council approve the recommendation as detailed in the attached Confidential Report.

Moved Cr R Butterfield

MOTION CARRIED

(7/0)

COUNCILLORS' ITEMS

Nil.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil.

MEETING DECLARED CLOSED AT 8.02PM

CITY AUDIT COMMITTEE		
SUMMARY OF ATTACHMENTS		
20 MARCH 2024		
ATT NO.	SUBJECT	PAGE
1.1 2023 COMPLIANCE AUDIT RETURN		
1.1.1	2023 Compliance Audit Return	9



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

Compliance Audit Return 2023

Commercial Enterprises by Local Governments					
No	Reference	Question	Respondent	Answer	Narration
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	David Baker	N/A	None in the reporting period
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	David Baker	N/A	None in the reporting period
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023?	David Baker	N/A	None in the reporting period
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023?	David Baker	N/A	See answer 1-3
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	David Baker	N/A	See answer 1-3

Delegation of Power/Duty					
No	Reference	Question	Respondent	Answer	Narration
1	s5.16(1)	Were all delegations to committees resolved by absolute majority?	David Baker	N/A	Council does not operate committees with delegated authority
2	s5.16(2)	Were all delegations to committees in writing?	David Baker	N/A	See answer 1
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	David Baker	N/A	See answer 1
4	s5.18	Were all delegations to committees recorded in a register of delegations?	David Baker	N/A	See answer 1
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	David Baker	N/A	See answer 1
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> ?	David Baker	Yes	
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	David Baker	Yes	OCM 12 June 2023 and 26 June 2023
8	s5.42(2)	Were all delegations to the CEO in writing?	David Baker	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	David Baker	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?	David Baker	Yes	See answer 7
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?	David Baker	Yes	Delegations Register is available for perusal on the City's website
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	David Baker	Yes	See answer 7

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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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 Local Government (Administration) Regulations 1996, regulation 19?	David Baker	No	Sample auditing of the City's records shows inconsistent compliance with this requirement. Education and reinforcement of the requirement is ongoing.
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Disclosure of Interest					
No	Reference	Question	Respondent	Answer	Narration
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?	Sapphire D'Souza	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 the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	Marie Cox	N/A	None during the reporting period
3	s5.73	Were disclosures under section 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?	Sapphire D'Souza	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?	David Baker	No	A designated employee did not submit a Primary Return within three months of their start day notwithstanding numerous reminders. This has been reported to the CCC.
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	David Baker	Yes	
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	David Baker	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> ?	David Baker	Yes	The City uses the Attain system for this purpose
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 Local Government (Administration) Regulations 1996, regulation 28?	Sapphire D'Souza	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?	David Baker	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period	David Baker	Yes	

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		of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?			
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	David Baker	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?	David Baker	Yes	
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	David Baker	Yes	None during the reporting period
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	David Baker	N/A	None during the reporting period
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Marie Cox	N/A	None during the reporting period
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 s5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	Sapphire D'Souza	N/A	None during the reporting period
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) of the Local Government Act 1995 recorded in the minutes of the council meeting at which the decision was considered?	Sapphire D'Souza	N/A	None during the reporting period
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?	David Baker	Yes	
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	David Baker	Yes	
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	David Baker	Yes	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	David Baker	Yes	

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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Disposal of Property					
No	Reference	Question	Respondent	Answer	Narration
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	David Baker	Yes	Amplitel telecommunications tower lease at portion Lot 84 Williams Rd, Kelmscott, resolved by Council 26 June 2023
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property?	David Baker	Yes	The Examiner newspaper 28 September 2023, the City's website, social media channels and public notice boards

Elections					
No	Reference	Question	Respondent	Answer	Narration
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	David Baker	Yes	Register is maintained as required however contains no entries
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	David Baker	N/A	See answer 1
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	David Baker	Yes	See answer 1

Finance					
No	Reference	Question	Respondent	Answer	Narration
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995?	David Baker	Yes	SCM 26 October 2023
2	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?	David Baker	N/A	Council has not delegated powers or duties to the audit committee
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Michael Hnatjko	Yes	

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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?	Michael Hnatojko	Yes	Response to the audit findings in progress with timeframes for completion provided
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?	Michael Hnatojko	N/A	No significant findings were noted in the audit report
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?	Michael Hnatojko	N/A	
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Michael Hnatojko	Yes	

Integrated Planning and Reporting					
No	Reference	Question	Respondent	Answer	Narration
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?	Rhys Price	Yes	Adopted OCM 27 March 2023
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?	Rhys Price	Yes	Adopted OCM 28 August 2023
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Rhys Price	Yes	

Local Government Employees					
No	Reference	Question	Respondent	Answer	Narration
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	David Baker	N/A	None during the reporting period
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	David Baker	N/A	See answer 1
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> ?	David Baker	N/A	See answer 1
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	David Baker	N/A	See answer 1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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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?	David Baker	N/A	See answer 1
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Official Conduct					
No	Reference	Question	Respondent	Answer	Narration
1	s5.120	Has the local government designated an employee to be its complaints officer?	David Baker	Yes	CEO has designated the Head of City Legal as complaints officer pursuant to s.5.120(1)
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> ?	David Baker	Yes	The register is maintained and published as required, but contains no entries as no findings have been made under s. 5.110(2)
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> ?	David Baker	Yes	See answer 2
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?	David Baker	Yes	See answer 2

Optional Questions					
No	Reference	Question	Respondent	Answer	Narration
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	Michael Hnatojko	Yes	Review was conducted by Viaje Strategic during the reporting period with the report provided to the CEO January 2024 - Report to Audit Committee expected April 2024
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Rhys Price	Yes	Review presented to City Audit Committee 16 March 2023
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>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?	David Baker	N/A	None during the reporting period
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?	David Baker	Yes	
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> ?	David Baker	Yes	Whilst the schedule of fees and charges is not in a central location, the information is

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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					available on the City's website according to the relevant service required.
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?	David Baker	Yes	In the process of amendment in accordance with recent LGA changes
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	David Baker	Yes	Link to training report
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Michael Hnatojko	Yes	The accounts were presented without the asset infrastructure revaluation included as was not received in time from the external consultant – the City received a 1 month extension from DLGSC and revised accounts were provided before Oct 31 2023
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	David Baker	Yes	

Tenders for Providing Goods and Services					
No	Reference	Question	Respondent	Answer	Narration
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	David Baker	No	Examples identified where purchase orders were raised after invoice date. This was impacted by the transition from Authority to OneCouncil however with the new chart of accounts and reporting functions of OneCouncil, instances of staff raising POs after invoice date are being reported to ELT monthly since January 2024
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Josephine Tye	Yes	The local government did invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be \$250,000 or more
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government	Josephine Tye	Yes	When regulations 11(1), 12(2) or 13 of the Local Government Functions and

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	(4)	invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?			General) Regulations 1996, required tenders to be publicly invited, the TENDER samples listed give evidence that the local government provided public notice via The West Australian and City of Armadale Website on all occasions.
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	David Baker	N/A	None during the reporting period
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?	Josephine Tye	Yes	The local government took every reasonable step to give each person who sought copies of the tender documents or each acceptable tender notice of any variations/ addendum. The local government provides a set time period for queries, closes "question time" and distributes all questions and responses to a person who sought copies of the tender documents or each acceptable tender.
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Josephine Tye	Yes	The local government procedure for receiving and opening tenders complied with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16. The local government does not open and view any tender prior to the closing date and time, two officers present upon opening and receipt of opening is uploaded to the Tender file.
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	David Baker	No	Tender 26 of 2022 shown in the register does not contain the information required by r. 17(2)(f) and 17(3) - name of successful tenderer and consideration sought in the tender
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?	Josephine Tye	Yes	There were no tenders that were not submitted at the place, and within the time, specified in the invitation to tender

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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?	Josephine Tye	Yes	In line with F&G Reg 18(4) tenders not rejected were assessed against the "Tender Evaluation Matrix" which includes the criteria for deciding which tender to accept.
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?	David Baker	No	Tender 3 of 2023, no tender was accepted. However notice to the tenderers that they were unsuccessful did not reference that no tender was accepted in accordance with r. 19.
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	Josephine Tye	N/A	No expressions of interest were sought in 2023
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?	Josephine Tye	N/A	No expressions of interest were sought in 2023
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Josephine Tye	N/A	No expressions of interest were sought in 2023
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	Josephine Tye	N/A	No expressions of interest were sought in 2023
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 Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE?	Josephine Tye	Yes	The Local Government invited applicants for a panel of pre-qualified suppliers via statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE. The local government advertised via the West Australian newspaper and posted advertisement for the Public Notice Boards.
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	Josephine Tye	N/A	There were no instances where the local government sought to vary the information supplied

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		submitted an application notice of the variation?			to the panel in 2023.
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	Josephine Tye	Yes	The local government procedure for receiving and opening applications for a panel of pre-qualified suppliers complied with the requirements of Local Government (Functions and General) Regulations 1996. The local government does not open and view any pre-qualified supplier panel applications prior to the closing date and time, two officers present upon opening and receipt of opening is uploaded to the PPS file.
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?	Josephine Tye	Yes	
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	Josephine Tye	Yes	There were no applications rejected 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.
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	Josephine Tye	Yes	All accepted applications were 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
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	Josephine Tye	Yes	The local government complied with F&G Reg 24AI in all the aforementioned samples and provided all unsuccessful tender applicants with "Notice of Unsuccessful tender" via email. All unsuccessful tenders were provided the opportunity to ask questions and seek feedback at this time.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	David Baker	N/A	The City does not give regional price preference