



Joondalup - Compliance Audit Return 2013

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 2013.	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 2013.	N/A	<p>"At its meeting held on 21 September 2010 (CJ163-09/10 refers) Council supported the disposal of four City freehold lots subject to the preparation of business plans. Amendments to Section 8A of the Local Government (Functions and General) Regulations 1996 on 27 September 2011, meant that due to the value of the sites being less than \$10 million, business plans were no longer required.</p> <p>The City continued with the advertising of business plans as detailed under Section 3.59 for a period of six weeks, closing on 16 May 2012. The results of the advertising period were submitted to Council at its meeting held on 27 July 2012 and in all four cases, Council supported the disposal of the land.</p> <p>These four properties sold during 2013, together with a fifth property where its value was also below the required threshold for the preparation of a business plan. The properties sold at a public auction."</p>	Peter McGuckin
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 2013.	N/A		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
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 2013.	N/A	See No. 3 above - the five properties disposed of during 2013, were sold via the public auction process.	Peter McGuckin
5	s3.59(5)	Did the Council, during 2013, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Peter McGuckin

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	Item CJ094-06/13 refers.	Peter McGuckin
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes	The following committees have delegated authority: Art Collection and Advisory Committee; and Office Development Committee.	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	Register of Delegation of Authority retained in City's record keeping system.	Peter McGuckin
5	s5.18	Has Council reviewed delegations to its committees in the 2012/2013 financial year.	Yes	Council reviewed delegations 25 June 2013 (Item CJ094-06/13 refers).	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	Item CJ094-06/13 refers.	Peter McGuckin
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	Item CJ094-06/13 refers.	Peter McGuckin
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	Contained in the minutes of Council meeting 25 June 2013 and included in the Register of Delegation of Authority.	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.	Yes	Any individual delegations amended by Council were endorsed by an absolute majority at the time the Register of Delegation of Authority was reviewed.	Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Register of Delegation of Authority retained in City's record keeping system.	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 2012/2013 financial year.	Yes	CEO reviewed 30 May 2013 and Council reviewed 25 June 2013.	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	When delegation is exercised there is a written record on file as part of a corporate system of approval or decision making, or within the City's record keeping system.	Peter McGuckin

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	Disclosing members were allowed to participate by the members present at the Council meetings: 16 April 2013 Item CJ044-04/13 and resolution C015-04/13 refers; and 10 December 2013 Item CJ236-12/13 resolution C75-12/13 refers.	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.	Yes	Refer Item CJ044 - 04/13 minutes of Council meeting 16 April 2013 and Item CJ236 - 12/13 minutes of Council meeting 10 December 2013.	Peter McGuckin
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	No newly Elected Members were returned with all sitting members re-elected.	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.	Yes		Peter McGuckin
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2013.	Yes	All 13 Elected Members lodged an Annual Return by 31 August 2013.	Peter McGuckin
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2013.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
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	All acknowledgements retained in City's record keeping system.	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 28	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	The Register is maintained and completed immediately after each meeting.	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 & Rules of Conduct Reg 11	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	s5.70(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
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		Peter McGuckin
16	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



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)).	N/A	Leases were signed during the period for Warwick Bowling Club, Greenwood Tennis Club and Sorrento Tennis Club. The objects of these clubs are of a sporting nature and are therefore exempt from this requirement under Reg 30 (2)(b) of the LG (Functions and General) Regulations 1996.	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.	N/A	As above.	Peter McGuckin

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 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.	Yes		Peter McGuckin

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	Audit Committee re-established after October 2013 elections - Item JSC06 - 11/13 of Special Council meeting held 5 November 2013.	Peter McGuckin
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.	N/A	The Audit Committee has no delegated power.	Peter McGuckin
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Peter McGuckin
4	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
5	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		Peter McGuckin
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2013 received by the local government within 30 days of completion of the audit.	Yes		Peter McGuckin
7	s7.9(1)	Was the Auditor's report for 2012/2013 received by the local government by 31 December 2013.	Yes		Peter McGuckin
8	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.	Yes		Peter McGuckin
9	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
10	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
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Peter McGuckin
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Peter McGuckin
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Peter McGuckin
14	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
15	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), 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		Peter McGuckin
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		Peter McGuckin
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		Peter McGuckin
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	Council was informed of a contract renewal for the Director Governance and Strategy.	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

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		Peter McGuckin
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.	N/A		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, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
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		Peter McGuckin
6	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
7	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
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Peter McGuckin
9	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
10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes		Peter McGuckin
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A	No late expressions of interest were received.	Peter McGuckin
12	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
13	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
14	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		Peter McGuckin



No	Reference	Question	Response	Comments	Respondent
15	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, \$100,000 or less.	No	Detailed purchasing protocols have been in place for purchases below \$100,000 however it has become clear that this does not meet the requirements of this regulation regarding a purchasing policy. The City is in the process of developing a purchasing policy for approval by Council that will comply with this regulation.	Peter McGuckin

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