

STATUTORY COMPLIANCE RETURN

1 July 1999 to 31 December 1999

EXPLANATORY NOTES

10.3 Local Government Employees

Whilst the majority of employees did receive an annual performance and development review, there were a small number of employees who did not. The primary reason was due to the number of organisation changes. Every effort will be made to ensure that the performance of every employee will be reviewed on a 12 monthly basis.

16.2 Annual Budget

The City was granted an extension by the Minister for Local Government until the 7 September 1999 to adopt its 1999/00 budget. Accordingly, the City adopted its 1999/00 budget at the 7 September 1999 Special Meeting of the Joint Commissioners.

24.1 Caravan Parks and Camping Grounds

During the 1997/98 financial year each caravan park within the then Wanneroo municipality was systematically reviewed to identify discrepancies which had arisen as a result of the Caravan Parks and Camping Grounds Act 1995 and the Local Government (Caravan Parks and Camping Grounds) Repeal Local Law 1998. Recommendations for changes to address the discrepancies were made for seven of the eight caravan parks. Due to an oversight, none of the caravan parks were inspected during the 1998/99 financial year but the parks will be inspected in the current financial year.



Local Government Statutory Compliance Return

Program from 1 January 1999 to 31 December 1999



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INSTRUCTIONS

1. The Council is responsible for the final, completed Compliance Return, subject to the joint certification by the Mayor or President and the Chief Executive Officer.
2. The Mayor/President or Chief Executive Officer may delegate the responsibility to complete any sections of Part A or B to another person or persons. The delegated person's initials must be clearly identified by name, position and signature in the section indicated in the return.
3. Each item should be completed by the person responsible initialling and dating the appropriate box and providing the relevant information. In the case of multiple answers, or if full compliance is not achieved, the additional information should be attached to the Compliance Return as an appendix. If necessary, a brief comment may be included adjacent to the appropriate box, or if required, more details may be provided on the comments page at the end of both Parts A and B.
4. It should be noted that this Compliance Return does not contain many of the provisions of the *Local Government (Financial Management) Regulations 1996*. These matters remain the responsibility of the auditor to verify compliance.
5. The Compliance Return should be presented for adoption to a Council meeting during the month of February or March 2000.
6. The particulars of all matters of concern raised by Council should be recorded in the minutes of the meeting and a copy of the relevant page(s) attached to the Compliance Return as an appendix.
7. The completed Compliance Return and appendices should be forwarded to the Executive Director, Department of Local Government by 31 March 2000.
8. If there is any discrepancy in the Compliance Return, the relevant person should bring the issue to the attention of the Department of Local Government.
9. Please use a pen or some other form of indelible print in black or blue when completing this Return.

10. In the situation of a change of responsible personnel during the period covered by this Return:

(a) Chief Executive Officer (CEO)

- The outgoing CEO should complete Part A for that period of the year for which he/she is responsible.
- The incoming CEO is responsible for Part A for the remainder of the period.

(b) Mayor or President

- The outgoing Mayor or President should complete Part B for that period of the year for which he/she is responsible.
- The incoming Mayor or President is responsible for Part B for the remainder of the period

This may mean the completion of two Returns.

11. All references to the Act means the *Local Government Act 1995* unless otherwise stated.

Please note the Act is referred to by section and sub-section. The first time that Regulations are referred to they are given their full title. Following references are covered by the initials.

It is recommended that supporting documentation, such as copies of notices, remain readily accessible, as it is intended that this Return will form part of the Department's monitoring program.

PART A

	YES	NO	N/A	Initials & Date
1. LOCAL LAWS				
1.1 The local government gave statewide public notice stating the purpose and effect of the proposed local law. <i>s3.12(3)(a)</i>	☒	☐	☐	<i>J. 28/2</i>
1.2 On all occasions as soon as the notice referred to in 1.1 was published, a copy of the proposed law together with a copy of the notice was given to the Minister and where applicable, to the Minister who administers the Act under which the local law was made. <i>s3.12(3)(b)</i>	☒	☐	☐	<i>J. 28/2</i>
1.3 All of Council's resolutions to make local laws were by special majority and recorded as such in the minutes of the meeting. <i>s3.12(4)</i>	☒	☐	☐	<i>J. 28/2</i>
1.4 Each local law was given statewide public notice after gazettal. <i>s3.12(6)</i>	☒	☐	☐	<i>J. 28/2</i>
1.5 On all occasions the decision to repeal or amend a local law was determined by absolute majority. <i>s3.16(4)</i>	☒	☐	☐	<i>J. 28/2</i>
1.6 Council's decision on each local law review was given statewide public notice, so as to conform with section 3.16(5). <i>s3.16(5)</i>	☒	☐	☐	<i>J. 28/2</i>

2. EXECUTIVE FUNCTIONS

2.1 The Council has satisfied itself that the services and facilities that it provides:

- a) Ensure integration and co-ordination of services and facilities between governments;
- b) Avoid unnecessary duplication of services or competition particularly with the private sector; and
- c) Ensure services and facilities are efficiently and effectively managed.

☒	☐	☐	<u>2/3</u>
☒	☐	☐	<u>2/3</u>
☒	☐	☐	<u>2/3</u>

2.2 The process Council used to indicate its satisfaction was:

OVERALL REVIEW WITH NEW STRUCTURE
REGULAR COMMUNICATION WITH OTHER SINGLES s3.18(3)
PERFORMANCE INDICATORS

3. THOROUGHFARE CLOSURES

3.1 The Council on all occasions when proposing to wholly or partially close a thoroughfare to the passage of vehicles for a period exceeding four weeks but not exceeding four years, gave local public notice of the proposed order.

s3.50

☒	☐	☐	<u>2/3</u>
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4. DISPOSING OF PROPERTY

4.1 Any property not disposed of by public auction or tender was given statewide public notice prior to disposal.

s3.58(3)

☐	☐	☒	<u>2/3</u>
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4.2 Details as prescribed by section 3.58(4) were given in each statewide public notice for the disposal of property.

s3.58(4)

☐	☐	☒	<u>2/3</u>
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5. COMMERCIAL ENTERPRISES BY LOCAL GOVERNMENTS

5.1 As required by the *Local Government Function and General (F & G) Regulations 1996*, the local government has:

- a) prepared a business plan for each major trading undertaking (Note: major trading undertaking is defined as \$250,000 or 10% of the operating expenditure incurred from the municipal fund in the last completed financial year, which ever is the lowest);

☐ ☐ ☒ 21/2

s3.59(2)(a)
(F & G) Reg 9

- b) prepared a business plan for each major land transaction that was not exempt. (note: major land transaction is defined as \$500,000 or 10% of operating expenditure incurred from the municipal fund in the last completed financial year, which ever is the lowest); and

☐ ☐ ☒ 21/2

s3.59(2)(b)
(F & G) Reg 7

- c) prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction.

☐ ☐ ☒ 21/2

s3.59(2)(c)

5.2 The local government gave statewide public notice as required by section 3.59(4)(a) for each proposal to commence a major trading undertaking or enter into a major land transaction.

☐ ☐ ☒ 29/2

S3.59(4)

5.3 Council resolved to proceed with each major land transaction or trading undertaking by absolute majority which was recorded as such in the minutes.

☐ ☐ ☒ 29/2

S3.59(5)

6. TENDERS FOR PROVIDING GOODS OR SERVICES

- 6.1 The local government invited tenders in accordance with the F & G Regulations before it entered into contracts for the supply of goods or services, where consideration under the contract was, or expected to be, worth more than \$50,000.
s3.57
(F&G) Reg 11, 12
- 6.2 The local government's invitation to tender under F & G Regulations 11(1), 12 or 13 was given statewide public notice on all occasions.
(F&G) Reg 14(1), (3)
- 6.3 On all occasions tenders submitted remained confidential and were kept in safe custody until after the closing time for the submission of tenders.
(F&G) Reg 16(1)
- 6.4 All tenders received by the local government were:
- a) not opened until the time after tender submissions had closed; and
 - b) opened in the presence of one or more employees; and
 - c) immediately entered into the Tender Register.
- (F&G) Reg 16(2), (3)
- 6.5 Any member of the public who requested to do so was able to be present at the opening of all tenders received by the local government.
(F&G) Reg 16(3)
- 6.6 A Tender Register was kept by the Chief Executive Officer (CEO), entered up to date and was available for public inspection.
(F&G) Reg 17
- 6.7 On all occasions a tender was rejected where a tender was not submitted at a place and within the time specified in the invitation for tenders.
(F&G) Reg 18(1)

- 6.8 The local government complied with the requirements of the Regulations on all occasions when expressions of interest were sought for the supply of goods or services.

(F&G) Regs 21, 22, 23, 24

☒ ☐ ☐ JP 21/2

- 6.9 The local government determined a tender amount and delegated the power to the CEO to accept tenders up to that amount.

s5.42(1)

☒ ☐ ☐ JP 21/2

- 6.10 The CEO did not accept any tender that exceeded the amount referred to in 6.9.

s5.43(b)

☒ ☐ ☐ JP 21/2

7. ELECTIONS AND OTHER POLLS

(Ordinary, Extraordinary and Inaugural)

- 7.1 The person elected as Mayor or President, Deputy Mayor or President, or Councillor, took an oath or affirmation of allegiance, or made a declaration where applicable:

a) before acting in the office;

b) in the prescribed form; and

c) before a prescribed person.

s2.29(1), (2), (3)

☒ ☐ ☐ JP 28/2
☒ ☐ ☐ JP 28/2
☒ ☐ ☐ JP 28/2

- 7.2 Council, in resolving to appoint a person other than the CEO to be Returning Officer, did so by absolute majority at least 80 days before all election days.

s4.20(2)

☒ ☐ ☐ JP 28/2

- 7.3 Council, in resolving to declare the Electoral Commissioner to be responsible for the conduct of any election, did so by special majority at least 80 days before election day.

s4.20(4)

☒ ☐ ☐ JP 28/2

- 7.4 Statewide public notice was given no later than the 19th day before all election days, giving details on the conduct of the election and candidates.

s4.64(1), (2)

☒ ☐ ☐ JP 28/2

- 7.5 The CEO kept a register of the decisions on the enrolment eligibility claims of non-resident owners and occupiers.

s4.32(6)

(Electoral) Reg 13

☒ ☐ ☐ JP 25/2

- 7.6 On or after the 70th day, but not later than the 56th day before all election days, the CEO, where required, gave statewide public notice of the time and date of the close of enrolments for a person to be included on the electoral roll.

s4.39(2)

☒ ☐ ☐ 25/

- 7.7 Council, in deciding to conduct a postal election:

- a) decided by a special majority; and
b) decided at least 80 days prior to the election day.

s4.61(2), (3)

☒ ☐ ☐ 25/
☒ ☐ ☐ 25/

OWNERS AND OCCUPIERS ROLL

- 7.8 The CEO, where required, prepared and certified the owners and occupiers roll on or before the 36th day before all election days.

s4.41

☒ ☐ ☐ 25/

- 7.9 On or before the 22nd day before all election days the Returning Officer, where required, deleted from the Owners and Occupiers Roll the name of any person whose name also appeared on the Residents Roll.

s4.43(1)

☒ ☐ ☐ 25/

NOMINATION OF CANDIDATES

- 7.10 Statewide public notice calling for nominations of candidates was given by the Returning Officer on or before the 56th day, but not later than on the 45th day, before all election days.

s4.47

☒ ☐ ☐ 25/

DECLARATIONS TO ACT AS ELECTORAL OFFICERS

- 7.11 A declaration was made in the prescribed form by the Returning Officer or a person appointed under section 4.21 or 4.23 of the Act.

s4.27(1)(c)
(Electoral) Reg 7

☒ ☐ ☐ 25/

8. NOTICE OF MEETINGS

- 8.1 Each council member was given at least 72 hours notice of the date, time, place and an agenda of each ordinary meeting.

s5.5(1)

☒ ☐ ☐ 25/

ELECTION OF PRESIDENT/MAYOR BY THE COUNCIL

- 8.2 Nominations for the office of Mayor or President were given to the CEO in writing.

Schedule 2.3 Division 1 (4)

☐ ☐ ☒ P. 28/2

ELECTION OF PRESIDING MEMBERS

- 8.3 The members of a committee elected a presiding member from amongst themselves.

S5.12

Schedule 2.3 Division 1

☒ ☐ ☐ P. 28/2

DELEGATIONS TO COMMITTEES

- 8.4 All delegations to committees were in writing and recorded in a register of delegations.

s5.18

☒ ☐ ☐ P. 28/2

- 8.5 Council reviewed delegations to committees in the 1998/99 financial year.

s5.18

☒ ☐ ☐ P. 28/2

9. ADMINISTRATION

- 9.1 On all occasions where a person presiding at a council or committee meeting cast a second vote, the details of the outcome of the motion were recorded in the minutes.

s5.21(3)

(Admin) Reg 11(c)

☒ ☐ ☐ P. 28/2

- 9.2 On all occasions the vote or votes requested by a council or committee member to be recorded, were recorded in the minutes.

s5.21(4)

☐ ☐ ☒ P. 28/2

- 9.3 The contents of the minutes of all council and committee meetings include all information as required under the Act.

s5.22(1)

(Admin) Reg 11

☒ ☐ ☐ P. 28/2

- 9.4 The minutes of all council and committee meetings have been submitted to the next meeting of council or committee as the case requires, for confirmation.

s5.22(2)

☒ ☐ ☐ P. 28/2

- 9.5 On all occasions the person presiding at the meeting at which the minutes of a council or committee have been confirmed has signed the minutes certifying their confirmation.

s5.22(3)

☒ ☐ ☐ P. 28/2

- 9.6 On all occasions the reason or reasons for closing any council or committee meeting to members of the public, was in accordance with the Act.
s5.23(2) ☐ ☐ ☒ S. 29 1/2
- 9.7 On all occasions a decision to close a meeting or part of a meeting to members of the public, and the reasons for the decision, were recorded in the minutes of that meeting.
s5.23 (3) ☐ ☐ ☒ S. 28
- 9.8 A summary of each question raised by members of the public at meetings and a summary of the response to each question was included in the minutes of the meetings.
s5.25(f)
(Admin) Reg 11 ☒ ☐ ☐ S. 26
- 9.9 Subject to section 5.23(2) of the Act, the following were open to members of the public:
- a) all council meetings; and ☒ ☐ ☐ S. 24
- b) all meetings of committees to which a power or duty had been delegated.
s5.23 ☐ ☐ ☒ S. 28
- 9.10 A minimum of 15 minutes for public question time was allocated by the council for:
- a) every ordinary meeting of council; ☒ ☐ ☐ S.
- b) every special meeting of council; and ☒ ☐ ☐ S.
- c) every meeting of a committee with a delegated power or duty.
s5.24
(Admin) Reg 5, 6, 7 ☐ ☐ ☒ S.
- 9.11 A period of 30 minutes was allowed from the advertised commencement time before any council or committee was adjourned due to the lack of a quorum.
s5.25(c)
(Admin) Reg 8 ☐ ☐ ☒ S.
- 9.12 Voting at council or committee meetings was conducted so that no vote was secret.
s5.25(d)
(Admin) Reg 9 ☒ ☐ ☐ S.
- 9.13 All decisions to revoke or change decisions made at council or committee meetings were made in accordance with the Act and Regulations.
s5.25(e)
(Admin) Reg 10 ☒ ☐ ☐ S.

- 9.14 At least once during the period covered by this Return, the local government gave local public notice of the date, time and place of ordinary council meetings and 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 for the ensuing 12 months.
s5.25(g)
(Admin) Reg 12(1)
- 9.15 The local government gave local public notice of any changes to the dates, times or places referred to in 9.14 above.
s5.25(g)
(Admin) Reg 12(2)
- 9.16 Notice papers, agenda and other documents relating to any council or committee meeting were made available for inspection, other than those referred to in Admin Reg 14(2).
s5.25(j)
(Admin) Reg 14(1), (2)
- 9.17 The CEO convened 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.
s5.29
- 9.18 The local government made available for public inspection unconfirmed minutes of all council and committee meetings:
- a) within 10 business days after the council meetings; or
- b) within five business days after the committee meetings.
s5.25(j)
(Admin) Reg 13
- 9.19 The CEO caused the minutes of all electors' meetings to be kept and made available for public inspection before the council meeting at which decisions made at the electors' meeting were first considered.
s5.32
- 9.20 All decisions made at all electors' meetings were 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.
s5.33(1)
- 9.21 The reasons for council decisions, in response to decisions made at all electors' meetings were recorded in the minutes of the appropriate council meeting.
s5.33(2)

10. LOCAL GOVERNMENT EMPLOYEES

- 10.1 The salary and total value of all remuneration, and benefits was stated in all advertisements for the position of CEO and for designated senior employees.

s5.36(4), 5.37(3)

☒ ☐ ☐ £ 28/2

- 10.2 The CEO informed council of each proposal to employ or dismiss a designated senior employee.

s5.37(2)

☒ ☐ ☐ £ 28/2

- 10.3 The performance of employees was reviewed, within the most recently completed 12 months of their term of employment.

s5.38

☐ ☒ ☐ £ 28/2

- 10.4 During the period covered by this Return, written performance based contracts were in place for the CEO and all designated senior employees who were employed since 1 July 1996.

s5.39

☒ ☐ ☐ £ 28/2

- 10.5 Council has adopted a policy relating to employees whose employment terminates, setting out:

- a) the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award; and

☒ ☐ ☐ £ 28/2

- b) the manner of assessment of an additional amount.

s5.50(1)

☒ ☐ ☐ £ 28/2

- 10.6 Public notice was given on all occasions where council made a payment that was more than the additional amount set out in its policy.

s5.50(2)(b)

☒ ☐ ☐ £ 28/2

11. DELEGATION OF POWER/DUTY

- 11.1 Powers and duties of the council delegated to the CEO:

- a) excluded those as listed in section 5.43(a) to (i) of the Act; and

s5.43

☒ ☐ ☐ £. 28/2

- b) were by absolute majority decision.

s5.42(1)

☒ ☐ ☐ £. 28/2

11.2 All delegations:

a) to the CEO were in writing; and

b) by the CEO to any employee were in writing.

s5.42(2), 5.44(2)

☒ ☐ ☐ S. 28/2
☒ ☐ ☐ S. 28/2

11.3 The CEO has kept a register of all delegations made to the CEO and to employees under the Act.

s5.46(1)

☒ ☐ ☐ S. 29/2

11.4 Delegations made under the Act were reviewed by the delegator at least once during the financial year ended 30 June 1999.

s5.46(2)

☒ ☐ ☐ S. 28/2

11.5 Persons exercising a delegated power or duty under the Act have on all occasions kept a written record as required.

s5.46(3)
 (Admin) Reg 19

☒ ☐ ☐ S. 28/2

12. ANNUAL REPORT

12.1 The local government prepared an annual report for the financial year ended 30 June 1999 which contained the prescribed information under the Act and Regulations.

s5.53

☒ ☐ ☐ S. 25/2

12.2 The annual report was accepted by the local government either:

a) by 31 December 1999; or

b) if the Auditor's report was not available in time for acceptance by 31 December, it will be accepted no more than two months after the Auditor's report was made available.

s5.54(1), (2)

☒ ☐ ☐ S. 25/2

☐ ☐ ☒ S. 25/2

12.3 The CEO gave local public notice of the availability of the annual report as soon as practicable after the report was accepted by the local government.

s5.55

☒ ☐ ☐ S. 25/2

13. DISCLOSURE OF FINANCIAL INTERESTS

- 13.1 All decisions made under section 5.68(1) and the extent of participation allowed was recorded in the minutes of council and committee meetings.
s5.68(2) ☒ ☐ ☐ *P. 28/2*
- 13.2 On all occasions when a member disclosed an interest he/she did not remain present to participate in any discussion or decision making procedure relating to the matter, if not allowed to do so under section 5.68 and 5.69 of the Act.
s5.67 ☒ ☐ ☐ *P. 28/2*
- 13.3 Disclosures under section 5.65 or 5.70 were recorded in the minutes of the meeting at which the disclosure was made.
s 5.73 ☒ ☐ ☐ *P. 28/2*
- 13.4 A primary return was lodged by all newly elected members and new designated employees within three months of their start day.
s5.75(1)
(Admin) Reg 22 Form 2 ☒ ☐ ☐ *P. 28/2*
- 13.5 Continuing elected members and designated employees lodged an annual return in the prescribed form by 31 August 1999.
s5.76(1)
(Admin) Reg 23 Form 3 ☒ ☐ ☐ *P. 28/2*
- 13.6 On receipt of a primary or annual return, the CEO on all occasions gave written acknowledgment of having received the return.
s5.77 ☒ ☐ ☐ *P. 28/2*
- 13.7 The CEO kept a register of elected members' and employees' disclosures of financial interests.
s5.88 ☒ ☐ ☐ *P. 28/2*

14. ACCESS TO INFORMATION

- 14.1 The local government allowed any person to inspect during office hours and free of charge all information specified in the Act.
s5.94 ☒ ☐ ☐ *P. 28/2*
- 14.2 In all cases where the local government refused a person the right of inspection of the information referred to in section 5.94 of the Act, it did so in accordance with the required limits of the Act.
s5.95 ☐ ☐ ☒ *P. 28/2*

- 14.3 On all occasions where a person inspected certain information as prescribed under Part 5, Division 7 of the Act and requested a copy, such copies were sold at a cost that did not exceed the cost of providing the copies.

s5.96

☒ ☐ ☐ S. 28/2

15. FEES, EXPENSES AND ALLOWANCES

- 15.1 The annual allowance for expenses made available to the Mayor or President was within the prescribed range.

s5.98(5)

(Admin) Reg 33

☒ ☐ ☐ S. 28/2

- 15.2 The fee made available to elected members for attending meetings and for reimbursement of expenses incurred was within the prescribed ranges.

s5.98

(Admin) Reg 30, 31

☒ ☐ ☐ S. 28/2

- 15.3 Where a local government decided to pay council members an annual fee in lieu of fees for attending meetings, it was:

- a) resolved by absolute majority; and
b) within the prescribed ranges.

s5.99

(Admin) Reg 34

☒ ☐ ☐ S. 28/2
☒ ☐ ☐ S. 28/2

16. FINANCE

- 16.1 A Principal Activities Plan for the next four or more financial years was prepared in 1998/99 which contained the details set out in section 5.56(2) of the Act.

s5.56

☒ ☐ ☐ S. 28/2

ANNUAL BUDGET

- 16.2 Council, prior to 31 August in the review period, adopted by absolute majority a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act.

☐ ☒ ☐ S. 28/2

Date of Council Resolution _____

If 'no', Ministerial approval was sought for an extension.

s6.2

☒ ☐ ☐ S. 28/2

16.3 The 1999/00 budget was forwarded to the Department of Local Government within 30 days of its adoption.

☒	☐	☐	<u>25</u>
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Date sent 6 OCTOBER 1999

(FM) Reg 33

16.4 Expenditure that the local government incurred from its municipal fund which was not included in its annual budget was:

a) authorised in advance on all occasions by absolute majority resolution; or

☐	☐	☒	<u>25</u>
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b) if authorised in advance by the Mayor or President in an emergency, it was reported on all occasions to the next ordinary meeting of council.

☐	☐	☒	<u>25</u>
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s6.8

16.5 Council determined the following by absolute majority:
(apply to money other than rates and service charges).

a) at the time of adopting its budget, the granting of a discount or other incentive for early payment;

☒	☐	☐	<u>25</u>
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b) the setting of interest rates on money owing to Council.

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s6.12, 6.13

16.6 Council in granting a discount or other incentive for early payment of any rate or service charge, did so by absolute majority.

☒	☐	☐	<u>25</u>
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s6.46

16.7 Council on all occasions where it was resolved to waive a rate or service charge or grant other concessions in relation to a rate or service charge did so by absolute majority.

☒	☐	☐	<u>25</u>
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s6.47

16.8 Council in setting an interest rate on a rate or service that remained unpaid, did so by absolute majority.

☒	☐	☐	<u>25</u>
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s6.51

16.9 Ministerial approval was sought and obtained to adopt a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.

☐	☐	☒	<u>25</u>
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s6.34

16.10 Where a service charge was imposed in the budget, the local government used the income raised under the service charge for the purpose of:

- a) television and radio rebroadcasting;
- b) volunteer bush fire brigades;
- c) underground electricity;
- d) property surveillance and security; and
- e) soil conservation.

s6.38(4)
(FM) Reg 24, 54

☐	☐	☒	<u>25/2</u>
☐	☐	☒	<u>25/2</u>
☐	☐	☒	<u>25/2</u>
☒	☐	☐	<u>25/2</u>
☐	☐	☒	<u>25/2</u>

RATES AND SERVICE CHARGES

16.11 All rates imposed by the council complied with the provisions of the Act Part 6, Division 6.

☒	☐	☐	<u>25/2</u>
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16.12 A minimum payment of more than \$200.00 was levied on less than 50% of separately rated properties in the district.

s6.35(4)
(FM) Reg 53

☒	☐	☐	<u>25/2</u>
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17. FINANCIAL REPORTING

17.1 Financial reports other than the annual financial report and where Council made a resolution as per question 17.2, as prescribed, have been prepared, presented to council and recorded in the minutes of the meetings where submitted.

s6.4(1)
(FM) Reg 34(1)(a)

☒	☐	☐	<u>25/2</u>
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17.2 Council resolved by absolute majority, not to prepare a quarterly or triannual report for the period ending 30 June 1999.

Date of Resolution _____

s6.4(1)
(FM) Reg 34(1)(a)

☐	☐	☒	<u>25/2</u>
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17.3 The annual financial report, prepared for the financial year ended 30 June 1999 was submitted to the Auditor by 30 September 1999 or by the extended time allowed by the Minister.

s6.4(3)(b)
(FM) Reg 36

☒	☐	☐	<u>25/2</u>
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- 17.4 The local government's designated responsible employee has signed and appended to the audited financial statements, a declaration in the prescribed form as provided in Form 1 Schedule 2 FM Regulation 51.

☒ ☐ ☐ 25/

Date signed

14 November 2000

(FM) Reg 51

- 17.5 The annual financial report was submitted to the Department of Local Government within 30 days of the receipt by the CEO of the Auditor's report.

☒ ☐ ☐ 25/

(FM) Reg 51(2)

18. AUDITOR'S REPORT

- 18.1 The Auditor's report for the financial year ended 30 June 1999 was received by the local government within 30 days of completion of the audit.

☒ ☐ ☐ 25/

s7.9(1)

(Audit) Reg 10

- 18.2 The Auditor's report for 1998/99 was received by the local government by 31 December 1999.

☒ ☐ ☐ 25/

s7.9(1)

19 MISCELLANEOUS PROVISIONS

- 19.1 Each person who has received an unfavourable decision from Council, or from an employee of local government exercising delegated authority under Part 3 of the Act, or any local law, or any regulation operating as a local law, was informed of their right to object and appeal against the decision.

☒ ☐ ☐ 29/

s9.4

- 19.2 On all occasions those employees who represented the local government in court proceedings, were appointed by the CEO in writing.

☒ ☐ ☐ 29/

s9.29(2)

20. WARDS AND REPRESENTATION

- 20.1 The local government undertook a review of:

(a) its ward boundaries; and

☐ ☐ ☒ 29/

(b) the number of offices of councillor for each ward.

☐ ☐ ☒ 29/

Date of Last Review

Sch2.2 6

21. PRIVATE SWIMMING POOLS

- 21.1 Inspections of known private swimming pools either have been or are proposed to be carried out as required by section 245A(5)(aa) of the *Local Government (Miscellaneous Provisions) Act 1960*.

☒ ☐ ☐ G

22. CEMETERIES

- 22.1 A register has been maintained in accordance with the provisions of section 40(1)(a) & (b) of the *Cemeteries Act 1986*.

s40(1)(a), (b)
Cemeteries Act 1986

☐ ☐ ☒ S. 28/2

- 22.2 Plans have been kept and maintained in accordance with the provisions of section 40(2) of the *Cemeteries Act 1986*.

S40(2)
Cemeteries Act 1986

☐ ☐ ☒ S. 28/2

23. LOCAL GOVERNMENT GRANTS

- 23.1 The local government supplied to the Grants Commission such financial and other information as to its affairs in the required form and by the specified date.

s12(4)
Local Government Grants Act 1978

☒ ☐ ☐ 28/2

24. CARAVAN PARKS AND CAMPING GROUNDS

- 24.1 The local government has inspected each caravan park or camping ground in its district within the period 1 July 1998 to 30 June 1999.

s21(1)
Caravan Parks and Camping Grounds Act 1995

☐ ☒ ☐ 28/2

**THE INITIALS APPEARING IN THIS RETURN RELATE TO THE
FOLLOWING**

Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____
Full Name	_____	Initials	
Position	_____	Signature	_____

1 January 1999 to 31 December 1999

COMMENTS

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PART B

	YES	NO	N/A	Initials & Date
25. COUNCIL MATTERS				
<i>COUNCIL MEETINGS</i>				
25.1 The granting of leave to a member from attending ordinary meetings of council, was on all occasions by council resolution. <i>s2.25(1), (3)</i>	☒	☐	☐	<i>S. 28/12</i>
25.2 On all occasions Ministerial approval was sought before leave of absence was granted to an elected member in respect of more than six consecutive ordinary meetings. <i>s2.25(2)</i>	☐	☐	☒	<i>S. 28/12</i>
25.3 On all occasions the resolution of council granting leave of absence was recorded in the minutes of the meeting where leave was granted. <i>s2.25(4)</i>	☒	☐	☐	<i>S. 28/12</i>
25.4 On all occasions where an ordinary or special meeting of council was called by councillors, it was called by at least 1/3 (one third) of the number of councillors. <i>s5.4(a)(ii)</i>	☐	☐	☒	<i>S. 28/12</i>
25.5 The Minister approved, on each occasion as required, a reduction in the numbers needed for a council meeting quorum, or for certain majorities. <i>S5.7(1)</i>	☐	☐	☒	<i>S. 28/12</i>
25.6 The annual general meeting of electors was held within 56 days of the local government's acceptance of the annual report for the previous financial year. <i>s5.27(2)</i>	☒	☐	☐	<i>S. 28/12</i>
25.7 On all occasions, where a member disclosed a financial interest by written notice, the presiding person brought the notice and its contents to the attention of the meeting immediately before the matter, to which the interest related, was discussed. <i>s5.66(b)</i>	☒	☐	☐	<i>S. 28/12</i>

COMMITTEES

- 25.8 All council committees during the review period were established by an absolute majority.

s5.8

☒ ☐ ☐ S. 28/2

- 25.9 All members of council committees during the review period were appointed by an absolute majority.

s5.10(1)(a)

☒ ☐ ☐ S. 28/2

- 25.10 Each council member was 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.

s5.10(2)

☒ ☐ ☐ S. 28/2

- 25.11 Presiding members of committees were elected by the members of the committees from amongst themselves.

s5.12

☐ ☐ ☒ S. 28/2

- 25.12 The Mayor or President, if present, conducted the election of Deputy Mayor or Deputy President.

s5.12

Schedule 2.3 Division 2

☐ ☐ ☒ S. 28/2

- 25.13 On each occasion, where the quorum of a committee meeting was reduced, the decision was an absolute majority decision of council.

s5.15

☐ ☐ ☒ S. 28/2

- 25.14 Within the limits of the Act, any delegations of council powers and duties to its committees was decided by an absolute majority decision of council.

s5.16, 5.17

☐ ☐ ☒ S. 28/2

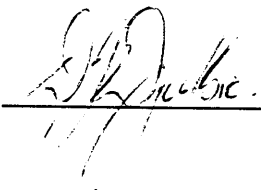
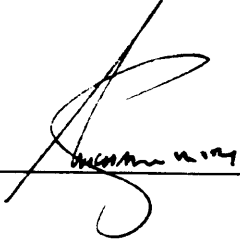
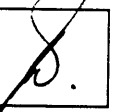
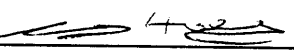
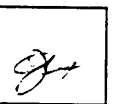
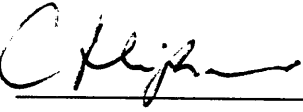
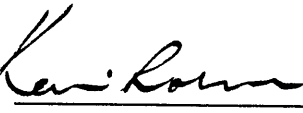
RECEIPT OF FINANCIAL INTEREST RETURNS

- 25.15 On receipt of a Primary or Annual Return, from the CEO the Mayor or President on all occasions gave written acknowledgment of having received the Return.

s5.77

☒ ☐ ☐ S. 28/2

THE INITIALS APPEARING IN THIS RETURN RELATE TO THE
FOLLOWING

Full Name	<u>LINDSAY DELAHAUNTY</u>	Signature		Initials	
Position	<u>CHIEF EXECUTIVE OFFICER</u>				
Full Name	<u>RAMON FORDON FORTEN</u>	Signature		Initials	
Position	<u>Executive Manager Strategic Planning</u>				
Full Name	<u>David James Dwyer</u>	Signature		Initials	
Position	<u>Director Infrastructure Management</u>				
Full Name	<u>Tom Barrett Brennan</u>	Signature		Initials	
Position	<u>DIRECTOR RESOURCE MANAGEMENT</u>				
Full Name	<u>MICHAEL GEORGE SMITH</u>	Signature		Initials	
Position	<u>MANAGER COUNCIL SUPPORT SERVICES</u>				
Full Name	<u>JAMES HALL</u>	Signature		Initials	
Position	<u>DIRECTOR COMMUNITY DEVELOPMENT</u>				
Full Name	<u>CLAYTON MORRIS HIGHAM</u>	Signature		Initials	
Position	<u>DIRECTOR PLANNING & DEVELOPMENT</u>				
Full Name	<u>KEVIN RAE ROBINSON</u>	Signature		Initials	
Position	<u>MANAGER EXECUTIVE SERVICES</u>				

1 January 1999 to 31 December 1999

COMMENTS

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**JOINT CERTIFICATION BY THE MAYOR/PRESIDENT
AND
CHIEF EXECUTIVE OFFICER**

We,

_____ (full name),
being the elected Mayor/President, and

_____ (full name)

being the appointed Chief Executive Officer

of the _____ (local government),

hereby Certify that:

- ☐ The information contained in Parts A and B of this Return are true and correct to the best of our knowledge.
- ☐ This Return was included in the agenda papers and considered by Council at the Ordinary/Special Meeting of Council held on _____ (date)
- ☐ The contents of this Certification were read out aloud to the meeting.
- ☐ Each Councillor has had the opportunity to review the Return and to make comment to the Council.
- ☐ The particulars of any matters of concern relating to the Return were recorded in the minutes of the meeting.
- ☐ The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes.
- ☐ Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of Council for the period 1 January 1999 to 31 December 1999.
- ☐ The resolution of adoption was carried _____ (state vote detail) eg 7/2

_____ (signature)
MAYOR/PRESIDENT

_____ (date)

_____ (signature)
CHIEF EXECUTIVE OFFICER

_____ (date)