

2005 COMPLIANCE AUDIT RETURN - [09492]

WARD: All

RESPONSIBLE Garry Hunt
DIRECTOR: Office of CEO

PURPOSE

To present the completed 2005 Compliance Audit Return to the Council for final adoption.

EXECUTIVE SUMMARY

The City has completed the Department of Local Government's compliance audit return for the period 1 January 2005 to 31 December 2005.

BACKGROUND

Some years ago, the Department of Local Government introduced a voluntary statutory compliance assessment as a result of its concerns at the level of non-compliance within the industry.

To ensure requirements of the Local Government Act Section 7.13(i) are followed, Sections 13, 14 and 15 of the Local Government (Audit) Regulations have been amended. This means that there is now a legal requirement to annually complete a Compliance Audit Return and return it to the Department of Local Government by 31 March each year.

The Compliance Audit is required to be presented to the Audit Committee prior to consideration by the Council. The Audit Committee met on 7 March 2006, where it resolved that:

- 1 *in relation to discussions and comments at the Audit Committee meeting held on 7 March 2006 in respect to the 2005 Compliance Return, the officers investigate queries raised and make any appropriate amendments prior to the Council meeting scheduled to be held on 14 March 2006;*
- 2 *it be noted that Pages 11 – 16 are supporting documents only to the summary as shown on stamped page 9 and should be deleted;*
- 3 *subject to the queries in (1) above being investigated, the Audit Committee subsequently recommends to the Council the adoption of the completed Local Government Compliance return for the period 1 January 2005 to 31 December 2005;*
- 4 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, Council submits the completed Local Government Compliance Return to the Executive Director.*

DETAILS

Issues and options considered:

The completed return is an attachment to this report.

To enable all of its statutory requirements to be met, necessary initiatives have been put in place to ensure a thorough and ongoing compliance process.

The return indicates compliance, with the exception of:

- Section F (Meeting Process) number 22;
- Section I (Finance) number 25;

With regard to non-compliant sections, the following explanatory notes are offered:

Section F (Meeting Process):

- 22 On two occasions, motions were not supported by at least 1/3 of Council. However on both occasions the decisions to revoke were carried by an absolute majority.

Section I (Finance):

- 25 The advertisement for the Night Markets Fees and Charges was not placed. The Fees and Charges have been subsequently advertised.

Preliminary legal advice indicates that the failure to give local public notice prior to the date of which the fees and charges were imposed, as required by Section 6.19 of the Local Government Act 1995, does not automatically invalidate the imposition of those fees and charges.

Link to Strategic Plan:

- 4.1 To manage the business in a responsible and accountable manner.

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 Executive Director by 31 March next following the period to which the return relates.

- (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 consider the Compliance Audit 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 Internal Auditor has undertaken a review and a report was presented to the Audit Committee meeting held on 7 March 2006. Following the meeting of the Audit Committee, the updates to the Compliance Return have been made. The Return is now presented to the Council for final adoption. Following the adoption of the Compliance Audit Return, the Chairman and the Chief Executive Officer will jointly certify it.

ATTACHMENTS

Attachment 1 2005 Compliance Audit Return

VOTING REQUIREMENTS

Simple Majority

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

RECOMMENDATION

That Council:

- 1 **ADOPTS** the completed Local Government Compliance Return for the period 1 January 2005 to 31 December 2005 forming Attachment 1 to this Report;
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, **SUBMITS** the completed Local Government Compliance Return to the Executive Director.

Signature of Originating Manager

Signature of Originating Director

Local Government

Compliance
Audit
Return

1 January 2005 to 31 December 2005

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Joint Certification By The Mayor/President And Chief Executive Officer

We, JOHN MALCOLM PATERSON

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

GARRY HUNT

_____ (full name)

being the appointed Chief Executive Officer

of the CITY OF JOONDALUP _____ (local government),

hereby Certify that:

- ☐ The information contained in this Return is 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 14 MARCH 2006 _____ (date).
- ☐ Each Councillor has had the opportunity to review the Return and to make comment to the Council.
- ☐ In cases of non-compliance or if full compliance was not achieved, additional information explaining or qualifying Council's non-compliance with the Act, together with details of remedial action taken or proposed to be taken to ensure future compliance was included in the agenda papers and considered by Council. The particulars of any matters of concern relating to the Return were recorded in the minutes of the meeting.
- ☐ The extract of the minutes attached to this Return is a true and correct copy of the relevant section(s) of the above-mentioned minutes.
- ☐ Subject to the matters of concern raised and recorded, the Council adopted the Compliance Audit Return as the official Return of Council for the period 1 January 2005 to 31 December 2005.
- ☐ The resolution of adoption was carried _____ (state vote detail) eg 7/2.

MAYOR/PRESIDENT

(signature)

CHIEF EXECUTIVE OFFICER

(signature)

(date)

(date)

Instructions

1. Each local government is to carry out a compliance audit for the period 1 January to 31 December 2005 against the requirements included in this Compliance Audit Return. On completion of the compliance audit the local government is to complete the Compliance Audit Return.
2. The Compliance Audit Return is to be:
 - (a) presented to 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.
3. After the Compliance Audit Return has been presented to the Council, **a certified copy of the return, along with the relevant section of the minutes and 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 2006**. (Certified means signed by the Mayor or President and the CEO)
4. In cases of non-compliance or if full compliance is not achieved, additional information explaining or qualifying Council's non-compliance with the Act is to be included in the comment area at the beginning of the appropriate section. Also advise what remedial action has been or will be taken to ensure future compliance with the Act. **(NB – This information is to be included in the agenda papers and considered by Council when adopting the return.)**
5. Single questions that have more than one component should be answered in the negative if the local government has not complied with all components of the question. An explanation should be provided for the non-compliance.
6. The Chief Executive Officer may delegate the responsibility to complete any sections of the return to another person or persons. The responsible person's initials must be clearly identified by name, position and signature at the beginning of each section of the return. Each item should be completed by the responsible person initialling the appropriate box and providing any additional information explaining or qualifying cases of non-compliance or if full compliance is not achieved, at the beginning of the section.
7. Please use a pen or some other form of indelible print in black or blue when completing this Return.
8. All references to the Act mean 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 their initials.

(a) Local Laws

Responsible Person's

Full Name MICHAEL GEORGE SMITH

Position: Manager Marketing Communications
And Council Support




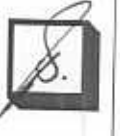


Initials



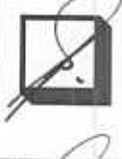



Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

In accordance with Section 3.16 of the Local Government Act 1995 the Council commenced a review of its local laws in late 2005. This review will be finalised in early 2006, hence the response to question 8 is 'yes' and response to question 9 is 'N/A' as the submission period concludes outside of this Compliance Return period.

(a) Local Laws		Yes	No	N/A	Initials
1.	On each occasion Council resolved to make a local law the person presiding at the Council meeting gave notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3. s3.12(2) F&G Reg 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	The local government gave Statewide and local public notice on each occasion that it proposed to make a local law that stated: <ul style="list-style-type: none"> the purpose and effect of the proposed local law; and details of where a copy of the local law may be inspected or obtained. s3.12(3)(a)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
3.	On all occasions, as soon as the notice referred to in 2 above was published, a copy of the proposed law, together with a copy of the notice, was given 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. s3.12(3)(b)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	All of Council's resolutions to make local laws were: <ul style="list-style-type: none"> by absolute majority; and recorded as such in the minutes of the meeting. s3.12(4)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
5.	After making the local law the local government: <ul style="list-style-type: none"> published the local law in the Gazette; and gave 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. s3.12(5)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
6.	After the local law was published in the Gazette the local government gave local public notice: <ul style="list-style-type: none"> stating the title of the local law; summarising the purpose and effect of the local law and the day on which it came into operation; and advising that copies of the local law may be inspected or obtained from its office. s3.12(6)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

(a) Local Laws (Cont)	Yes	No	N/A	Initials
7. All reviews of local laws under section 3.16(1) of the Act have been carried out within a period of 8 years. <div style="text-align: right;">s3.16(1)</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Where 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 it gave Statewide public notice: <ul style="list-style-type: none"> ▪ stating that it intended to review the local law; ▪ advising that a copy of the local law could be inspected or obtained at the place specified in the notice; and ▪ detailing the closing date for submissions about the local law. <div style="text-align: right;">s3.16(1)(2)</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. After the last day for submissions the local government considered the submissions received and caused a report of the review to be prepared and submitted to its Council. <div style="text-align: right;">s3.16(3)</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. On all occasions, the decision to repeal or amend a local law was determined by absolute majority. <div style="text-align: right;">s3.16(4)</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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(b) Executive Functions

Responsible Person's

Initials



Full Name GARRY HUNT

Position: CHIEF EXECUTIVE OFFICER


Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

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(c)Thoroughfares

Responsible Person's

Initials







Full Name MURRAY RALPH

Position: ACTING MANAGER
INFRASTRUCTURE SERVICES

Murray Ralph
Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

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(c) Thoroughfares	Yes	No	N/A	Initial
<p>1. The local government on all occasions when proposing to wholly or partially close a thoroughfare to the passage of vehicles for a period exceeding four weeks;</p> <ul style="list-style-type: none"> gave local public notice of the proposed order which included details of the proposal, the location of the thoroughfare, where, when and why it would be closed; and invited submissions from any person who wished to make a submission; and gave written notice to each person prescribed in Function and General Regulation 4. <p style="text-align: right;">s3.50</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
<p>2. The local government when proposing to fix or alter the level of, or the alignment of, a public thoroughfare or drain water from a public thoroughfare or other public place onto adjoining land;</p> <ul style="list-style-type: none"> gave written notice to each person having an interest in land likely to be adversely affected by the proposal that included details of the proposal and invited submissions from any person who wished to make a submission; and gave written notice to each person prescribed in F&G Reg 5. <p style="text-align: right;">s3.51</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
<p>3. The local government has kept plans of the level and alignments of all public thoroughfares that are under its control or management in the metropolitan area or on land that has been constituted a townsite under section 26 of the Land Administration Act, and made those plans available for public inspection.</p> <p style="text-align: right;">s3.52(4)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>4. The local government has kept a register of gates and other devices constructed across public thoroughfares.</p> <p style="text-align: right;"><i>Uniform Local Provisions Regulation 9(8)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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(d) Tenders For Providing Goods Or Services

Responsible Person's

Initials



Full Name BRIAN BARTSH

Position: **ACTING MANAGER
ASSETS AND COMMISSIONING**








Signature









Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.






Question 7. During October 2005 the City called tenders for the provision of legal services. Due to an anomaly between the closing dates stated on the advertisement and in the tender documentation itself, the 14 day period required under the regulations would not have been met. This anomaly was detected prior to the tenders being evaluated and as a result a report was submitted to the December 2005 meeting of Council to reject all tenders and recall the tender.




A similar timing anomaly was detected in the Provision of Investment Advice tender called in November 2005 and that tender was also recalled.

Question 9. The opening of all tenders for the City is undertaken by at least one employee of the City as required by Function and General Regulation 16(3)(a).




(d) Tenders For Providing Goods or Services	Yes	No	N/A	Initials
1. Subject to Functions and General Regulation 11(2) tenders were invited before the local government entered into contracts for the supply of goods or services, where the consideration under the contract was, or was expected to be, worth more than \$50,000. <i>s3.57 F&G Reg 11</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. On no occasion did the local government enter into 2 or more contracts to avoid the requirements to call tenders in accordance with F&G Reg 11(1). <i>F&G Reg 12</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. All the local government's invitations to tender were given via Statewide public notice. <i>F&G Reg 14(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. All the local government's invitations to tender included: <ul style="list-style-type: none"> ▪ a brief description of the goods and services required; ▪ contact details for a person from whom more detailed information could be obtained about the tender; ▪ information as to where and how tenders could be submitted; and ▪ the date and time after which tenders would not be accepted. <i>F&G Reg 14(3)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. The following information was made available to all prospective tenderers: <ul style="list-style-type: none"> ▪ detailed specifications of the goods or services required; ▪ the criteria for deciding which tender would be accepted; ▪ whether or not the local government had decided to submit a tender; ▪ whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so how tenders were to be submitted; and ▪ any other information that should be disclosed to those interested in submitting a tender. <i>F&G Reg 14(3)(4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(d) Tenders For Providing Goods or Services (Cont)	Yes	No	N/A	Initials
6. Where a local government sought to vary the information supplied to tenderers it took every reasonable step to give each person who had sought copies of the tender documents or each acceptable tenderer notice of the variation. <i>F&G Reg 14(5)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Following the publication of the notice inviting tenders a minimum of 14 days was allowed for the submission of tenders. <i>F&G Reg 15</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Tenders submitted, including tenders submitted by facsimile or other electronic means, were: <ul style="list-style-type: none"> ▪ held in safe custody; and ▪ remained confidential. <i>F&G Reg 16(1)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
9. All tenders received were: <ul style="list-style-type: none"> ▪ not opened, examined or assessed until after the time nominated for closure of tenders; ▪ opened by one or more employees of the local government or a person authorised by the CEO. <i>F&G Reg 16 (2), (3)(a)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
10. Members of the public were not excluded when tenders were opened. <i>F&G Reg 16 (3)(b)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. All details of the tender (except the consideration sought) were recorded in the tender register immediately after opening. <i>F&G Reg 16 (3)(c)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Tenders that were not submitted at the place, and within the time specified in the invitation to tender were rejected. <i>F&G Reg 18(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Tenders that were not rejected were assessed by means of written evaluation criteria for deciding which tender to accept and which tender was most advantageous to the local government to accept. <i>F&G Reg 18 (4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(d) Tenders For Providing Goods or Services (Cont)	Yes	No	N/A	Initials
<p>14. The local government's Tender Register includes for each invitation to tender:</p> <ul style="list-style-type: none"> ▪ a brief description of the goods or services required; ▪ particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1); ▪ particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest; ▪ any list of acceptable tenderers that was prepared under regulation 23(4); ▪ a copy of the notice of invitation to tender; ▪ the name of each tenderer whose tender was opened; ▪ the name of the successful tenderer; and ▪ the amount of consideration or the summary of the amount of the consideration sought in the tender accepted. <p style="text-align: right;"><i>F&G Reg 17 (2) & (3)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<p>15. Each tenderer was sent written notice advising particulars of the successful tender or advising that no tender was accepted.</p> <p style="text-align: right;"><i>F&G Reg 19</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>16. Statewide public notice was given each time the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services.</p> <p style="text-align: right;"><i>F&G Reg 21(3)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>17. All public notices inviting an expression of interest included:</p> <ul style="list-style-type: none"> ▪ a brief description of the goods and services required; ▪ particulars of a person from whom more detailed information could be obtained; ▪ information as to where and how expressions of interest could be submitted; and ▪ the date and time after which expressions of interest would not be accepted. <p style="text-align: right;"><i>F&G Reg 21(4)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<p>18. Following the publication of the notice inviting expressions of interest a minimum of 14 days was allowed for the submission of expressions of interest.</p> <p style="text-align: right;"><i>F&G Reg 22</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(d) Tenders For Providing Goods or Services (Cont)	Yes	No	N/A	Initials
19. Expressions of interest not submitted at the place and within the time specified in the notice were rejected. <i>F&G Reg 23(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20. The CEO listed each person considered capable of satisfactorily supplying goods or services after the local government considered expressions of interest. <i>F&G Reg 23(4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21. Each person who submitted an expression of interest was given a notice in writing in accordance with F & G Regulation 24. <i>F&G Reg 24</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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(e) Commercial Enterprise by Local Governments	YES	NO	N/A	Initials
<p>1. The local government has prepared a business plan:</p> <ul style="list-style-type: none"> ▪ for each major trading undertaking. ▪ for each major land transaction that was not exempt; and ▪ before entering into each land transaction that was preparatory to entry into a major land transaction. <p style="text-align: right;">s3.59(2)(a)(b)(c) <i>Functions & General Regulation 7, 9</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<p>2. The local government gave Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction.</p> <p style="text-align: right;">s3.59(4)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>3. Council resolved to proceed with each major land transaction or trading undertaking by absolute majority.</p> <p style="text-align: right;">s3.59(5)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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(f) Meeting Process

Responsible Person's

Initials



Full Name MICHAEL GEORGE SMITH

Position: **MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT**

Signature









A handwritten signature in black ink, appearing to read 'Michael George Smith', written over a horizontal line.









Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.







Question 22. On two occasions, motions were not supported by at least one-third of the Council prior to the motion being voted upon. However on both occasions the decisions to revoke were carried by an absolute majority





In order to ensure this legislative requirement is adhered to, appropriate procedures are in place to ensure that the Council is aware of the requirement via reports presented to the Council.








Question 37. The Council of the City of Joondalup has been governed by five (5) Commissioners during 2005. The Code of Conduct is to be reviewed within 12 months of every ordinary election. Following a Governance Review in 2003, it was recommended that the Code of Conduct be reviewed by a reinstated or incoming Council. Since the Governance Review report, the elected Council was suspended and subsequently dismissed, therefore the review of the Code of Conduct will be carried out within the first few months of the incoming Council following elections on 6 May 2006.





(f) Meeting Process	Yes	No	N/A	Initials
1. Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council: <ul style="list-style-type: none"> ▪ it was by Council resolution; and ▪ it was recorded in the minutes of the meeting at which the leave was granted. s2.25(1)(3)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
2. Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council the reason for refusal was recorded in the minutes of the meeting. s2.25(3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. On all occasions, Ministerial approval was sought before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council. s2.25(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. On all occasions where: <ul style="list-style-type: none"> ▪ the mayor or president called an ordinary or special meeting of Council it was done by notice to the CEO setting out the date and purpose of the proposed meeting; or ▪ councillors called an ordinary or special meeting of Council it was 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. s5.4	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
5. The CEO gave each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council. s5.5(1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. The CEO gave each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council. s5.5(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. The Minister or his delegate, approved on each occasion as required: <ul style="list-style-type: none"> ▪ a reduction in the number of offices of member needed for a quorum at a Council meeting; or ▪ a reduction in the number of offices of member required for absolute majorities. s5.7	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
8. All Council committees during the review period were established by an absolute majority. s5.8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(f) Meeting Process (Cont)	Yes	No	N/A	Initials
9. 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). <i>s5.10(1)(a)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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. <i>s5.10(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Presiding members of committees were elected by the members of the committees from amongst themselves in accordance with Schedule 2.3, Division 1 of the Act. <i>s5.12(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Deputy presiding members of committees were elected by the members of the committee from amongst themselves in accordance with Schedule 2.3 Division 2 of the Act. <i>s5.12(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. On each occasion where a quorum of a committee meeting was reduced, the decision was made by absolute majority. <i>s5.15</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. The person presiding at a meeting, when requested by a member of Council or committee, caused an individual vote or the vote of all members present to be recorded in the minutes. <i>s5.21 (4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. The person presiding at a meeting of a Council or a committee caused minutes to be kept of the meeting's proceedings. <i>s5.22(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. The minutes of all Council and committee meetings were: <ul style="list-style-type: none"> ▪ submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation; and ▪ signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed. <i>s5.22(2)(3)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(f) Meeting Process (Cont)	Yes	No	N/A	Initials
17. Subject to section 5.23(2) of the Act, the following were open to members of the public: <ul style="list-style-type: none"> ▪ all Council meetings; and ▪ all meetings of committees to which a power or duty had been delegated. <i>s5.23 (1)</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
18. On all occasions, the reason, or reasons, for closing any Council or committee meeting to members of the public was: <ul style="list-style-type: none"> ▪ in accordance with the Act; and ▪ recorded in the minutes of that meeting. <i>s5.23(2)(3)</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
19. A minimum time of 15 minutes was allocated for questions to be raised by members of the public and responded to at: <ul style="list-style-type: none"> ▪ every ordinary meeting of Council; ▪ every special meeting of Council; and ▪ every meeting of a committee to which the local government has delegated a power or duty. <i>s5.24 (1)</i> <i>Administration Regulation 5 & 6</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
20. 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. <i>Admin Reg 8</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21. Voting at Council or committee meetings was conducted so that no vote was secret. <i>Admin Reg 9</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22. All motions to revoke or change decisions at Council or committee meetings were supported: <ul style="list-style-type: none"> ▪ 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; or ▪ 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. <i>Admin Reg 10(1)</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	

(f) Meeting Process (Cont)	Yes	No	N/A	Initials
23. All decisions to revoke or change decisions made at Council or committee meetings were made: <ul style="list-style-type: none"> 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; or in any other case, by an absolute majority. <p style="text-align: right;"><i>Admin Reg 10(2)</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
24. The contents of minutes of all Council or committee meetings included: <ul style="list-style-type: none"> the names of members present at the meeting; 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; details of each motion moved at the meeting, including details of the mover and outcome of the motion; details of each decision made at the meeting; where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision; a summary of each question raised by members of the public and a summary of the response given; and 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. <p style="text-align: right;"><i>Admin Reg 11</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
25. At least once during the period covered by this return, the local government gave local public notice for the next twelve months of the date, time and place of: <ul style="list-style-type: none"> 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. <p style="text-align: right;"><i>Admin Reg 12(1)</i></p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
26. The local government gave local public notice of any changes to the dates, times or places referred to in 24 above. <p style="text-align: right;"><i>Admin Reg 12(2)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(f) Meeting Process (Cont)	Yes	No	N/A	Initials
<p>27. In the CEO's opinion, where it was practicable, all special meetings of Council that were open to members of the public:</p> <ul style="list-style-type: none"> ▪ were advertised via local public notice; and ▪ the notice included details of the date, time, place and purpose of the special meeting <p style="text-align: right;"><i>Admin Reg 12(3)(4)</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
<p>28. The local government made available for public inspection unconfirmed minutes of all Council and committee meetings:</p> <ul style="list-style-type: none"> ▪ within 10 business days after the Council meetings; or ▪ within 5 business days after the committee meetings. <p style="text-align: right;"><i>Admin Reg 13</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
<p>29. Notice papers, agenda and other documents relating to any Council or committee meeting, other than those referred to in Admin Reg 14(2), were made available for inspection.</p> <p style="text-align: right;"><i>Admin Reg 14(1)(2)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>30. 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:</p> <ul style="list-style-type: none"> ▪ the Council approved of the arrangement by absolute majority; and ▪ the person was in a suitable place as defined in Administration Regulation 14A(4) <p style="text-align: right;"><i>Admin Reg 14A</i></p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>31. 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.</p> <p style="text-align: right;"><i>s5.27(2)</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>32. 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.</p> <p style="text-align: right;"><i>s5.29</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>33. 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.</p> <p style="text-align: right;"><i>s5.32</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(f) Meeting Process (Cont)	Yes	No	N/A	Initials
34. 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. <div style="text-align: right;">s5.33(1)</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
35. The reasons for Council decisions, in response to decisions made at all electors' meetings, were recorded in the minutes of the appropriate Council meeting. <div style="text-align: right;">s5.33(2)</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
36. The CEO has kept a register of all token gifts received by Council members and employees. <div style="text-align: right;">s5.103(3) Admin Reg 34B</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
37. The local government reviewed its code of conduct in the 12 months immediately following each ordinary election day. Date of Review _____ <i>If the review has not been done please indicate when the review will be undertaken.</i> <div style="text-align: right;">s5.103</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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(g) Delegation Of Power/Duty

Responsible Person's

Initials










Full Name MICHAEL GEORGE SMITH

Position: MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT

Signature _____

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

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(g) Delegation of Power/Duty	Yes	No	N/A	Initial
1. All delegations to committees were: <ul style="list-style-type: none"> resolved by absolute majority; in writing; within the limits specified in section 5.17 and recorded in a register of delegations. <i>s5.16, 5.17, 5.18</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
2. Council reviewed delegations to committees in the 2004/2005 financial year. <i>s5.18</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Powers and duties of the Council delegated to the CEO excluded those as listed in section 5.43 of the Act. <i>s5.42(1), 5.43</i> <i>Administration Regulation 18G</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. All delegations to the CEO were: <ul style="list-style-type: none"> resolved by an absolute majority; and in writing. <i>s5.42(1)(2)</i> <i>Admin Reg 18</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
5. All delegations by the CEO to any employee were in writing. <i>s5.44(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Decisions by the Council to amend or revoke a delegation were made by absolute majority. <i>s5.45(1)(b)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. The CEO has kept a register of all delegations made under the Act to the CEO and to employees. <i>s5.46(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Delegations made under Division 3 of Part 5 of the Act were reviewed by the delegator at least once during the 2004/2005 financial year. <i>s5.46(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Persons exercising a delegated power or duty under the Act have, on all occasions, kept a written record as required. <i>s5.46(3)</i> <i>Admin Reg 19</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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(h) Disclosure Of Interest

Responsible Person's

Initials










Full Name MICHAEL GEORGE SMITH

**Position: MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT**

Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

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(h) Disclose of Interest	Yes	No	N/A	Initials
1. 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. <i>s5.67</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. All decisions made under section 5.68(1), and the extent of participation allowed, were recorded in the minutes of Council and committee meetings. <i>s5.68(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3. Disclosures under section 5.65 or 5.70 were recorded in the minutes of the meeting at which the disclosure was made. <i>s5.73</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. The CEO kept a register of financial interest which contained: <ul style="list-style-type: none"> ▪ the returns lodged under section 5.75 and 5.76 and ▪ a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28. <i>s5.88(1)(2)</i> <i>Administration Regulation 28</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. 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. <i>s5.88 (3)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Returns lodged under section 5.75 or 5.76 and removed from the register have 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. <i>s5.88(4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7. 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, it was recorded in the minutes. <i>s5.103</i> <i>Admin Reg 34C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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(i) Finance

Responsible Person's

Full Name SAID HAFEZ

Position: MANAGER FINANCIAL SERVICES

Initials




Signature

Responsible Person's

Full Name MICHAEL GEORGE SMITH

Position: MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT

Initials




Signature

Responsible Person's

Full Name KEVIN BARRY ROBINSON

Position: MANAGER AUDIT AND EXECUTIVE SERVICES

Initials


















Signature








Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.





Questions 4 to 8 inclusive. During 2005 the City of Joondalup was governed by five (5) Commissioners. Allowances paid to the Commissioners were determined by the Minister.






Question 25. The advertisement for the Night Markets' fees and charges, as adopted by the Council at its meeting held on 1 November 2005, was not advertised. The fees and charges have been subsequently advertised. Preliminary legal advice indicates that the failure to give local public notice prior to the date on which the fees and charges were imposed, as required by Section 6.19 of the Local Government Act 1995, does not automatically invalidate the imposition of these fees and charges.







(i) Finance	Yes	No	N/A	Initials
1. The local government prepared an annual report for the financial year ended 30 June 2005 that contained the prescribed information under the Act and Regulations. <i>s5.53, Administration Regulation 19B</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. The annual report was accepted by absolute majority by the local government either: a) by 31 December 2005; 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 is made available. <i>s5.54(1), (2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. The CEO gave local public notice of the availability of the annual report as soon as practicable after the local government accepted the report. <i>s5.55</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. The fee made available to elected members for attending meetings was within the prescribed range. <i>s5.98 Admin Reg 30</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. The reimbursement of expenses to elected members was within the prescribed ranges or as prescribed. <i>s5.98 Admin Reg 31</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Where a local government decided to pay the deputy mayor or the deputy president an allowance, it was: ▪ resolved by absolute majority; and ▪ up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5). <i>s5.98A Admin Reg 33A</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, it was: ▪ resolved by absolute majority; and ▪ within the prescribed range. <i>s5.99 Admin Reg 34</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	








(i) Finance (cont)	Yes	No	N/A	Initials
<p>8. 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, it was:</p> <ul style="list-style-type: none"> resolved by absolute majority; and within the prescribed range. <p style="text-align: right;">s5.99A Admin Reg 34A, AA, AB</p>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>9. The local government did not pay a fee for attending committee meetings to a committee member who was not a council member or employee.</p> <p style="text-align: right;">s5.100 (1)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. 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 it was within the prescribe range.</p> <p style="text-align: right;">s5.100 (2)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>11. 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.</p> <p>Date of Council Resolution 28 July 2005</p> <p>If 'no', Ministerial approval was sought for an extension.</p> <p style="text-align: right;">s6.2</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
<p>12. The 2005/2006 budget was forwarded to the Department of Local Government and Regional Development within 30 days of its adoption.</p> <p>Date sent 19 August 2005</p> <p style="text-align: right;">Financial Management Reg 33</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>13. The local government prepared:</p> <ul style="list-style-type: none"> an annual financial report; and other financial reports; <p>as prescribed.</p> <p style="text-align: right;">s6.4(1) FM Reg 34</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
<p>14. The financial reports detailed in 13 above, were presented to Council and recorded in the minutes of the meetings where they were submitted.</p> <p style="text-align: right;">FM Reg 34</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	





(i) Finance (cont)	Yes	No	N/A	Initial
15. The annual financial report, prepared for the financial year ended 30 June 2005, was submitted to the Auditor by 30 September 2005 or by the extended time allowed by the Minister or his delegate. <i>s6.4(3)(b)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16. The annual financial report was submitted to the Department of Local Government and Regional Development within 30 days of the receipt by the CEO of the Auditor's report. <i>FM Reg 51(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Expenditure that the local government incurred from its municipal fund which was not included in its annual budget was: <ul style="list-style-type: none"> ▪ authorised in advance on all occasions by absolute majority resolution; or ▪ 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. <i>s6.8</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
18. The local government's trust fund consists of all money or the value of assets: <ul style="list-style-type: none"> ▪ that are required by the <i>Local Government Act 1995</i> or any other written law to be credited to the fund; ▪ held by the local government in trust. <i>s6.9 (1)</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
19. The local government's trust fund has been applied for the purposes of and in accordance with the trusts affecting it. <i>s6.9(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
20. Money or property held in the trust fund has: <ul style="list-style-type: none"> ▪ in the case of money, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment; and ▪ in the case of property, been delivered to the persons entitled to it. <i>s6.9(3)</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
21. All decisions to change the use or purpose of money held in reserve funds have been by absolute majority. <i>s6.11(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(i) Finance (cont)	Yes	No	N/A	Initials
22. Except 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, it has given one month's local public notice of the proposed change of purpose or proposed use. <div style="text-align: right;">s6.11(2) FM Reg 18</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23. Council determined the following by absolute majority: (Note: applies to money other than rates and service charges). <ul style="list-style-type: none"> ▪ at the time of adopting its budget, the granting of a discount or other incentive for early payment; ▪ the setting of an interest rate on money owing to council; and ▪ to impose or amend a fee or charge for any good or service provided by the local government. <div style="text-align: right;">s6.12, 6.13, 6.16(1),(3)</div>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
24. Fees or charges imposed for: <ul style="list-style-type: none"> ▪ a copy of information available under section 5.96; ▪ receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate; or ▪ any other service prescribed in section 6.16 (2)(f); were limited to the cost of providing the service or goods. <div style="text-align: right;">s6.17(3)</div>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
25. The local government gave local public notice for all fees and charges imposed after the budget was adopted which stated its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges. <div style="text-align: right;">s6.19</div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(i) Finance (cont)	Yes	No	N/A	Initials
<p>31. A minimum payment was not imposed on more than 50% of the number of separately rated properties:-</p> <p>a) in the district;</p> <p>b) rated on gross rental value;</p> <p>c) rated on unimproved value;</p> <p>d) in each differential rating category;</p> <p>unless the general minimum did not exceed \$200.00.</p> <p style="text-align: right;"><i>s6.35(4)</i> <i>FM Reg 53</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>32. The local government before imposing any differential general rate or a minimum payment applying to a differential rate category gave local public notice of its intention to do so:</p> <ul style="list-style-type: none"> ▪ containing details of each rate or minimum proposed; ▪ extending an invitation for a period of 21 days or longer for submissions to be lodged in respect of the proposed rate or minimum payment; and ▪ detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected. <p style="text-align: right;"><i>s6.36</i></p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>33. Where a local government imposed a service charge it did so for the following prescribed purposes:</p> <ul style="list-style-type: none"> ▪ television and radio rebroadcasting; ▪ volunteer bush fire brigades; ▪ underground electricity; ▪ property surveillance and security; and ▪ water. <p style="text-align: right;"><i>s6.38(1)</i> <i>FM Reg 54</i></p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>34. Money received from the imposition of a service charge has been applied in accordance with the provisions of s6.38 of the Act.</p> <p style="text-align: right;"><i>s6.38</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>35. Council, in granting a discount or other incentive for early payment of any rate or service charge, did so by absolute majority.</p> <p style="text-align: right;"><i>s6.46</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(i) Finance (cont)	Yes	No	N/A	Initials
36. Where a local government resolved to waive a rate or service charge or grant other concessions it did so by absolute majority. <i>s6.47</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
37. Council, in setting an interest rate on a rate or service charge that remained unpaid, did so by absolute majority. <i>s6.51</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
38. The outcome of an objection under section 6.76(1) was promptly conveyed to the person who made the objection and included a statement of the local government's decision on the objection and its reasons for that decision. <i>S6.76(6)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
39. The local government has developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of: <ul style="list-style-type: none"> ▪ 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; and ▪ petty cash systems. <i>FM Reg 11(1)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
40. The local government has developed procedures for the approval of accounts to ensure that before payment of an account a determination is made that: <ul style="list-style-type: none"> ▪ the debt was incurred by a person who was properly authorised to do so; and ▪ the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard. <i>FM Reg 11(2)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
41. Payments from the Municipal or Trust fund were: <ul style="list-style-type: none"> ▪ made under the appropriate delegated authority; or ▪ upon presentation of a list detailing the accounts to be paid, authorised in advance by resolution of Council. <i>FM Reg 12</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	

(i) Finance (cont)	Yes	No	N/A	Initials
42. The list of payments made or accounts for approval to be paid from the Municipal or Trust fund were recorded in the minutes of the relevant meeting and included: <ul style="list-style-type: none"> ▪ the payee's name; ▪ the amount of the payment; ▪ sufficient information to identify the transaction; and ▪ in the case of the list of accounts for approval to be paid, the date of the meeting of Council where the list was presented. <p style="text-align: right;"><i>FM Reg 13</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
43. The local government has established and documented internal control procedures to ensure control over investments. These control procedures enable the identification of: <ul style="list-style-type: none"> ▪ the nature and location of all investments; and ▪ the transactions related to each investment. <p style="text-align: right;"><i>FM Reg 19</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
44. The local government's rate record includes all particulars set out in the FM Regulations. <p style="text-align: right;"><i>FM Reg 55</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
45. The contents of the local government's: <ul style="list-style-type: none"> ▪ rate notice; and ▪ reminder notice for instalment payments; are in accordance with the FM Regulations. <p style="text-align: right;"><i>FM Reg 56,57</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
46. The local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act. <p style="text-align: right;"><i>s7.1A</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
47. Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, it did so by absolute majority. <p style="text-align: right;"><i>s7.1B</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
48. The person(s) appointed by the local government to be its auditor, is: <ul style="list-style-type: none"> ▪ a registered company auditor; or ▪ an approved auditor; and ▪ was appointed by an absolute majority decision of Council. <p style="text-align: right;"><i>s7.3</i></p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

(i) Finance (cont)	Yes	No	N/A	Initials
49. The Auditor's report for the financial year ended 30 June 2005 was received by the local government within 30 days of completion of the audit. <i>Audit Reg 10</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
50. The Auditor's report for 2004/2005 was received by the local government by 31 December 2005. <i>s7.9(1)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
51. 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: <ul style="list-style-type: none"> ▪ that action was undertaken by the local government; ▪ a report on any actions undertaken was prepared; and ▪ a copy of the report was 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. <i>S7.12A(3), (4)</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
52. The agreement between the local government and its auditor includes: <ul style="list-style-type: none"> ▪ the objectives of the audit; ▪ the scope of the audit; ▪ a plan for the audit; ▪ details of the remuneration and expenses to be paid to the auditor; and ▪ the method to be used by the local government to communicate with, and supply information to, the auditor. <i>A Reg 7</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

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(j) Elections


Responsible Person's

Initials
















Full Name MICHAEL GEORGE SMITH









Position: MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT


Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

(j) ELECTIONS	Yes	No	N/a	Initial
1. Council, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, in resolving to appoint a person other than the CEO to be Returning Officer: <ul style="list-style-type: none"> decided by an absolute majority; decided at least 80 days before all election days; and specified the term of the person's appointment. <i>s4.20(2),(3)</i>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
2. Council, in resolving to declare the Electoral Commissioner to be responsible for the conduct of any election: <ul style="list-style-type: none"> decided by an absolute majority; and decided at least 80 days before all election days. <i>s4.20(4),(5)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
3. Council, in deciding to conduct a postal election: <ul style="list-style-type: none"> decided by an absolute majority; and decided at least 80 days prior to all election days. <i>s4.61(2), (3)</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
4. The CEO kept a register of enrolment eligibility claims of non-resident owners and occupiers which included the following information: <ul style="list-style-type: none"> full name and postal address (unless the address is suppressed in accordance with regulation 13(2)) of each person making an enrolment eligibility claim; each decision to accept or reject an enrol eligibility claim; date of the decision; and where the eligibility claim was accepted, the expiry date of the claim, details of each parcel of rateable land subject of the claim, whether the person making the claim was an owner or occupier or as a nominee of joint owners or joint occupiers or of a body corporate and the ward to which the claim related. <i>s4.32(6), Electoral Reg 13</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
5. The CEO, in deciding a person is no longer eligible under s4.30 to be enrolled to vote: <ul style="list-style-type: none"> gave written notice to the person before making a decision regarding eligibility and allowed 28 days for the person to make submission on the matter; and gave notice to the person after being satisfied that the person is no longer eligible to be enrolled. <i>s4.35(2)(3)</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

(j) ELECTIONS	Yes	No	N/a	Initial
6. On or after the 70 th day, but not later than the 56 th day before all election days the CEO gave Statewide public notice of the time and date of the close of enrolments for a person to be included on the electoral roll. <div style="text-align: right;">s4.39(2)</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. The CEO prepared and certified the owners and occupiers roll on or before the 36 th day before all election days. <div style="text-align: right;">s4.41</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. On or before the 22 nd 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. <div style="text-align: right;">s4.43(1)</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Statewide public notice calling for nominations of candidates was given by the Returning Officer on or before the 56 th day, but not later than on the 45 th day, before all election days. <div style="text-align: right;">s4.47</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Statewide public notice was given no later than the 19 th day before all election days, giving details on the election including details of how, when and where the election will be conducted and who the candidates are. <div style="text-align: right;">s4.64(1) (2)</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Before beginning to act as an electoral officer 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. <div style="text-align: right;">E Reg 7</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. The Returning Officer prepared or adopted an electoral code of conduct for the election and provided each electoral officer with a copy or access to a copy of the code. <div style="text-align: right;">E Reg 8</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. The local government has kept: <ul style="list-style-type: none"> ▪ accepted enrolment eligibility claim forms for a period of two years after the claim expires; ▪ a copy of notices of acceptance of enrolment eligibility claims for a period of two years after the claim expires; ▪ rejected enrolment eligibility claim forms for a period of two years after the claim was rejected; ▪ a copy of the notice of rejection of enrolment eligibility claims for a period of two years after the claim was rejected. <div style="text-align: right;">E Reg 17</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(d) ELECTIONS	Yes	No	N/a	Initial
14. The local government kept moneys paid for nomination deposits in a fund of the local government. <i>E Reg 26</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15. If the council elects the mayor or president and deputy mayor or deputy president, the election was conducted in accordance with Schedule 2.3 of the Act. <i>Schedule 2.3</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. The CEO has established and maintained an electoral gift register and has allowed the public to have access to the register. <i>E Reg 30G (1) 30H</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Three days after any election day the CEO removed 'disclosure of gifts' forms completed by unsuccessful candidates from the electoral gift register and has retained these forms separately for a period of two years. <i>E Reg 30G (3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
18. The CEO has removed any 'disclosure of gift' forms completed by successful candidates from the electoral gift register, after they completed their term of office resulting from the election and retained these forms separately for a period of two years. <i>E Reg 30G (4)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. A postal voters register has been kept which contains enrolment details and the respective ward of electors who have made successful application to be given postal papers for all voting in person elections. <i>E Reg 40</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
20. A report relating to each election held was provided to the Minister within 14 days of the declaration of the result of the election. <i>E Reg 81</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
21. A person elected as mayor or president, deputy mayor or president, or councillor, took an oath or affirmation of allegiance and made a declaration in the prescribed form; <ul style="list-style-type: none"> ▪ before acting in the office; and ▪ before a prescribed person. <i>s2.29</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

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(k) Local Government Employees

Responsible Person's

Initials










Full Name MARK LOADER




Position: MANAGER HUMAN RESOURCES

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Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

(k) LOCAL GOVERNMENT EMPLOYEES	Yes	No	N/a	Initial
1. The local government approved the process to be used for the selection and appointment of the CEO before the position was advertised. s9.59, Administration Reg 18C	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. All vacancies for the position of CEO and for designated senior employees were advertised. s5.36(4), 5.37(3), Admin Reg 18A	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. All advertisements for the position of CEO and for designated senior employees: <ul style="list-style-type: none"> ▪ were advertised in a newspaper circulating generally throughout the State; ▪ contained details of the remuneration and benefits offered; ▪ detailed the place where applications for the position were to be submitted ▪ detailed the date and time for closing of applications; ▪ indicated the duration of the proposed contract; and ▪ provided contact details of a person to contact for further information. s5.36(4), 5.37(3), Admin Reg 18A	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
4. The CEO informed council of each proposal to employ or dismiss a designated senior employee. s5.37(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. The performance of each employee employed for a term of more than one year, including the CEO and each senior employee, was reviewed within the most recently completed 12 months of their term of employment. s5.38	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. The Council considered the CEO's performance review and decided to: <ul style="list-style-type: none"> ▪ accept the review, with or without modification, or ▪ reject the review. Admin Reg 18D	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
7. 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

(k) LOCAL GOVERNMENT EMPLOYEES (cont)	Yes	No	N/a	Initial
<p>8. The contract for the CEO and all designated senior employees details 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:</p> <ul style="list-style-type: none"> ▪ one year's remuneration under the contract or ▪ the value of the remuneration they would be entitled to if the contract was not terminated. <p style="text-align: right;">s5.39 Admin Reg 18B</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Council has adopted a policy relating to employees whose employment terminates, setting out:</p> <ul style="list-style-type: none"> ▪ the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award; and ▪ the manner of assessment of an additional amount. <p style="text-align: right;">s5.50(1)</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Public notice was given on all occasions where council made a payment that was more than the additional amount set out in its policy.</p> <p style="text-align: right;">s5.50(2)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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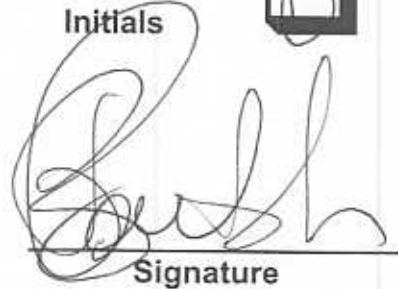
(I) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property

Responsible Person's

Full Name BRIAN BARTSH

Position: ACTING MANAGER
ASSETS AND COMMISSIONING

Initials


Signature

Responsible Person's

Full Name SAID HAFEZ

Position: MANAGER FINANCIAL SERVICES

Initials


Signature

Responsible Person's






Full Name MICHAEL GEORGE SMITH

Position: MANAGER MARKETING
COMMUNICATIONS AND COUNCIL SUPPORT

Initials


Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

(I) Local Government Grants Commission		Yes	No	N/A	Initials
1.	The local government supplied to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission. <i>s12(4)</i> <i>Local Government Grants Act 1978</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(I) Miscellaneous Provisions					
2.	Each person who has 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 was informed of his or her right to object and appeal against the decision. <i>s9.4</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	On all occasions, those employees who represented the local government in court proceedings, were appointed by the CEO in writing. <i>s9.29(2)(b)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(I) Disposal of Property					
4.	Any property not disposed of by public auction or tender was given local public notice prior to disposal. <i>s3.58(3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.	Details, as prescribed by section 3.58(4), were given in each local public notice for the disposal of property. <i>s3.58(4)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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(m) Swimming Pools, Cemeteries and Caravan Parks and Camping Grounds

Responsible Person's

Initials



Full Name VICTOR PAUL ETHERINGTON

Position: PRINCIPAL BUILDING SURVEYOR

V. Etherington
Signature

Responsible Person's

Initials



Full Name ALISON EDMUNDS

Position: PRINCIPAL ENVIRONMENTAL
HEALTH OFFICER

Alison Edmunds
Signature

Responsible Person's

Initials







Full Name MICHAEL GEORGE SMITH

Position: Manager Marketing Communications
And Council Support

Michael George Smith
Signature

Comments explaining or qualifying any cases of non-compliance or where full compliance was not achieved. Also detail what remedial action has been or will be taken to ensure future compliance with the Act.

Swimming pool inspection programme has fallen behind; advertisement for additional inspectors (4) on Saturday 21 January 2006. New temporary staff will bring the programme back on track.

(m) Swimming Pools	Yes	No	N/A	Initial
<p>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 <i>Local Government (Miscellaneous Provisions) Act 1960</i>.</p> <p style="text-align: right;"><i>s245A(5)(aa)</i> <i>Local Government (Miscellaneous Provisions) Act 1960</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(m) Cemeteries				
<p>2. A register has been maintained which contains details of:</p> <ul style="list-style-type: none"> ▪ all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial; and ▪ all grants of right of burial in the cemetery, including details of assignments or bequests of grants. <p style="text-align: right;"><i>s40(1)(a), (b)</i> <i>Cemeteries Act 1986</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>3. Plans have been kept and maintained showing the location of all burials registered in 2 above.</p> <p style="text-align: right;"><i>s40(2)</i> <i>Cemeteries Act 1986</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(m) Caravan Parks And Camping Grounds				
<p>4. The local government has inspected each caravan park or camping ground in its district within the period 1 July 2004 to 30 June 2005.</p> <p style="text-align: right;"><i>s21(1)</i> <i>Caravan Parks and Camping Grounds Act 1995</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

STATUTORY REQUIREMENTS
(as per Audit Regulation 13)
NOT INCLUDED IN THE 2005 COMPLIANCE AUDIT RETURN

Local Government Act 1995

	5.56	Requirement to make a plan for the future
	5.75	Requirement to lodge primary return
	5.76	Requirement to lodge annual return
	5.77	Acknowledging receipt of primary and annual returns
	5.94	Right to inspect certain local government information
	5.95	Limits on the right to inspect information
	5.96	Copies of information to be available
	9.6(5)	Dealing with objections – notice of how objection has been disposed of and the reason for disposing of it in that way
Schedule	2.2 (6)(7)(9)	Provisions about names, wards and presentation – ward and boundary review processes

Regulations

Financial Management	5	Financial management duties of the CEO
	6	Audits and performance reviews to be independent
	8	Bank accounts – requirements
	9	Accounting for trading undertakings and major land transactions.
Administration	19C	Requirements for a plan for the future
	19D	Requirement to give notice of the plan for the future
	22	Form for primary returns
	23	Form for annual returns