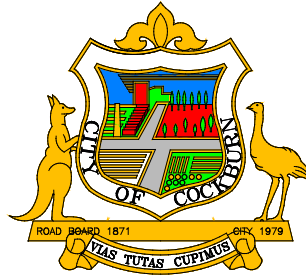


CITY OF COCKBURN



SPECIAL AUDIT & STRATEGIC FINANCE COMMITTEE

AGENDA PAPER

FOR

THURSDAY, 23 FEBRUARY 2017

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE SPECIAL AUDIT & STRATEGIC FINANCE COMMITTEE MEETING TO BE HELD ON THURSDAY, 23 FEBRUARY 2017 AT 6:30 PM

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CITY OF COCKBURN**AGENDA TO BE PRESENTED TO THE SPECIAL AUDIT &
STRATEGIC FINANCE COMMITTEE MEETING TO BE HELD
ON THURSDAY, 23 FEBRUARY 2017 AT 6:30 PM**

1. DECLARATION OF MEETING**2. APPOINTMENT OF PRESIDING MEMBER (If 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 DECLARATION**5 (SASFC 23/02/2017) - APOLOGIES & LEAVE OF ABSENCE**

Clr Kevin Allen - Apology

6. PUBLIC QUESTION TIME**7. DEPUTATIONS****8. PETITIONS****9. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE
CONSIDERATION TO MATTERS IN THE BUSINESS PAPER****10 (SASFC 23/02/2017) - PURPOSE OF MEETING**

The purpose of the meeting is to consider the Compliance Audit Return (CAR) for the period 1 January 2016 to 31 December 2016, in time for it to be adopted by Council and forwarded to the Department of Local Government by the statutory timeframe of 31 March 2017, as required by Regulation 14 and 15 of the Local Government (Audit) Regulations 1996 (as amended).

11. COUNCIL MATTERS

11.1 (SASFC 23/02/2017) - LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2016 (087/005) (J NGOROYEMOTO) (ATTACH)

RECOMMENDATION

That Council adopt the Local Government Compliance Audit Return for the period 1 January 2016 to 31 December 2016, as attached to the Agenda.

COMMITTEE RECOMMENDATION

COUNCIL DECISION

Background

Since 2000, completion of the Local Government Compliance Audit Return has been mandatory for all local governments in this State in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996.

Submission

N/A

Report

The Annual Compliance Audit Return is to be presented to, and reviewed by, a meeting of the Audit and Strategic Finance Committee in accordance with Regulation 14(3A) of the Local Government (Audit) Regulations 1996 and the result of that review be reported to a meeting of Council for adoption.

Following adoption by Council, a certified copy of the Return, signed by the Mayor and Chief Executive Officer, along with a copy of the relevant section of the Council Minutes, is submitted to the Director General, Department of Local Government and Regional Development in accordance with Regulations 14 and 15 of the Local Government (Audit) Regulations 1996, by 31 March. The Return indicates a conformity rating of 99% for the year.

The 1% non-compliance was due to one Elected Member failing to complete the Annual Return by 31 August 2016. This was due to technological difficulties with our new compliance system. This was rectified and the Annual return was lodged on 8 September 2016 and notified to the Corruption and Crime Commission by the Chief Executive Officer.

Strategic Plan/Policy Implications

Leading & Listening

- A responsive, accountable and sustainable organisation.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

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 the Compliance Audit Return statutory reporting requirements to the Department of Local Government by 31 March 2017.

Attachment(s)

City of Cockburn Compliance Audit Return 2016.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

12. CLOSURE OF MEETING



Cockburn - Compliance Audit Return 2016

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government and Communities together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2016.	Yes		Daniel Arndt
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2016.	Yes		Daniel Arndt
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	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 2016.	Yes		Daniel Arndt
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 2016.	Yes		Daniel Arndt
5	s3.59(5)	Did the Council, during 2016, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Daniel Arndt

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.	Yes		Don Green
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Don Green
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Don Green
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Don Green
5	s5.18	Has Council reviewed delegations to its committees in the 2015/2016 financial year.	Yes		Don Green
6	s5.42(1),5.43 Admin Reg 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		Don Green
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Don Green
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Don Green
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Don Green
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Don Green



11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Don Green
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 2015/2016 financial year.	Yes	Don Green
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	Don Green

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		Don Green
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.	N/A		Don Green
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		Don Green
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.	Yes		Don Green
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.	Yes		Don Green
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2016.	No	1 Elected Member failed to complete the Annual Return by 31 August 2016 due to technological difficulties with our new compliance system. This was rectified and lodged on the 8 th of September 2016, and reported to the CCC by the CEO.	Don Green
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2016.	Yes		Don Green
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	Yes		Don Green



			the return.		
9	s5.88(1)(2) Admin Reg 28	Admin	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes	Don Green
10	s5.88(1)(2) Admin Reg 28	Admin	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	Don Green
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	Don Green
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	Don Green
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Admin	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	Don Green
14	s5.70(2)		Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes	Don Green
15	s5.70(3)		Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes	Don Green
16	s5.103(3) Admin Reg 34B	Admin	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes	Don Green

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Daniel Arndt
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		Daniel Arndt

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO	Yes		Don Green



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 candidates.

Finance					
No	Reference	Question	Response	Comments	Respondent
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 Act.	Yes		Stuart Downing
2	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.	Yes		Stuart Downing
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Stuart Downing
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Stuart Downing
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government within 30 days of completion of the audit.	Yes		Stuart Downing
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government by 31 December 2016.	Yes		Stuart Downing
7	S7.12A(3)	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	No matter raised in audit report	Stuart Downing
8	S7.12A (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	No matter raised in audit report	Stuart Downing
9	S7.12A (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	No matter raised in audit report	Stuart Downing
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Stuart Downing
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Stuart Downing
12	Audit Reg 7	Did the agreement between the local	Yes		Stuart Downing



		government and its auditor include a plan for the audit.		
13	Audit 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	Stuart Downing
14	Audit 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	Stuart Downing

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	There was no appointment of CEO in 2016	Cliff Mckinley
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	There was no vacancies for CEO or designated employees in 2016	Cliff Mckinley
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 of CEO under section 5.36(4).	N/A	There was no appointment of CEO in 2016	Cliff Mckinley
4	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 to CEO only).	N/A	There was no appointment of CEO in 2016	Cliff Mckinley
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	There was no Designated employee or CEO dismissed in 2016	Cliff Mckinley

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	The CEO is the complaints Officer	Don Green
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Don Green



3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Don Green
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Don Green
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Don Green
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Don Green

Tenders for Providing Goods and Services

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 the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Antonio Natale
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Antonio Natale
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		Antonio Natale
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Antonio Natale
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		Antonio Natale
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		Antonio Natale
7	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		Antonio Natale
8	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		Antonio Natale
9	F&G Reg 17	Did the information recorded in the	Yes		Antonio Natale



		local government's tender register comply with the requirements of F&G Reg 17.			
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Antonio Natale
11	F&G Reg 21 & 22	Did the local governments' advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A	No expressions of interest were invited by the City	Antonio Natale
12	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.	No	No expressions of interest were invited by the City	Antonio Natale
13	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	No expressions of interest were invited by the City	Antonio Natale
14	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	No expressions of interest were invited by the City	Antonio Natale
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	No	No panels of prequalified suppliers were invited by the City	Antonio Natale
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
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 F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
21	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 F&G Reg 24AG.	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's	N/A	No panels of prequalified suppliers were invited by the City	Antonio Natale



		application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.			
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	No regional price preferences available or accepted within the City Policy	Antonio Natale
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A	No regional price preferences available or accepted within the City Policy	Antonio Natale
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes		Antonio Natale

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

Signed Mayor / President, Cockburn

Signed CEO, Cockburn

