

## Agenda **Audit Committee**

A MEETING WILL BE HELD IN

**CONFERENCE ROOM 2  
JOONDALUP CIVIC CENTRE  
BOAS AVENUE, JOONDALUP**

ON

**TUESDAY, 10 MARCH 2009**

COMMENCING AT

**6.00 pm**

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**Note:**

**Clause 77 of the City's Standing Orders Local Law 2005 states:**

**“Unless otherwise provided in this local law, the provisions of this local law shall apply to meetings of committees with the exception of:**

- (a) clause 29 (Members seating;) and
- (b) clause 54 (Limitation on members speaking.)”

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**GARRY HUNT**  
Chief Executive Officer  
**6 March 2009**

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## CITY OF JOONDALUP

Notice is hereby given that a meeting of the **AUDIT COMMITTEE** will be held in Conference Room 2, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 10 MARCH 2009** commencing at **6.00 pm**

GARRY HUNT  
Chief Executive Officer  
6 March 2009

Joondalup  
Western Australia

### AGENDA

#### **Committee Members (8)**

<i>Cr Tom McLean</i>	<i>Presiding Person</i>
<i>Cr Marie Macdonald</i>	<i>Deputy Presiding Person</i>
<i>Mayor Troy Pickard</i>	
<i>Cr Albert Jacob, JP</i>	
<i>Cr Michele Rosano</i>	
<i>Cr Fiona Diaz</i>	
<i>Mr Robert (Andy) Cowin</i>	<i>External Member</i>
<i>Vacancy – South-East Ward</i>	

#### **Quorum for meetings (4):**

*The quorum for a meeting is to be at least 50% of the number of offices (whether vacant or not) of member of the committee.*

#### **Simple Majority:**

*A simple majority vote is to be more than 50% of those members present at the meeting.*

#### **Absolute majority (5):**

*An absolute majority vote is to be more than 50% of the number of offices (whether vacant or not) of the committee.*

#### **Casting vote:**

*In the event that the vote on a motion is tied, the presiding person must cast a second vote.*

#### **Terms of Reference**

*To oversee the internal and external Audit and Risk Management and Compliance functions of the City.*

## **DECLARATION OF OPENING**

## **APOLOGIES/LEAVE OF ABSENCE**

### **Leave of Absence previously approved**

Cr Michele Rosano                      02 – 20 March 2009 inclusive

## **CONFIRMATION OF MINUTES**

### **MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 3 FEBRUARY 2009**

## **RECOMMENDATION**

**That the minutes of the meeting of the Audit Committee held on 3 February 2009 be confirmed as a true and correct record.**

## **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

## **DECLARATIONS OF INTEREST**

### **Disclosure of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

### **Disclosure of interest affecting impartiality**

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

## **PETITIONS AND DEPUTATIONS**

**REPORTS**

**Item 1      2008 Compliance Audit Return**

**Page**

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**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

**CLOSURE**

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**ITEM 1                    2008 COMPLIANCE AUDIT RETURN - [09492]  
[50068]**

**WARD:**                    All

**RESPONSIBLE  
DIRECTOR:**            Mr Garry Hunt  
                                 Office of CEO

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**PURPOSE**

To present the completed 2008 Compliance Audit Return to the Audit Committee prior to its submission to the Council for final adoption.

**EXECUTIVE SUMMARY**

The Department of Local Government and Regional Development (“the Department”) Compliance Audit Return (“Return”) for the period 1 January 2008 to 31 December 2008 has been completed by the City and is required to be submitted to the Department by 31 March 2009.

**BACKGROUND**

The Department placed the 2008 Return for local governments on its website for completion online.

The structure of the Return is similar to previous years however changes have been made to the structure of some questions to provide more clarity. The Return includes the majority of the statutory requirements to be the subject of a compliance audit as listed in Local Government (Audit) Regulation 13. The Return includes the compliance categories of:

- Caravan Parks and Camping Grounds
- Cemeteries
- Commercial Enterprises
- Delegations of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Executive Functions
- Finance
- Local Government Employees
- Local Laws
- Meeting Process
- Miscellaneous Provisions
- Official Conduct
- Swimming Pools
- Tenders for Goods and Services

The 2008 Return incorporates all the statutory requirements listed in Regulation 13 of the Local Government (Audit) Regulations 1996, except those provisions which have been omitted and are listed under Details in this report.

## DETAILS

Certain statutory requirements to be the subject of the compliance audit have been omitted from the 2008 Return by the Department. These requirements have been listed with their responses and included as Attachment 2.

### Link to Strategic Plan:

- 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

### Legislation – Statutory Provisions:

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 state as follows:

#### **14 Compliance audit return to be prepared**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3) A compliance audit return is to be:
  - (a) presented to the council at a meeting of the council;
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

#### **15 Completion of compliance audit**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with:
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit;is to be submitted to the Director General, Department of Local Government and Regional Development, by 31 March 2008.
- (2) In this regulation:

“certified” in relation to a compliance audit return means signed by:

  - (a) the mayor or president; and
  - (b) the CEO.

**Risk Management considerations:**

The risk associated with the Council failing to adopt the Return would result in non-compliance with the legislative requirements of the Local Government Act 1995.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The responses to the questions were collected from the appropriate employees of the City and entered on the Return on the Department's website. The 2008 Audit Return reveals an extremely high level of compliance against legislation for the City of Joondalup. There were a few areas of non-compliance and relevant comments have been made within the Audit Return document.

**ATTACHMENTS**

Attachment 1            2008 Compliance Audit Return

Attachment 2            Statutory requirements omitted from the 2008 Return

**VOTING REQUIREMENTS**

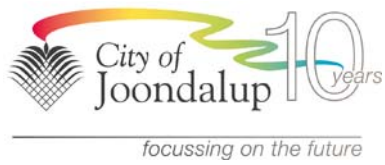
Simple Majority

Note: It is a requirement of the Return that details of voting at the Council meeting be recorded in the Minutes.

**RECOMMENDATION:**

**That the Audit Committee RECOMMENDS that Council:**

- 1        ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2008 to 31 December 2008 forming Attachment 1 to this Report;**
- 2        in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.**



## **APPENDICES**

<b>ITEM</b>	<b>TITLE</b>	<b>APPENDIX</b>	<b>PAGE</b>
<b>Item 1</b>	<b>2008 Compliance Audit Return</b>	<b>1</b>	<b>1</b>
	Attachment 1      2008 Compliance Audit Return		
	Attachment 2      Statutory requirements omitted from the 2008 Return		



## Joondalup - Compliance Audit Return 2008

<b>Caravan Parks and Camping Grounds</b>					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2007 to 30 June 2008.	Yes		Peter McGuckin

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

<b>Commercial Enterprises by Local Governments</b>					
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 2008.	N/A		Peter McGuckin
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 2008.	N/A		Peter McGuckin
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2008.	N/A		Peter McGuckin
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 2008.	N/A		Peter McGuckin
5	s3.59(5)	Did the Council, during 2008, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Peter McGuckin



<b>Delegation of Power / Duty</b>						
No	Reference	Question	Response	Comments	Respondent	
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Peter McGuckin	
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Peter McGuckin	
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Peter McGuckin	
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Peter McGuckin	
5	s5.18	Has Council reviewed delegations to its committees in the 2007/2008 financial year.	N/A		Peter McGuckin	
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		Peter McGuckin	
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Peter McGuckin	
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes		Peter McGuckin	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Peter McGuckin	
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A		Peter McGuckin	
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Peter McGuckin	
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 2007/2008 financial year.	Yes		Peter McGuckin	
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		Peter McGuckin	

<b>Disclosure of Interest</b>						
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		Peter McGuckin	
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		Peter McGuckin	

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Peter McGuckin
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Peter McGuckin
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	2 were overlooked and received late.	Peter McGuckin
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2008.	Yes		Peter McGuckin
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2008.	No	3 were received late due to sick leave and long service leave.	Peter McGuckin
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Peter McGuckin
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Peter McGuckin
10	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Peter McGuckin
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		Peter McGuckin
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		Peter McGuckin
13	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Peter McGuckin
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter McGuckin
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter McGuckin
17	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		Peter McGuckin
18	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		Peter McGuckin
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Peter McGuckin
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes		Peter McGuckin

COPY ONLY

<b>Disposal of Property</b>					
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	Lot 1254 Edinburgh Ave, Kinross - Exempt disposition due to charitable nature but was advertised 2007 & transfer took place 30 April 2008. Lot 6 Lawley Court, Joondalup - advertised 27/03/2008 to 24/04/2008, disposal by lease, Council resolution to dispose 16/12/2008 with commencement date of lease yet to commence. Lot 503, Moolanda Boulevard, Kingsley - Exempt disposition due to charitable nature, Council resolution to dispose 20/11/2007, lease commenced 01/01/2008.	Peter McGuckin
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	Requirement fully complied with.	Peter McGuckin

<b>Executive Functions</b>					
No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes	Where anomalies are identified, a resolution is negotiated.	Peter McGuckin
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	N/A		Peter McGuckin
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	No		Peter McGuckin
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Peter McGuckin
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Peter McGuckin
7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes		Peter McGuckin
8	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes		Peter McGuckin
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details for the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	Yes		Peter McGuckin
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or management, and made those plans available for public inspection.	Yes		Peter McGuckin
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	N/A		Peter McGuckin
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	N/A		Peter McGuckin

## Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2008 that contained the prescribed information under the Act and Regulations.	Yes		Peter McGuckin
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2008.	Yes		Peter McGuckin
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	N/A		Peter McGuckin
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes	New Strategic Plan 2008-2011 is the City's plan for the future.	Peter McGuckin
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	Yes		Peter McGuckin
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Peter McGuckin
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes		Peter McGuckin
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Peter McGuckin
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Peter McGuckin
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Peter McGuckin
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	N/A	The City of Joondalup has an adopted policy that prescribes such payments to elected members. This policy was adopted outside the required period.	Peter McGuckin
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	N/A	The City of Joondalup has an adopted policy that prescribes such payments to elected members. This policy was adopted outside the required period.	Peter McGuckin
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	N/A	The City of Joondalup has an adopted policy that prescribes such payments to elected members. This policy was adopted outside the required period.	Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	N/A	The City of Joondalup has an adopted policy that prescribes such payments to elected members. This policy was adopted outside the required period.	Peter McGuckin
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	N/A	The City of Joondalup has an adopted policy that prescribes such payments to elected members. This policy was adopted outside the required period.	Peter McGuckin
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	N/A		Peter McGuckin
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		Peter McGuckin
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes		Peter McGuckin
20	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		Peter McGuckin
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	N/A		Peter McGuckin
22	FM Reg 33	Was the 2008/2009 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes	20/08/2008	Peter McGuckin
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes		Peter McGuckin
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	Yes		Peter McGuckin
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2008, submitted to the Auditor by 30 September 2008 or by the extended time allowed by the Minister or his delegate.	Yes		Peter McGuckin
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes		Peter McGuckin
28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Peter McGuckin
29	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column)	N/A		Peter McGuckin
30	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		Peter McGuckin
31	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes		Peter McGuckin
32	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		Peter McGuckin
33	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes		Peter McGuckin
34	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes		Peter McGuckin
35	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A		Peter McGuckin
36	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
37	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000).	N/A		Peter McGuckin
38	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Peter McGuckin
39	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Peter McGuckin
40	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		Peter McGuckin
41	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Peter McGuckin
42	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Peter McGuckin
43	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes		Peter McGuckin
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A		Peter McGuckin
45	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A		Peter McGuckin
47	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A		Peter McGuckin
48	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	Yes		Peter McGuckin
49	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	Yes		Peter McGuckin
50	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		Peter McGuckin
51	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	N/A		Peter McGuckin
52	s6.33(3)	Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	N/A		Peter McGuckin
53	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A		Peter McGuckin
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		Peter McGuckin
55	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		Peter McGuckin
56	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
57	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	Yes		Peter McGuckin
58	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	Yes		Peter McGuckin
59	s6.36	Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	Yes		Peter McGuckin
60	s6.36	Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	Yes		Peter McGuckin
61	s6.38(1) FM Reg 54	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A		Peter McGuckin
62	s6.38	Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A		Peter McGuckin
63	s6.46	Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	Yes		Peter McGuckin
64	s6.47	When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	N/A		Peter McGuckin
65	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes		Peter McGuckin
66	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
67	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes		Peter McGuckin
68	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes		Peter McGuckin
69	FM Reg 8	Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts.	No	Not separate for the Reserve Accounts.	Peter McGuckin
70	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	N/A		Peter McGuckin
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes		Peter McGuckin
72	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes		Peter McGuckin
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes		Peter McGuckin
74	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes		Peter McGuckin
75	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes		Peter McGuckin
76	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	N/A		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	Yes		Peter McGuckin
78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes		Peter McGuckin
79	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		Peter McGuckin
80	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes		Peter McGuckin
81	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		Peter McGuckin
82	FM Reg 33A	Did the local government, between 1 January and 31 March 2008, carry out a review of its annual budget for the year ended 30 June 2008.	Yes		Peter McGuckin
83	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes		Peter McGuckin
84	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		Peter McGuckin
85	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes		Peter McGuckin
86	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	Yes		Peter McGuckin
87	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		Peter McGuckin
88	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Peter McGuckin
89	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Peter McGuckin
90	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
91	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Peter McGuckin
92	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2008 received by the local government within 30 days of completion of the audit.	Yes		Peter McGuckin
93	s7.9(1)	Was the Auditor's report for 2007/2008 received by the local government by 31 December 2008.	Yes		Peter McGuckin
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No matters were raised in the audit report requiring action by the City.	Peter McGuckin
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Peter McGuckin
96	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Peter McGuckin
97	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Peter McGuckin
98	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Peter McGuckin
99	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Peter McGuckin
100	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		Peter McGuckin
101	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		Peter McGuckin

**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		Peter McGuckin
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	Yes		Peter McGuckin
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes		Peter McGuckin
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes		Peter McGuckin
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes		Peter McGuckin
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes		Peter McGuckin
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	Yes		Peter McGuckin
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes		Peter McGuckin
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Peter McGuckin
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Peter McGuckin
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes		Peter McGuckin
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Peter McGuckin
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		Peter McGuckin
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes		Peter McGuckin
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		Peter McGuckin
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Peter McGuckin
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Peter McGuckin
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	No	An error was detected in the annual report that was subsequently amended at the Ordinary Council Meeting on 16 December 2008.	Peter McGuckin
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	No	An error was detected in the annual report that was subsequently amended at the Ordinary Council Meeting on 16 December 2008.	Peter McGuckin
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Peter McGuckin
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Peter McGuckin

### Local Laws

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

No	Reference	Question	Response	Comments	Respondent
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	Yes		Peter McGuckin
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	Yes		Peter McGuckin
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	N/A		Peter McGuckin
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A		Peter McGuckin
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A		Peter McGuckin
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A		Peter McGuckin
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	N/A		Peter McGuckin
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A		Peter McGuckin

### Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Peter McGuckin
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Peter McGuckin
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		Peter McGuckin
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Peter McGuckin
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A		Peter McGuckin
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Peter McGuckin
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Peter McGuckin
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		Peter McGuckin
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		Peter McGuckin
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes		Peter McGuckin
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		Peter McGuckin
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		Peter McGuckin
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Peter McGuckin
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		Peter McGuckin
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		Peter McGuckin
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Peter McGuckin
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Peter McGuckin
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		Peter McGuckin
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter McGuckin
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter McGuckin
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Peter McGuckin
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Peter McGuckin
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Peter McGuckin
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes		Peter McGuckin
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	Yes		Peter McGuckin
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Peter McGuckin
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	N/A		Peter McGuckin
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	N/A		Peter McGuckin
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	N/A		Peter McGuckin
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	N/A		Peter McGuckin
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Peter McGuckin
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Peter McGuckin
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Peter McGuckin
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		Peter McGuckin
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Peter McGuckin
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Peter McGuckin
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Peter McGuckin
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	Yes		Peter McGuckin
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	N/A		Peter McGuckin
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Peter McGuckin
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Peter McGuckin
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		Peter McGuckin
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Peter McGuckin
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		Peter McGuckin
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		Peter McGuckin
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Peter McGuckin
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Peter McGuckin
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Peter McGuckin
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Peter McGuckin
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Peter McGuckin
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Peter McGuckin



**Miscellaneous Provisions**

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Peter McGuckin
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	Yes		Peter McGuckin
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	Yes		Peter McGuckin

**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		Peter McGuckin
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		Peter McGuckin
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		Peter McGuckin
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		Peter McGuckin
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		Peter McGuckin
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) (c).	Yes		Peter McGuckin

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

<b>Tenders for Providing Goods and Services</b>						
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		Peter McGuckin	
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	Yes		Peter McGuckin	
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Peter McGuckin	
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Peter McGuckin	
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Peter McGuckin	
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Peter McGuckin	
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Peter McGuckin	
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Peter McGuckin	

No	Reference	Question	Response	Comments	Respondent
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		Peter McGuckin
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Peter McGuckin
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Peter McGuckin
12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Peter McGuckin
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Peter McGuckin
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Peter McGuckin
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Peter McGuckin
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Peter McGuckin
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Peter McGuckin
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Peter McGuckin
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Peter McGuckin
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Peter McGuckin
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Peter McGuckin
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		Peter McGuckin
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes		Peter McGuckin
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	Yes		Peter McGuckin
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Peter McGuckin
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Peter McGuckin
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Peter McGuckin
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes	With the exception of contracts based on a schedule of rates, in which case this is noted in the register.	Peter McGuckin
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Peter McGuckin
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes		Peter McGuckin
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes		Peter McGuckin
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes		Peter McGuckin
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes		Peter McGuckin
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes		Peter McGuckin
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Peter McGuckin
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Peter McGuckin
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Peter McGuckin
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Peter McGuckin
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		Peter McGuckin
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Peter McGuckin

No	Reference	Question	Response	Comments	Respondent
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		Peter McGuckin
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Peter McGuckin
45	F&G Reg 11A(1)	Has the local government prepared and adopted a 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, \$100,000 or less or worth \$100,000 or less.	Yes	Covered by the purchasing protocol	Peter McGuckin
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes	Covered by the purchasing protocol	Peter McGuckin
47	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	Yes	Covered by the purchasing protocol	Peter McGuckin

STATUTORY REQUIREMENTS  
(as per Audit Regulation 13)  
NOT INCLUDED IN THE 2008 COMPLIANCE AUDIT RETURN

Please note that the following provisions have been omitted from the 2008 Compliance Audit Return.

**Local Government Act**

			Response	Comment
	2.29	Oath or affirmation of allegiance and declaration.	N/A	
	6.41	Service of rate notice.	Yes	
	7.6(3)	Term of office of auditor (where registration of auditor is suspended or unwilling to carry out all or part of duties).	N/A	
	4.17(3), 4.20(2)(4)(5), 4.32(6), 4.35, 4.39(2), 4.41, 4.43(1), 4.47, 4.61(2)(3), 4.64	Elections.	N/A	
Schedule	2.2cl. (6)(7)(9)	Provisions about names, wards and representation – ward and boundary review processes.	N/A	
Schedule	2.3	When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council.	N/A	

**Regulations**

			Response	Comment
Administration	19A	Payment to employee in addition to contract or award.	N/A	
Uniform Local Provisions	9(8)	Requirement to keep a register of gates and other devices.	N/A	
Elections	7, 8, 13, 17, 26(4), 30G&H, 40, 81	Electoral officers, enrolment, nominations, postal votes, declaration of result.	N/A	
Functions & General	24F	Regional Price Preference - Adoption and notice of policy.	N/A	

**Local Government Grants Act**

			Response	Comment
	12(4)	Supply of financial and other information to the Grants Commission.	Yes	