



The Council of the City of Cockburn

Special Council Meeting  
**Agenda Paper**

Tuesday, 26 March 2024



PO Box 1215, Bibra Lake  
Western Australia 6965

Cnr Rockingham Road and  
Coleville Crescent, Spearwood

Telephone: (08) 9411 3444

## Notice of Meeting

Pursuant to Clause 2.5 of Council's Standing Orders, a Special Meeting of Council has been called for Tuesday 26 March 2024. The meeting is to be conducted at 6.00pm in the City of Cockburn Council Chambers, Administration Building, Coleville Crescent, Spearwood.

## Purpose of Meeting

- To adopt the Compliance Audit Return (CAR) for the period of 1 January to 31 December 2023, for it to be submitted to the Department Local Government Sports and Cultural Industries by the statutory timeframe of 31 March 2024, as required by Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* (as amended)
- Confidential Item

A handwritten signature in black ink, appearing to read 'D. Simms', is positioned above the name of the Chief Executive Officer.

Daniel Simms  
**Chief Executive Officer**

## Special Council Meeting

### 6pm, Tuesday, 26 March 2024

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## Agenda

### 1. Declaration of Meeting

“Kaya, Wanju Wadjuk Budjar” which means “Hello, Welcome to Wadjuk Land”.

The Presiding Member will acknowledge the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians present.

### 2. Appointment of Presiding Member (when required)

### 3. Disclaimer (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position.

Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

### 4. Acknowledgement of Receipt of Written Declarations of Financial Interests and Conflict of Interest (by Presiding Member)

Nil

### 5. Apologies & Leave of Absence

Leave of Absence: Cr Carol Zhang

Apology: Cr Kevin Allen

### 6. Public Question Time

### 7. Deputations

**8. Declaration by Members Who have Not Given Due Consideration to Matters Contained in the Business Paper Presented before the Meeting**

**9. Purpose of Meeting**

- To adopt the Compliance Audit Return (CAR) for the period of 1 January to 31 December 2023, for it to be submitted to the Department Local Government Sports and Cultural Industries by the statutory timeframe of 31 March 2024, as required by Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* (as amended)
- Confidential Item

## 10. Committee Reports

### 10.1.1 Local Government Compliance Audit Return 2023

<b>Executive</b>	Executive Governance and Strategy
<b>Author</b>	Risk and Governance Advisor
<b>Attachments</b>	1. Compliance Audit Return 2023

#### **Officer Recommendation**

The Committee recommends Council

- (1) ADOPTS the Local Government Compliance Audit Return 2023 for the 2023 calendar year, presented as the attachment to this report, for adoption by Council; and
- (2) ACKNOWLEDGES that the Compliance Audit Return 2023 presented as the attachment to this report will be subsequently jointly certified by the Mayor and Chief Executive Officer for submission to the Department of Local Government, Sport and Cultural Industries.

#### **Committee Recommendation**

MOVED Deputy Mayor C Stone SECONDED Mayor L Howlett

That Council:

- (1) Subject to an amendment to the comment for Finance item 1, to remove the word “not”, ADOPTS the Local Government Compliance Audit Return 2023 for the 2023 calendar year, presented as the attachment to this report, for adoption by Council; and
- (2) ACKNOWLEDGES that the Compliance Audit Return 2023 presented as the attachment to this report will be subsequently jointly certified by the Mayor and Chief Executive Officer for submission to the Department of Local Government, Sport and Cultural Industries.

**CARRIED 6/0**

## **Background**

Pursuant to Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*, completion of the Local Government Compliance Audit Return (CAR) has been mandatory for all local governments in Western Australia since 2000.

The Audit Risk and Compliance (ARC) Committee is required to review the CAR and is to report to Council the results of that review.

The CAR is then required to be presented to the Council, adopted by the Council and recorded in the minutes if the meeting at which it is adopted.

## Report

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 CAR as produced by the Local Government, Sports 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.

Pursuant to Regulation 14(3A) of the *Local Government (Audit) Regulations 1996* the CAR 2023 is to be presented to, and reviewed by, a meeting of the ARC Committee, and the result of that review reported to a meeting of Council for adoption.

Attachment 1 represents the CAR 2023 completed by City Officers, to be reviewed by the ARC Committee. The CAR 2023 was facilitated by the City's Legal and Compliance Service Unit.

The CAR 2023 did not identify any instances of non-compliance.

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 DLGSC by 31 March 2024 together with the relevant section of the council minutes and any additional information explaining or qualifying the CAR.

Following its adoption by Council, and pursuant to Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*, the City will submit the following documents to DLGSC by the 31 March 2023:

- City of Cockburn CAR 2023 Certified Copy of Return for the period 1 January 2023 to 31 December 2023, signed by the Mayor and Chief Executive Officer
- Copy of the relevant section of the Council Minutes, confirming Council's adoption of the CAR 2023.

## Strategic Plans/Policy Implications

### Listening & Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.

## Budget/Financial Implications

N/A

**Legal Implications**

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

**Community Consultation**

N/A

**Risk Management Implications**

Failure to adopt the recommendation will result in non-compliance with meeting the 31 March 2024 deadline for the CAR statutory reporting requirements to the regulator, the DLGSC.

**Advice to Proponent(s)/Submitters**

N/A

**Implications of Section 3.18(3) *Local Government Act 1995***

Nil

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



Cockburn – Compliance Audit Return

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	Yes	Respondent: Anton Lees.  ARC Business Plan, X 2 OCM 09/02/2023 (2023/Minute No 0012) OCM 09/11/2023 (2023/Minute No 0292).
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?	Yes	Respondent: Anton Lees.  ARC Business Plan, X 2 OCM 09/02/2023 (2023/Minute No 0012) OCM 09/11/2023 (2023/Minute No 0292).
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?	Yes	Respondent: Anton Lees.  ARC Business Plan, X 2 OCM 09/02/2023 (2023/Minute No 0012) OCM 09/11/2023 (2023/Minute No 0292).
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?	Yes	Respondent: Anton Lees.  ARC Business Plan, X 2 OCM 09/02/2023 (2023/Minute No 0012) OCM 09/11/2023 (2023/Minute No 0292).
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	Respondent: Anton Lees.  ARC Business Plan, X 2 OCM 09/02/2023 (2023/Minute No 0012) OCM 09/11/2023 (2023/Minute No 0292).

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Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
2	s5.16 (2)	Were all delegations to committees in writing?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment">https://www.cockburn.wa.gov.au/getattachment</a>

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6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Delegated-Authorities">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Delegated-Authorities</a>  Details in position descriptions and/or register.

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10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Delegated-Authorities">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Delegated-Authorities</a>
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?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a>
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	Yes	Respondent: Michelle Todd.  Records are required to be kept in Attain and/or ECM as required.

Disclosure of Interest				
No	Reference	Question	Response	Comments
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	N/A	Respondent: Michelle Todd.
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	Respondent: Michelle Todd.

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3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes	Respondent: Michelle Todd.  Recorded in Minutes of Council and Committee where declarations were made. Refer Minutes on City's website. <a href="https://www.cockburn.wa.gov.au/City-and-Council/About-Council-Meetings-and-Elections/Agendas-and-Minutes/?page=1&amp;sortBy=">https://www.cockburn.wa.gov.au/City-and-Council/About-Council-Meetings-and-Elections/Agendas-and-Minutes/?page=1&amp;sortBy=</a>
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Primary-and-Annual&gt;Returns">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Primary-and-Annual&gt;Returns</a>
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Primary-and-Annual&gt;Returns">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Primary-and-Annual&gt;Returns</a>
6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	Yes	Respondent: Michelle Todd.  Recorded in Compliance System
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?	Yes	Respondent: Michelle Todd.  Refer ECM Doc Set ID 11307375 and 11307172.
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Declarations-of-Interest">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Declarations-of-Interest</a>

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9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	Respondent: Michelle Todd.
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	Respondent: Michelle Todd.
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?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Gifts-and-Travel-Contributions">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Gifts-and-Travel-Contributions</a>
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Gifts-and-Travel-Contributions">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Gifts-and-Travel-Contributions</a>
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	Yes	Respondent: Michelle Todd.
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	Respondent: Michelle Todd.
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	Respondent: Michelle Todd.  A review shows where interests are declared and appears to show disclosures made by employees where required.
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	Respondent: Michelle Todd.  Did not occur.

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17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	Respondent: Michelle Todd.  Did not occur.
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 candidates that incorporates the model code of conduct?	Yes	Respondent: Michelle Todd.  OCM 11/03/2021 – Minute No. 0021.
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	N/A	Respondent: Michelle Todd.
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government’s website?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachm ent/3016f3c0-e475-45be-9748-a6a8a91cfa67/ECM_10310611_v2_City-of-Cockburn-Elected-Member-Code-of-Conduct-March-2021-pdf.aspx">https://www.cockburn.wa.gov.au/getattachm ent/3016f3c0-e475-45be-9748-a6a8a91cfa67/ECM_10310611_v2_City-of-Cockburn-Elected-Member-Code-of-Conduct-March-2021-pdf.aspx</a>
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?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachm ent/deba8b36-f0b8-4017-ad40-629196592857/ECM_11145350_v2_The-Cockburn-Way-Code-of-Conduct-June-2022-pdf.aspx">https://www.cockburn.wa.gov.au/getattachm ent/deba8b36-f0b8-4017-ad40-629196592857/ECM_11145350_v2_The-Cockburn-Way-Code-of-Conduct-June-2022-pdf.aspx</a>

Disposal of Property				
No	Reference	Question	Response	Comments
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	Yes	Respondent: Joe Saraceni.  All disposals have been completed in

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				accordance with s3.58(3) in its entirety, including all public notices required.
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	Respondent: Joe Saraceni.  All disposals have been completed in accordance with s3.58(3) in its entirety, including all public notices required.

Elections				
No	Reference	Question	Response	Comments
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?	Yes	Respondent: Michelle Todd.  There were no electoral gifts declared for the 2023 local government elections.
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?	N/A	Respondent: Michelle Todd.  No disclosures were received; therefore, no disclosures were required to be removed.
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?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Electoral-Gift-Register">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Electoral-Gift-Register</a>

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Finance				
No	Reference	Question	Response	Comments
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995?	Yes	<p>Respondent: Michelle Todd.</p> <p>OCM 30/10/2023 - Minute No.0254 Decision carried by absolute majority of council.</p> <p><a href="https://www.cockburn.wa.gov.au/getattachment/e6cf8944-f939-4b04-984c-f06d051185d1/ECM_11677777_v3_Special-Council-Meeting-Agenda-30-October-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/e6cf8944-f939-4b04-984c-f06d051185d1/ECM_11677777_v3_Special-Council-Meeting-Agenda-30-October-2023-pdf.aspx</a></p> <p><a href="https://www.cockburn.wa.gov.au/getattachment/7a5a97f6-edd0-4048-8d50-232da70f5118/ECM_11701930_v2_Special-Council-Meeting-Minutes-30-October-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/7a5a97f6-edd0-4048-8d50-232da70f5118/ECM_11701930_v2_Special-Council-Meeting-Minutes-30-October-2023-pdf.aspx</a></p>
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	Yes	<p>Respondent: Michelle Todd.</p> <p><a href="https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/ab18903a-3995-4b10-8604-d19a1eda5233/ECM_11503667_v4_Ordinary-Council-Meeting-Minutes-11-May-2023-pdf.aspx</a></p>
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes	<p>Respondent: Michelle Todd.</p> <p>OCM 14/12/2023 - Minute No.0339</p> <p><a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx</a></p>

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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 Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Respondent: Michelle Todd.  OCM 14/12/2023 - Minute No.0339; Management Letter (Confidential attachment) ARC 7/12/2023 - Minute No.0029.  <a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx</a>
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	Respondent: Michelle Todd.  No significant matters identified. <a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx</a>
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx</a>
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	Respondent: Michelle Todd.  Annual Financial Report was signed off on 7 December 2023 and Auditor's Report was received on 8 December 2023.  <a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-</a>

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Local Government Employees				
No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	Yes	Respondent: Chantelle Hanrahan.  The role of CEO was advertised as a public notice in 'The West Australian' on Saturday, 17 December 2022. No other senior employee roles were advertised during the audit period.
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Yes	Respondent: Chantelle Hanrahan.  All information in relation to the role was true and accurate.
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	Yes	Respondent: Chantelle Hanrahan.  All remuneration and other benefits are consistent with that package that was advertised.
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	Respondent: Chantelle Hanrahan.  No senior employees were appointed or dismissed during the period.
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	Respondent: Chantelle Hanrahan.

Official Conduct				
No	Reference	Question	Response	Comments

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1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	Respondent: Michelle Todd.  Executive Governance & Strategy appointed in writing by the CEO 2022.
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders</a>
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders</a>
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-for-Minor-Breach-Complaint-Orders</a>

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	Respondent: Tony Natale.  All purchases were made in accordance with the requirements of the Regulations and the City of Cockburn Procurement Policy. ECM Doc Set ID 4134032.

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2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Yes	Respondent: Tony Natale.  All applicable expenditure was tendered.
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes	Respondent: Tony Natale.  Tender registers are available through the Procurement and Tendering systems.
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	Respondent: Tony Natale.  Documentation including Tender recommendations and Procurement Plans available within the Procurement systems.
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	Yes	Respondent: Tony Natale.  Tender varying notice transmission and distribution available through the Procurement and Tendering systems
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?	Yes	Respondent: Tony Natale.  Tender transmission and distribution available on Tender records through the Procurement and Tendering systems.
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	Respondent: Tony Natale.  Tender registers are available for public viewing and posted on the City of Cockburn website.
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	Yes	Respondent: Tony Natale.  Tenders were rejected as documented on Tender recommendations and available within

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				the Procurement and Tendering systems. RFT15-2023 for Bus Shelters - Design, Fabrication and Installation at a value of \$257K was accepted following an inquiry and review based on a submission not within the time as specified.
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	Respondent: Tony Natale.  Documentation including Tender recommendations available within the Procurement systems.
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	Respondent: Tony Natale.  Notices available within the Procurement systems.
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?	Yes	Respondent: Tony Natale.  Information available on Tender registers.
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	Respondent: Tony Natale.  No expressions of interest were conducted during the period.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	Respondent: Tony Natale.  No expressions of interest were conducted during the period.
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	Respondent: Tony Natale.  No expressions of interest were conducted during the period.
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 & General) Regulations 1996 regulations 24AD(4) and 24AE?	Yes	Respondent: Tony Natale.  Tender registers are available through the Procurement and Tendering systems. Panel of

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				prequalified Suppliers RFS01-2022 was issued during the year.
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	Yes	Respondent: Tony Natale.  Tender varying notice transmission and distribution available through the Procurement and Tendering systems.
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?	Yes	Respondent: Tony Natale.  Tender transmission and distribution available on Tender records through the Procurement and Tendering systems
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?	Yes	Respondent: Tony Natale.  Tender registers are available for public viewing and posted on the City of Cockburn website.
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?	Yes	Respondent: Tony Natale.  Tenders were rejected as documented on Tender recommendations and available within the Procurement and Tendering systems.
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?	Yes	Respondent: Tony Natale.  Documentation including Tender recommendations available within the Procurement systems.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	Yes	Respondent: Tony Natale.  Notices available within the Procurement systems.

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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?	Yes	Respondent: Tony Natale.  No regional price preference available or applicable within the City of Cockburn Procurement Policy. ECM Doc Set ID 4134032.
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Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	9/07/2020  Respondent: Jane Downsborough.  SCP adopted in at OCM 9 July 2020, Minor review adopted at SCM 27 June 2021.
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	29/06/2023  Respondent: Jane Downsborough.  Adoption and review at SCM 29 June 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)?	Yes	Respondent: Jane Downsborough.  Complete, the CBP is fully compliant with statutory requirements.

Optional Questions				
No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December	Yes	13/10/2022 Respondent: Nelson Mauricio.  Presented to the 21 September 2022 Audit, Risk and Compliance Committee Meeting,

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		2023? If yes, please provide the date of council’s resolution to accept the report.		Item 12.3 (2022/MINUTE NO 0018) Financial Management Review (FMR) Report.  Adopted by Council at the 13 October 2022 OCM, Item 18.2 (2022/MINUTE NO 0211) Minutes – Audit, Risk and Compliance Committee Meeting 21 September 2022 Report.
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government’s systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council’s resolution to accept the report.	Yes	10/12/2020 Respondent: Michelle Todd.  The last review pursuant to the requirements of regulation 17 was the triennial review for the 2019-2020 financial year submitted to the City’s now superseded Audit and Strategic Finance Committee at its meeting on 19 November 2020, Item 15.1 (2020/Minute No 0021 – ‘Chief Executive Officer’s Triennial Review for Risk Management, Internal Control and Legislative Compliance’).  Adopted by Council at the 10 December 2020 OCM, Item 13.3 (2020/MINUTE NO 0252) ‘Minutes – Audit, Risk and Compliance Committee Meeting 21 September 2022’ Report.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes	Respondent: Michelle Todd.  All disclosures were made within 10 days of receipt of gift.
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government’s website, a policy dealing with the attendance of council members and the CEO at events?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/dcd974ba-bf3c-4f14-836c-">https://www.cockburn.wa.gov.au/getattachment/dcd974ba-bf3c-4f14-836c-</a>

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				6e7f8208b998/ECM_11299767_v3_Ordinary-Council-Meeting-Minutes-10-November-2022-pdf.aspx.
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	No	Respondent: Michelle Todd.  The City does not record the exact decisions of Council in minutes of matters considered behind closed doors.
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/getattachment/0eb80e98-0620-49f2-a981-fbaebeadd732/ECM_11644722_v4_Ordinary-Council-Meeting-Minutes-14-September-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/0eb80e98-0620-49f2-a981-fbaebeadd732/ECM_11644722_v4_Ordinary-Council-Meeting-Minutes-14-September-2023-pdf.aspx</a>
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	Respondent: Michelle Todd.  <a href="https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Elected-Member-Training-and-Profession">https://www.cockburn.wa.gov.au/City-and-Council/Governance-and-Documents/Register-of-Elected-Member-Training-and-Profession</a>
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	Respondent: Nelson Mauricio.  Submitted on Friday 29 September 2023.  <a href="https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx">https://www.cockburn.wa.gov.au/getattachment/b92550f9-26e0-44c3-b370-564a4880ddb5/ECM_11749347_v2_Ordinary-Council-Meeting-Minutes-14-December-2023-pdf.aspx</a>
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	Respondent: Nelson Mauricio.  All known revenue, income and expenditure taken into account in the adopted FY24

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				budget.  <a href="https://www.cockburn.wa.gov.au/getattachm ent/11cdb717-2d0d-47da-930f- eaa0e9fab670/ECM_11544363_v4_Special- Council-Meeting-Minutes-29-June-2023- pdf.aspx">https://www.cockburn.wa.gov.au/getattachm ent/11cdb717-2d0d-47da-930f- eaa0e9fab670/ECM_11544363_v4_Special- Council-Meeting-Minutes-29-June-2023- pdf.aspx</a>
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Daniel Simms Chief Executive Officer City of Cockburn

\_\_\_\_\_  
Date

\_\_\_\_\_  
His Worship Mayor Logan K. Howlett, JP, City of Cockburn

\_\_\_\_\_  
Date

## 11. Confidential Business

### 11.1 Confidential Service Report

This report and its attachments are **CONFIDENTIAL** in accordance with Section 5.23(2) (a) and (e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

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

(e)(ii) *a matter that if disclosed, would reveal information that has a commercial value to a person.*

### 11.2 Construction Service Matter

This report and its attachments are **CONFIDENTIAL** in accordance with Section 5.23(2) (e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(e)(ii) *a matter that if disclosed, would reveal information that has a commercial value to a person.*

## 12. Resolution of Compliance

### RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

## 13. Closure of Meeting