

# MINUTES

Audit Committee

## MINUTES OF THE AUDIT COMMITTEE MEETING

HELD ON

MEETING DATE



**TUESDAY, 6 MARCH 2007**

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City of  
Joondalup

## CITY OF JOONDALUP

**MINUTES OF MEETING OF THE AUDIT COMMITTEE HELD IN CONFERENCE ROOM 2, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 6 MARCH 2007**

### ATTENDANCE

#### Committee Members:

|                    |                                |                    |
|--------------------|--------------------------------|--------------------|
| Cr Tom McLean      | <i>Presiding Person</i>        | North Ward         |
| Cr Steve Magyar    | <i>Deputy Presiding Person</i> | North-Central Ward |
| Mayor Troy Pickard |                                |                    |
| Cr Geoff Amphlett  |                                | Central Ward       |
| Cr Richard Currie  |                                | South Ward         |

#### Officers:

|                  |                             |                    |
|------------------|-----------------------------|--------------------|
| Mr Garry Hunt    | Chief Executive Officer     |                    |
| Mr Mike Tidy     | Director Corporate Services |                    |
| Mr Said Hafez    | Manager Financial Services  | <i>to 1930 hrs</i> |
| Ms Lesley Taylor | Administrative Secretary    |                    |

#### Observer:

|               |            |
|---------------|------------|
| Cr R Fishwick | South Ward |
|---------------|------------|

#### In Attendance

|                 |                    |                     |
|-----------------|--------------------|---------------------|
| Mr Patrick Warr | Bentleys MRI Perth | <i>to 1830 hrs.</i> |
|-----------------|--------------------|---------------------|

### DECLARATION OF OPENING

The Presiding Person declared the meeting open at 1806 hrs.

### APOLOGIES/LEAVE OF ABSENCE

Apologies - Crs Hart and John

### CONFIRMATION OF MINUTES

#### MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 5 DECEMBER 2006

**MOVED** Cr Magyar, **SECONDED** Cr Amphlett that the minutes of the meeting of the Audit Committee held on 5 December 2006 be confirmed as a true and correct record.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil.

**DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

Nil.

**Disclosure of interest affecting impartiality**

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Garry Hunt – Chief Executive Officer</b>          |
| <b>Item No/Subject</b>    | Item 2 – Quarterly Report – Corporate Credit Card Usage |
| <b>Nature of interest</b> | Interest that may affect impartiality                   |
| <b>Extent of interest</b> | Relates to CEO credit card expenditure                  |

|                           |   |
|---------------------------|---|
| <b>Name/Position</b>      | <b>Mr Mike Tidy, Director Corporate Services</b>  |
| <b>Item No/Subject</b>    | Item 2 – Quarterly Report – Corporate Credit Card Usage                                   |
| <b>Nature of interest</b> | Interest that may affect impartiality   |
| <b>Extent of interest</b> | Mr Tidy was a participant/guest at the City Xmas lunch listed in Appendix 1 to the report |

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

Nil.

**PETITIONS AND DEPUTATIONS**

Nil.

**ITEM 1 INTRODUCTION OF AUDITOR TO MEMBERS OF THE AUDIT COMMITTEE - [50068]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

Mr Patrick Warr of Bentleys MRI Perth addressed the Committee and presented an overview of the processes Bentleys will undertake in conducting the forthcoming audit for the City, together with a list of anticipated timelines within which each process would occur.

*Mr Patrick Warr left the Room at 1830 hrs.*

## **ITEM 2                    QUARTERLY REPORT- CORPORATE CREDIT CARD USAGE - [09882] [18049]**

**WARD:**                    All

**RESPONSIBLE**    Mr Mike Tidy  
**DIRECTOR:**        Corporate Services

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### **PURPOSE**

The purpose of this report is to provide the Audit Committee with details of the corporate credit card usage of the CEO for the quarter ended 31 December 2006.

### **EXECUTIVE SUMMARY**

The report of the CEO's credit card usage for the quarter ended 31 December 2006 is attached.

It is recommended that the Audit Committee *NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2006.*

### **BACKGROUND**

At its meeting held on 11 October 2005 (CJ210-10/05 refers), Council inter alia resolved that a quarterly report on the corporate credit card usage of the CEO is to be prepared and presented to the Audit Committee.

### **DETAILS**

The report listing all credit card payments made by the CEO for the quarter, including bank fees, is set out in Attachment 1.

### **Issues and options considered:**

As provided in CJ210 – 10/05.

### **Link to Strategic Plan:**

The report on credit card usage links to the Strategic Plan outcome of: "The City of Joondalup is a sustainable and accountable business" and in particular objective 4.1 which is "to manage the business in a responsible and accountable manner".

### **Legislation – Statutory Provisions:**

Regulation 11(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security for, and properly authorised use of credit cards.

**Risk Management considerations:**

In accordance with the City's Corporate Procedure 5.9 Use of Credit/Charge Cards, the CEO's credit card has a maximum limit of \$5,000. All expenditure incurred by the CEO by way of credit card is authorised by the Director Corporate Services. It is also a requirement, by resolution of Council, that the CEO's credit card expenditure is reviewed by the Audit Committee on a quarterly basis. The procedure additionally covers matters such as the issue and return of credit cards, lost or stolen cards, what purchases can be made by credit cards, documentation requirements and management review.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

By ensuring that expenditure is incurred in accordance with procedures and within budget parameters, financial viability and sustainability is maintained.

**Consultation:**

Not Applicable.

**COMMENT**

The CEO's credit card usage is in accordance with Corporate Procedure 5.9 - Use of Credit/Charge Cards - and the Contract of Employment of the CEO, with all expenditure being business related and authorised by the Director Corporate Services.

**ATTACHMENTS**

Attachment 1 CEO Credit Card Expenditure for the Quarter Ended 31 December 2006

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Mayor Pickard, SECONDED Cr Amphlett that the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2006.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

*Appendix 1 refers*

**ITEM 3            HALF-YEARLY REPORT - CONTRACT EXTENSIONS -  
[07032]****WARD:** All**RESPONSIBLE** Mr Mike Tidy  
**DIRECTOR:** Corporate Services

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**PURPOSE**

The purpose of this report is to provide the Audit Committee with details of contracts extended by the Chief Executive Officer between July and December 2006.

**EXECUTIVE SUMMARY**

The report of contracts extended by the Chief Executive Officer during the half-year from 1 July to 31 December 2006 is provided in Attachments 1 and 2.

*It is recommended that the Audit Committee NOTES the report detailing contracts extended by the CEO during the period July – December 2006.*

**BACKGROUND**

At its meeting held on 1 November 2005 (CJ231-11/05 refers), Council resolved that a half-yearly report be prepared for the Audit Committee detailing contracts that were originally approved by Council and have subsequently been extended by the Chief Executive Officer.

**DETAILS**

Council has delegated to the CEO the authority to approve all contract extensions on tenders approved by Council subject to a report to the Audit Committee being prepared on a half-yearly basis providing details of those contracts extended.

**Issues and options considered:**

The report detailing contracts extended by the CEO is provided at Attachments 1 and 2.

**Link to Strategic Plan:**

The report of contracts extended by the CEO links to the Strategic Plan outcome of:

“The City of Joondalup is a sustainable and accountable business” and in particular Objective 4.1 which is “to manage the business in a responsible and accountable manner”.

**Legislation – Statutory Provisions:**

The City’s legal advice is that under section 5.41(d) of the Local Government Act 1995 the CEO may be delegated the power to extend a contract – provided the CEO does not extend the contract beyond the “total term of the contract” specified by the Council in the resolution.

**Risk Management considerations:**

The delegated authority to extend contracts is limited to the original terms and conditions approved by resolution of Council when the tender was first awarded.

**Financial/Budget Implications:**

In accordance with each individual contract and approved budget limits.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

This report provides the Audit Committee with details of contracts originally approved by Council or by the CEO under delegated authority, which have subsequently been extended by the CEO during the period from July to December 2006.

**ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment 1 | Extensions of Council's originally approved contracts |
| Attachment 2 | Extensions of CEO originally approved contracts       |

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Amphlett, SECONDED Cr Currie that the Audit Committee NOTES the report detailing contracts extended by the CEO during the half-year period between July 2006 and December 2006.**

Discussion ensued, with a number of questions being raised in relation to the review processes undertaken to gauge satisfactory performance of the contractor prior to any renewal/extension of the contract.

Cr Magyar made reference to the information contained within the attachments to this report and requested that an additional column be provided that shows the final contract completion date.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

*Appendix 2 refers*

**ITEM 4            WRITE OFF OF MONIES - [07032]**

**WARD:**                    All

**RESPONSIBLE**        Mr Mike Tidy  
**DIRECTOR:**            Corporate Services

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**PURPOSE**

To report to the Audit Committee on monies written off under delegated authority.

**EXECUTIVE SUMMARY**

The semi-annual report of amounts written off under delegated authority during the six months ended on 31 December 2006 follows. Amounts between \$100 and \$20,000 are normally listed in a schedule but for this reporting period there were no individual write-offs over \$100.

*It is recommended that the Audit Committee RECEIVES the report of amounts written-off under delegated authority for the period July to December 2006.*

**BACKGROUND**

Section 6.12 (1)(c) of the Local Government Act 1995 gives the Council the power to write off any amount of money owing to the City.

By authority of section 5.42 of the Act, the Council delegated this authority to the CEO, who in turn, under section 5.44, delegated his authority to nominated employees, up to the limits provided in the instrument of delegation.

**DETAILS**

At its meeting held on 6 June 2006 (CJ079-06/06 refers) Council approved 'inter alia' to delegate to the CEO the authority to write-off monies owed to the City, subject to a report being provided to the Audit Committee on a six (6) monthly basis on the exercise of this delegation for amounts between \$100 and \$20,000.

During the six month ended on 31 December 2006 a total amount of \$10,550.75 was written-off; none of the items included was over \$100.

The total amount of Rates written-off was \$4,239.70 made up of 3,729 small items. These items vary from one cent to five dollars each, representing in the main, rounding decimals or penalty interest charged for a few days' late payment where ratepayers did not pay the penalty and the cost of collection was, for all practical purposes, proving to be uneconomical.

The total outstanding Library bad debt written off from expired memberships was \$6,311.05. This amount is broken down into \$4,337.05 in small fines and \$1,974.00 in bills averaging \$7 each, the collection of which became doubtful and the whereabouts of debtors un-known.

**Link to Strategic Plan:**

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

Section 6.12 (1)(c) of the Local Government Act 1995.

**Financial/Budget Implications:**

Amounts of Rates written off are charged back to the Rate account originally credited and get adjusted against the Rate revenue for the year. Library charges are accounted for separately and only taken to income when collected.

**Policy Implications:**

Delegation of Authority.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Monies written-off under delegated authority totalled \$10,550.75 made up of small items all of which fell below the limit specified for detailed reporting to the Audit Committee.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Currie, SECONDED Cr Magyar that the Audit Committee RECEIVES the report of monies written-off under delegated authority for the period July to December 2006.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

## **ITEM 5                    CONSIDERATION OF THE AUDITOR'S MANAGEMENT LETTER FOR THE AUDIT OF THE ACCOUNTS FOR THE YEAR ENDED 30 JUNE 2006 – [58591]**

**WARD:**                    All

**RESPONSIBLE DIRECTOR:**    Mr Mike Tidy  
Corporate Services

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### **PURPOSE**

This report is to consider the management letter issued by the auditors in relation to the audit of the City of Joondalup's accounts for the year ended 30 June 2006.

### **EXECUTIVE SUMMARY**

At the completion of the annual audit the auditors may in addition to the Independent Audit Report that accompanies the accounts issue a management letter. The management letter usually addresses issues that the auditor wishes to raise but which do not warrant any qualification or statement in the Independent Audit Report.

The Independent Audit Report on the accounts for the financial year to 30 June 2006 was completed by the auditors in October 2006 and was considered by Council at its meeting on 31 October 2006. The audit was completed by Deloitte Touché Tohmatsu who were the auditors for the 2005/06 financial year but their contract has since concluded and Council has subsequently appointed new auditors. The management letter was received in December 2006 and sets out six issues.

*It is recommended that the Audit Committee recommends to Council that the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 be received and the management responses to each of the issues raised be noted.*

### **BACKGROUND**

Part 7 of the Local Government Act 1995, (the Act) sets out the requirements in relation to the conduct of audits of local governments. This includes provisions for the establishment of regulations in relation to the conduct of audits and these are in turn set out in the Local Government (Audit) Regulations 1996 (the Regulations). Regulation 10 of the Regulations sets out the reporting requirements of auditors and sub regulation (4) provides;

"Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report."

Section 7.9(1) specifies the persons as the mayor or president, the CEO and the Minister.

It should be noted that the requirement for a management letter is only where it is considered by the auditor to be appropriate to do so and there have been occasions in the past when management letters have not been issued.

## DETAILS

The management letter in relation to the audited accounts for the financial year ended 30 June 2006 sets out six identified issues and these are detailed in the management letter at Attachment 1.

### Issues and options considered:

Each of the issues that have been raised by the auditors have been examined and discussed with management in some detail and the management response in relation to each of the issues is included in the management letter under the heading of Management Response on the left hand side.

The Committee may recommend acceptance and noting of managements responses in relation to each of the issues or recommend an alternative course of action.

### Link to Strategic Plan:

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

### Legislation – Statutory Provisions:

Part 7 of the Local Government Act 1995 and the Local Government (Audit) Regulations 1996 apply. In particular, regulation 10 sets out the reporting requirements of auditors as follows -

#### 10. Report by auditor

- (1) An auditor's report is to be forwarded to the persons specified in section 7.9(1) within 30 days of completing the audit.
- (2) The report is to give the auditor's opinion on —
  - (a) the financial position of the local government; and
  - (b) the results of the operations of the local government.
- (3) The report is to include —
  - (a) any material matters that in the opinion of the auditor indicate significant adverse trends in the financial position or the financial management practices of the local government;
  - (b) any matters indicating non-compliance with Part 6 of the Act, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls in any other written law;
  - (c) details of whether information and explanations were obtained by the auditor; and
  - (d) a report on the conduct of the audit.
- (4) Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9(1) with the auditor's report.

**Risk Management considerations:**

The management letter issued by the auditors is a key risk control in managing the financial affairs of the City. While there are no specific implications for not receiving and noting a management letter, the issues raised are considered important for the Audit Committee to be aware of.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The audit requirement is a statutory obligation to ensure the prudent and sustainable operation of the City.

**Consultation:**

The auditors have held a number of discussions with City of Joondalup management in relation to the issues and content of the management letter following the audit of the accounts for the financial year ended 30 June 2006. The responses and comments of management are included in the management letter.

**COMMENT**

Each of the items that have been raised in the management letter include observations, implications and recommendations from the auditors together with a response from the City of Joondalup management. By and large they are self-explanatory however the following additional comments are offered.

The first three issues, 2.1.1, 2.1.2 and 2.1.3, essentially relate to access and security issues in relation to IT systems within the City of Joondalup.

The first relates to a periodical review of user account access and subsequent to providing comments to the auditor the agreed actions have been completed.

The second relates to user access administration and in particular the removal of security access to Oracle for persons who have left the organisation. The removal of user access as employees leave the organisation is already controlled through established processes and procedures and to a large extent is automated. There can be occasions where appropriate notification is not passed through to Information Management and the deletion of the user account does not occur. It should be pointed out however that there are multiple layers of user access and failure to delete a user access account in Oracle by no means would still allow a previous employee to gain access to Oracle. It is considered that the action proposed by the auditors would involve a significant amount of additional work and resource while not contributing to increased security. It is therefore not proposed to undertake this recommendation.

The third item is in relation to periodical review of security logs. There is currently limited manual review of the security logs focussing on those considered the most important or greatest risk. To extend this as recommended by the auditors in the current situation would be an extremely laborious and time-consuming process relative to the additional level of security achieved. It is proposed in the new financial year to acquire some additional software management tools that will assist and extend the level of log monitoring.

Items 2.1.4 and 2.1.5 both relate to assets. In the first one the requirement to undertake a stocktake of fixed assets has been highlighted and this requirement is acknowledged. This is intended to be undertaken in conjunction with the 2006/07 financial accounts. The second relates to infrastructure assets and their valuation. It is acknowledged that the costing of these assets needs review and again this will be undertaken as part of the 2006/07 financial accounts.

The final item, 2.1.6, relates to staff acknowledging the policy in relation to online services as new employees commence at the City and subsequent to providing comments to the auditor the agreed actions have been completed.

## ATTACHMENTS

Attachment 1 City of Joondalup Management Letter for the year ended 30 June 2006.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Amphlett, SECONDED Cr Currie that the Audit Committee RECOMMENDS to Council that the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 be RECEIVED and the management responses to each of the issues raised be supported.**

Discussion ensued. Cr Magyar raised a query in relation to the length of time the City retains security logs.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

*Appendix 3 refers*

## **ITEM 6 APPOINTMENT OF EXTERNAL MEMBER OF AUDIT COMMITTEE - [50068]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

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## PURPOSE

For the Committee to consider the appointment of an external member to the Audit Committee.

## **EXECUTIVE SUMMARY**

The Terms of Reference of the Audit Committee provide for an external member, ie not a Council member or staff member, to be appointed to the Audit Committee. An invitation to express an interest in becoming an external member of the Audit Committee was advertised in September 2006 and resulted in only one response. The respondent does not reside or work in the City of Joondalup.

*It is recommended that the City READVERTISES for an external member representative on the Audit Committee in the Joondalup and Wanneroo Times only.*

## **BACKGROUND**

The City of Joondalup's Audit Committee Charter provides in Section 4 dealing with Membership for the appointment of one representative to the Audit Committee who is external to the operations of the City of Joondalup. In August 2006 Council amended the Audit Committee Charter in relation to the external member representative to include a new clause 4.7

*"That when appointing the external member to the Audit Committee as detailed within the Audit Charter, the Council may prefer to appoint a person who is enrolled to vote in the elections for the City of Joondalup in accordance with the provisions of the Local Government Act, 1995".*

In September 2006 the position of external member on the Audit Committee was advertised in the West Australian with expressions of interest sought from suitably qualified and experienced persons. Only one response was received. A copy of that response is at Attachment 1.

## **DETAILS**

### **Issues and options considered:**

The single respondent to the advertisement is a chartered accountant and a registered company auditor who has an extensive background in auditing, accounting and finance. The applicant has no connections to the City of Joondalup and although he is aware of the area he does not live or work within the City of Joondalup.

In subsequent discussions the respondent expressed the view that his interest in the role was to get involved in some community type work and a desire to be involved in a charity or to participate on an Audit Committee and this role fitted that criteria.

The inclusion of a new clause 4.7 as set out in the background above reflects the Council's preference for a person who resides within the City of Joondalup to be the external member of the Audit Committee. It is felt therefore that the recommended approach would be to decline the application that has presently been received and for the City to readvertise.

The advertisement in The West Australian would have only been noticed by those who are inclined to look at the Public Notices section and not by the general reader. It is suggested that it may be more appropriate in trying to focus on a City of Joondalup resident by advertising in the local press only rather than The West Australian.

**Link to Strategic Plan:**

- 4.2.1 Provide efficient and effective service delivery
- 4.3.3 Provide fair and transparent decision making processes.

**Legislation – Statutory Provisions:**

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Division 7.1A of Part 7 of the Local Government Act 1995 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

The Local Government (Audit) Regulations 1996 also includes provisions, which deal with the functions of an Audit Committee.

**Risk Management considerations:**

The Audit Committee is an important element of risk management and a contributor to the mitigation of risk. It plays a significant oversight role. Having an external member on that Committee adds an additional element to that oversight role by bringing a focus that is not influenced by other issues before Council. It offers the opportunity for input from a fresh perspective.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Although not strictly speaking a policy, there is an Audit Committee Charter, which makes provision for the objectives, functions and operation of the Audit Committee. Section 4 of the Charter sets out provisions in relation to membership and that includes clauses making provision for the appointment of an external member to the Audit Committee.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

There was brief consultation with the single respondent to the advertisement for expressions of interest for an external member on the Audit Committee.

## COMMENT

While the applicant who has responded to the advertisement has a strong auditing, accounting and finance background he has no connection either through residency or work with the City of Joondalup. Council recently amended the Audit Committee Charter in relation to the external member to reflect strong preference for the external member to be a City of Joondalup resident.

It is felt that the placement of the last advertisement in the Public Notices section of The West Australian may have been a contributing factor to the lack of interest or response. The range of persons who would normally look at that section of the paper is relatively limited. It is suggested therefore that Council readvertise but this time only in the local papers circulating in the district. This would directly target City of Joondalup residents.

## ATTACHMENTS

Attachment 1      Response to request for expression of interest for an external member on the Audit Committee  
Attachment 2      Audit Committee Charter

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Currie, SECONDED Mayor Pickard that the City READVERTISES for an external member representative on the Audit Committee in the Joondalup and Wanneroo Times only.**

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Currie that the words "for the term October 2007 to October 2009" be added after the word "committee".**

Mayor Pickard foreshadowed his intention to move a different motion should the Amendment under consideration not be successful.

**The Amendment was Put and**

**CARRIED (3/2)**

**In favour of the Amendment:** Crs Currie, McLean and Magyar      **Against the Amendment:** Mayor Pickard and Cr Amphlett

**The Original Motion as amended, being:**

**That the City READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only.**

**was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

*Appendix 4 refers*

*Manager, Financial Services left the Room at 1930 hrs.*

**ITEM 7            MICROSOFT EXCHANGE EMAIL PROBLEM   -   20-22  
DECEMBER 2006   -   [03777]****WARD:**            All**RESPONSIBLE**    Mr Mike Tidy  
**DIRECTOR:**       Corporate Services

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**PURPOSE**

To provide background on the issues associated with the email failure prior to Christmas in December 2006.

**EXECUTIVE SUMMARY**

The City's email system failed in the three working days immediately prior to Christmas in December 2006. Information Management have undertaken a debrief in relation to the issues that concerned this failure, the recovery and what can be done in the future to avoid a repetition of this situation.

*It is recommended that the Audit Committee NOTES the report into the Microsoft Exchange email system failure in December 2006.*

**BACKGROUND**

Early morning on Thursday 21 December 2006 the City's Microsoft Exchange email system failed. While recovery actions commenced immediately, the email system could not be restored until late on Friday 22 December 2006. The loss of the email service impacted on Elected Members, staff and external parties who communicate with the City via email. All email from Wednesday 20 December was lost and also most of the external email from Thursday and Friday. Faxes that were received via the City's fax gateway could not be processed via the email system on the Thursday and Friday, although no faxes were lost. Copies of emails stored in personal folders could not be restored until Wednesday 27 December 2006.

**DETAILS**

The City uses Microsoft Exchange for its email system. In layman's terms the basic structure of the email system comprises three components:

- Microsoft Exchange application software that resides on a dedicated server.
- The data that comprises all of the email traffic (inbox, sent items and personal folders) held on a data storage system commonly referred to as a SAN (Storage Area Network).
- Specialised hardware devices and software (hereafter called the "SAN link") that enables the Exchange server to communicate to the SAN and through which the Exchange server is able to know where and how all of the mail data is located and can store and retrieve those emails.

It was a failure of the SAN link, specifically the software element (Volume Manager) that failed and not the Exchange server or the SAN. While the Exchange application was operational it was not a functional system as it could not connect to the SAN to retrieve the email.

Despite extensive investigations, including by the suppliers of the software, the precise cause of the failure has not been able to be identified.

Ironically most of the City's key servers have a redundant SAN link except the Exchange server until shortly before the incident. A week prior to the email failure a redundant SAN link was installed on the Exchange server to improve the resilience of the system. Notwithstanding that the redundant SAN link was added, it was done so a week earlier and the system functioned perfectly for a week before it failed. It was also the case that the hardware and software itself did not fail, but software configuration information was irreversibly corrupted.

The failure was immediately apparent at the time that it occurred. Following the failure the subsequent delays in getting the system back up and running were all related to trying to recover the email system and also ensure that in the process ongoing email traffic was also recovered. After numerous attempts at following through a series of different recovery processes with technical support provided by the software vendors onsite, each one of the options followed failed to fully recover the system. As a last resort attempts to preserve and recover all the email traffic received while the system was down were abandoned and the focus was placed on simply recovering the emails at the time of the last successful backup, which was Tuesday evening.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The failure in the first instance and the difficulties experienced in the subsequent recovery raise a number of issues in terms of risk management which have been identified and examined in a debrief that was conducted following recovery of the email system.

Issues identified in the debrief covered backups, disaster testing, the specific software used for communication between servers and the SAN, staff training, support for the software that is used, documentation and a number of other issues. Not all of these items raised significant issues or even necessarily high priority ones however, some have been put into immediate effect where the requirement is obvious and simple. Independent of this issue, the IT Strategic Plan already proposes an upgrade of Microsoft Exchange to Exchange 2007 in the 2007/08 financial year and some of the issues that have arisen from this incident will be addressed in that implementation.

Examples of both scenarios are:

- **An immediate change:** All mail passes through the scan mail server before it gets to the exchange server. The scan mail server has the ability to store and queue all email traffic if the exchange server is not functioning and could hold up to four days of incoming mail. Should the mail system go down again, the connection between the Exchange server and the scan mail server will be disconnected immediately. On this occasion that was not done early in the process because by rights the Exchange recovery procedures should have been able to recover the emails. From now on this will be done immediately as a matter of course.
- **To be addressed with the Exchange 2007 upgrade:** A very quick response to recover the email system would be to have a complete Microsoft Exchange backup environment. Effectively this duplicates the Exchange system and would kick in almost immediately should the primary system fail. With the imminent upgrade as proposed in 2007/08, which will be a major task, there is not a lot to be gained by implementing a back up environment with the current version. Notwithstanding this recent incident the mail system has been very reliable for many years. The backup environment will be included in the specifications for the Exchange 2007 upgrade.

**Financial/Budget Implications:**

There are no financial implications within the current financial year for the course of action described but there will be some issues coming out of this incident that ought to be addressed and may have some financial impacts for the 2007/08 budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Information Management sought and obtained the best technical advice that they could from the various support services for the software and equipment that the City was using to assist them and advise them in relation to what had occurred and what needed to be done, to recover the email system.

**COMMENT**

As mentioned, Information Management undertook a detailed debrief following the recovery of the email system and examined the impacts, issues and identified a number of recommended actions some of which are referred to in this report.

Notwithstanding this particular incident and the difficulties that it created for the organisation, the email system prior to this has a very good record of reliability. The most frustrating outcome of the debrief is that despite the external technical expertise the precise cause of the problem has not been able to be identified and unfortunately therefore it cannot be said with confidence that it will not occur again.

At this point there have been changes put in place, most of which address the issues of the recovery process. Information Management are confident that should a similar incident arise that the recovery process would be quicker and smoother without the significant loss of data that occurred on this occasion. Plans are in place to address the issue of putting in place a clustered Microsoft Exchange environment and this will be done in conjunction with the planned Exchange 2007 upgrade in the 2007/08 financial year. Under a clustered Exchange setup, two servers are deployed to share the workload. Should one of the servers fail, the second server will automatically take over the workload from the failed server. With this future planned upgrade, which will be a major exercise, and the up until now inherent reliability of the email system it is not considered that the City should go to the expense of duplicating the Microsoft Exchange environment for the current version of Exchange Server in the short term.

**ATTACHMENTS**

Not Applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Amphlett, SECONDED Cr Currie that the Audit Committee NOTES the report into the Microsoft Exchange email system failure in December 2006.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie

**ITEM 8                    2006 COMPLIANCE AUDIT RETURN   -   [09492]  
[50068]**

**WARD:** All

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

**PURPOSE**

To present the completed 2006 Compliance Audit Return to the Audit Committee prior to its submission to the Council for final adoption.

## **EXECUTIVE SUMMARY**

The Department of Local Government and Regional Development ("the Department") Compliance Audit Return ("Return") for the period 1 January 2006 to 31 December 2006 has been completed by the City.

## **BACKGROUND**

The Department has taken the initiative to allow the 2006 Return to be completed online.

The structure of the Return has changed slightly, but the content remains the same with the Return covering the compliance categories of Local Laws, Tenders, Commercial Enterprises, Finance, Meeting Process, Local Government Employees, Disclosure of Interests, Delegations, Grants, Disposal of Property, Swimming Pools, Cemeteries, Caravans and Camping and Miscellaneous Provisions.

The 2006 Return incorporates all the statutory requirements listed in Regulation 13 of the Local Government (Audit) Regulations 1996, except those listed under Details in this report. This is intended to assist local governments to enhance or develop their internal control processes to ensure they include the statutory requirements of the legislation.

## **DETAILS**

Certain provisions (Attachment 1 refers) have been omitted from the 2006 Return as some are not applicable to the return period or require further redrafting for the next year to suit the electronic format.

### **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 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 position of Internal Auditor is vacant at this time, therefore a minor review was conducted by the Director Governance and Strategy and the Acting Manager Marketing, Communications and Council Support.

**ATTACHMENTS**

- Attachment 1 Provisions, Local Government Act 1995 and Regulations  
Attachment 2 2006 Compliance Audit Return

**VOTING REQUIREMENTS**

Simple Majority

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

**OFFICER'S RECOMMENDATION:** That the Audit Committee recommends that Council:

- 1 ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 1 to this Report;
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.

**MOVED Mayor Pickard, SECONDED Cr Magyar that the Audit Committee recommends that Council:**

- 1 **ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 1 to this Report;**
- 2 **in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;**
- 3 **REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Mayor Pickard, Crs McLean, Magyar, Amphlett and Currie.

*Appendix 5 refers*

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

Nil.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**CLOSURE**

There being no further business, the Presiding Person declared the Meeting closed at 2015 hrs; the following Elected members being present at that time:

Cr T McLean  
Cr S Magyar  
Mayor T Pickard  
Cr G Amphlett  
Cr R Currie



## Joondalup - Compliance Audit Return 2006

### Certified Copy of Return

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

#### Caravan Parks and Camping Grounds

| No | Reference   | Question  | Response | Comments | Respondent         |
|----|---|---|----------|----------|--------------------|
| 1  | s21(1) Caravan Parks and Camping Grounds Act 1995 | Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2005 to 30 June 2006. | Yes      |          | Christine Robinson |

#### Cemeteries

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

#### Commercial Enterprises by Local Governments

| No | Reference   | Question  | Response | Comments   | Respondent         |
|----|---|---|----------|--|--------------------|
| 1  | s3.59(2)(a)(b)(c) Functions & General Regulation 7,9  | Has the local government prepared a business plan for each major trading undertaking in 2006.   | Yes      |  | Christine Robinson |
| 2  | s3.59(2)(a)(b)(c) Functions & General Regulation 7,10 | Has the local government prepared a business plan for each major land transaction that was not exempt in 2006.  | Yes      | A business plan was prepared for Lot 6 Lawley Court Joondalup. | Christine Robinson |
| 3  | s3.59(2)(a)(b)(c) Functions & General Regulation 7,11 | Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2006. | N/A      |  | Christine Robinson |
| 4  | s3.59(4)  | Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2006.  | Yes      | Advertisement placed in the West Australian Newspaper          | Christine Robinson |
| 5  | s3.59(5)  | Did the Council, during 2006, resolve to proceed with each major land transaction or trading undertaking by absolute majority.                                    | Yes      |  | Christine Robinson |



| Delegation of Power / Duty |   |  |          |          |                    |
|----------------------------|---|--|----------|----------|--------------------|
| No                         | Reference   | Question   | Response | Comments | Respondent         |
| 1                          | s5.16, 5.17, 5.18                                 | Were all delegations to committees resolved by absolute majority.  | N/A      |          | Christine Robinson |
| 2                          | s5.16, 5.17, 5.18                                 | Were all delegations to committees in writing.   | N/A      |          | Ian Cowie          |
| 3                          | s5.16, 5.17, 5.18                                 | Were all delegations to committees within the limits specified in section 5.17.  | N/A      |          | Ian Cowie          |
| 4                          | s5.16, 5.17, 5.18                                 | Were all delegations to committees recorded in a register of delegations.  | N/A      |          | Ian Cowie          |
| 5                          | s5.18   | Has Council reviewed delegations to its committees in the 2005/2006 financial year.  | N/A      |          | Ian Cowie          |
| 6                          | s5.42(1),5.43<br>Administration<br>Regulation 18G | Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.                            | Yes      |          | Ian Cowie          |
| 7                          | s5.42(1)(2) Admin<br>Reg 18                       | Were all delegations to the CEO resolved by an absolute majority.  | Yes      |          | Ian Cowie          |
| 8                          | s5.42(1)(2) Admin<br>Reg 18                       | Were all delegations to the CEO in writing.  | Yes      |          | Ian Cowie          |
| 9                          | s5.44(2)  | Were all delegations by the CEO to any employee in writing.  | Yes      |          | Ian Cowie          |
| 10                         | s5.45(1)(b)                                       | Were all decisions by the Council to amend or revoke a delegation made by absolute majority.   | Yes      |          | Ian Cowie          |
| 11                         | s5.46(1)  | Has the CEO kept a register of all delegations made under the Act to him and to other employees.   | Yes      |          | Christine Robinson |
| 12                         | s5.46(2)  | Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2005/2006 financial year. | Yes      |          | Christine Robinson |
| 13                         | s5.46(3) Admin<br>Reg 19                          | Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.                     | Yes      |          | Christine Robinson |

#### Disclosure of Interest

| No | Reference | Question  | Response | Comments | Respondent         |
|----|-----------|---|----------|----------|--------------------|
| 1  | s5.67     | If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68). | Yes      |          | Christine Robinson |
| 2  | s5.68(2)  | Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.  | N/A      |          | Christine Robinson |



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| No | Reference                    | Question  | Response | Comments   | Respondent         |
|----|------------------------------|---|----------|--|--------------------|
| 3  | s5.73                        | Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.  | Yes      |  | Christine Robinson |
| 4  | s5.75(1) Admin Reg 22 Form 2 | Was a primary return lodged by all newly elected members within three months of their start day.  | Yes      |  | Christine Robinson |
| 5  | s5.75(1) Admin Reg 22 Form 2 | Was a primary return lodged by all newly designated employees within three months of their start day.   | No       | Level of delegation was:<br>Swimming Pool Inspector (commenced 27/3/06, receipt of return 29/8/06);<br>Swimming Pool Inspector (commenced 13/3/06, receipt of return 29/8/06);<br>Administration Officer (commenced 1/5/06, receipt of return 28/8/06);<br>Administration Officer (commenced 8/5/06, receipt of return 28/8/06). | Christine Robinson |
| 6  | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all continuing elected members by 31 August 2006.  | N/A      |  | Christine Robinson |
| 7  | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all designated employees by 31 August 2006.  | No       | Duty of care is not to approach staff during absences of maternity leave and sick leave.   | Christine Robinson |
| 8  | s5.77                        | On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.                                 | Yes      |  | Christine Robinson |
| 9  | s5.88(1)(2) Admin Reg 28     | Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76   | Yes      |  | Christine Robinson |
| 10 | s5.88(1)(2) Admin Reg 2      | Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.                                   | Yes      |  | Christine Robinson |
| 11 | s5.88 (3)                    | Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.  | Yes      |  | Christine Robinson |
| 12 | s5.88(4)                     | Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee. | Yes      |  | Christine Robinson |



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| No | Reference            | Question  | Response | Comments | Respondent         |
|----|----------------------|---|----------|----------|--------------------|
| 13 | s5.103 Admin Reg 34C | Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes. | Yes      |          | Christine Robinson |

#### Disposal of Property

| No | Reference | Question  | Response | Comments | Respondent         |
|----|-----------|---|----------|----------|--------------------|
| 1  | s3.58(3)  | Was any property that was not disposed of by public auction or tender, given local public notice prior to disposal (except where excluded by Section 3.58(5)).                                      | Yes      |          | Christine Robinson |
| 2  | s3.58(4)  | Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property. | Yes      |          | Christine Robinson |

#### Finance

| No | Reference              | Question   | Response | Comments | Respondent         |
|----|------------------------|--|----------|----------|--------------------|
| 1  | s5.53, Admin Reg19B    | Has the local government prepared an annual report for the financial year ended 30 June 2006 that contained the prescribed information under the Act and Regulations.      | Yes      |          | Christine Robinson |
| 2  | s5.54(1), (2)          | Was the annual report accepted by absolute majority by the local government by 31 December 2006.   | Yes      |          | Christine Robinson |
| 3  | s5.54(1), (2)          | If the Auditor's report was not available in time for acceptance by 31 December, will it be accepted no more than two months after the Auditor's report is made available. | N/A      |          | Christine Robinson |
| 4  | s5.55                  | Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.                       | Yes      |          | Christine Robinson |
| 5  | S5.56 Admin Reg 19C(2) | Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).                     | Yes      |          | Christine Robinson |
| 6  | Admin Reg 19D          | After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).  | Yes      |          | Christine Robinson |
| 7  | s5.98 Admin Reg 30     | Was the fee made available to elected members for attending meetings within the prescribed range.  | Yes      |          | Christine Robinson |



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| No | Reference                    | Question  | Response | Comments  | Respondent         |
|----|------------------------------|---|----------|---|--------------------|
| 8  | s5.98 Admin Reg 31           | Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.   | Yes      |   | Christine Robinson |
| 9  | s5.98A Admin Reg 33A         | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.  | Yes      | Policy 8-2 covers meeting fees and allowances. Policy was adopted on 11 October 2005 by an absolute majority. No changes have occurred. | Christine Robinson |
| 10 | s5.98A Admin Reg 33A         | Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).             | Yes      | Up to 25% of Mayoral allowance.   | Christine Robinson |
| 11 | s5.99 Admin Reg 34           | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.   | Yes      |   | Christine Robinson |
| 12 | s5.99 Admin Reg 34           | Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.   | Yes      |   | Christine Robinson |
| 13 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority. | Yes      |   | Christine Robinson |
| 14 | s5.99A Admin Reg 34A, AA, AB | Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.   | Yes      |   | Christine Robinson |
| 15 | s5.100 (1)                   | Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.  | No       |   | Christine Robinson |
| 16 | s5.100 (2)                   | Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.                            | N/A      |   | Christine Robinson |
| 17 | s6.2                         | Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)                  | Yes      |   | Christine Robinson |



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| No | Reference                   | Question  | Response | Comments      | Respondent         |
|----|-----------------------------|---|----------|---------------|--------------------|
| 18 | s6.2                        | If 'no', was Ministerial approval sought for an extension.  | N/A      |               | Christine Robinson |
| 19 | Financial Management Reg 33 | Was the 2006/2007 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).  | Yes      | 7 August 2006 | Christine Robinson |
| 20 | s6.4(1) FM Reg 34           | Did the local government prepare an annual financial report as prescribed.  | Yes      |               | Christine Robinson |
| 21 | s6.4(1) FM Reg 34           | Did the local government prepare other financial reports as prescribed.   | Yes      |               | Christine Robinson |
| 22 | FM Reg 34                   | If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.                                    | Yes      |               | Christine Robinson |
| 23 | s6.4(3)(b)                  | Was the annual financial report, prepared for the financial year ended 30 June 2006, submitted to the Auditor by 30 September 2006 or by the extended time allowed by the Minister or his delegate.                                       | Yes      |               | Christine Robinson |
| 24 | FM Reg 51(2)                | Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.   | Yes      |               | Christine Robinson |
| 25 | s6.8                        | Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.  | Yes      |               | Christine Robinson |
| 26 | s6.8                        | In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council. | N/A      |               | Christine Robinson |
| 27 | s6.9 (1)                    | Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.  | Yes      |               | Christine Robinson |
| 28 | s6.9 (1)                    | Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.   | Yes      |               | Christine Robinson |
| 29 | s6.9(2)                     | Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.  | Yes      |               | Christine Robinson |



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| No | Reference                 | Question  | Response | Comments | Respondent         |
|----|---------------------------|---|----------|----------|--------------------|
| 30 | s6.9(3)                   | Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.  | Yes      |          | Christine Robinson |
| 31 | s6.9(3)                   | Has property held in trust been delivered to the persons entitled to it.  | N/A      |          | Christine Robinson |
| 32 | s6.11(2)                  | Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.   | Yes      |          | Christine Robinson |
| 33 | s6.11(2) FM Reg 18        | Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000). | N/A      |          | Christine Robinson |
| 34 | s6.12, 6.13, 6.16 (1),(3) | Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.   | Yes      |          | Christine Robinson |
| 35 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine the setting of an interest rate on money owing to Council by absolute majority.   | Yes      |          | Christine Robinson |
| 36 | s6.12, 6.13, 6.16 (1),(3) | Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).   | Yes      |          | Christine Robinson |
| 37 | s6.17(3)                  | Were the fees or charges imposed for a copy of information available under section 5.96, limited to the cost of providing the service or goods.   | Yes      |          | Christine Robinson |
| 38 | s6.17(3)                  | Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.  | Yes      |          | Christine Robinson |
| 39 | s6.17(3)                  | Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.  | Yes      |          | Christine Robinson |
| 40 | s6.19                     | After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.  | N/A      |          | Christine Robinson |



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| No | Reference          | Question  | Response | Comments | Respondent         |
|----|--------------------|---|----------|----------|--------------------|
| 41 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20). | Yes      |          | Christine Robinson |
| 42 | s6.20(2) FM Reg 20 | On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).   | Yes      |          | Christine Robinson |
| 43 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).         | Yes      |          | Christine Robinson |
| 44 | s6.20(3) FM Reg 21 | On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)                                      | Yes      |          | Christine Robinson |
| 45 |                    | Did Council determine by absolute majority to impose a general rate on rateable land within its district .  | Yes      |          | Christine Robinson |
| 46 |                    | Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .   | Yes      |          | Christine Robinson |
| 47 |                    | Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .   | Yes      |          | Christine Robinson |
| 48 |                    | Did Council determine by absolute majority to impose a service charge on rateable land within its district .  | Yes      |          | Christine Robinson |
| 49 | s6.33(3)           | Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.  | N/A      |          | Christine Robinson |
| 50 | s6.34              | Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.   | Yes      |          | Christine Robinson |



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| No | Reference          | Question  | Response | Comments | Respondent         |
|----|--------------------|---|----------|----------|--------------------|
| 51 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).   | Yes      |          | Christine Robinson |
| 52 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).  | Yes      |          | Christine Robinson |
| 53 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).   | Yes      |          | Christine Robinson |
| 54 | s6.35(4) FM Reg 53 | Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).  | N/A      |          | Christine Robinson |
| 55 | s6.36              | Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.  | N/A      |          | Christine Robinson |
| 56 | s6.36              | Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.   | N/A      |          | Christine Robinson |
| 57 | s6.36              | Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected. | N/A      |          | Christine Robinson |
| 58 | s6.38(1) FM Reg 54 | Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.   | N/A      |          | Christine Robinson |
| 59 | s6.38              | Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.   | N/A      |          | Christine Robinson |



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| No | Reference    | Question  | Response | Comments | Respondent         |
|----|--------------|---|----------|----------|--------------------|
| 60 | s6.46        | Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.   | Yes      |          | Christine Robinson |
| 61 | s6.47        | When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.  | Yes      |          | Christine Robinson |
| 62 | s6.51        | Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.  | Yes      |          | Christine Robinson |
| 63 | S6.76(6)     | Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.   | Yes      |          | Christine Robinson |
| 64 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained. | Yes      |          | Christine Robinson |
| 65 | FM Reg 11(1) | Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.  | Yes      |          | Christine Robinson |
| 66 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.  | Yes      |          | Christine Robinson |
| 67 | FM Reg 11(2) | Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.  | Yes      |          | Christine Robinson |
| 68 | FM Reg 12    | Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.   | Yes      |          | Christine Robinson |
| 69 | FM Reg 12    | When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.   | N/A      |          | Christine Robinson |



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| No | Reference    | Question  | Response | Comments | Respondent         |
|----|--------------|---|----------|----------|--------------------|
| 70 | FM Reg 13    | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.                                    | Yes      |          | Christine Robinson |
| 71 | FM Reg 13    | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.                         | Yes      |          | Christine Robinson |
| 72 | FM Reg 13    | Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction. | Yes      |          | Christine Robinson |
| 73 | FM Reg 13    | Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.                                  | Yes      |          | Christine Robinson |
| 74 | FM Reg 19    | Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.   | Yes      |          | Christine Robinson |
| 75 | FM Reg 19    | Do the internal control procedures over investments, established and documented by the local government, enable the identification of the transactions related to each investment.  | Yes      |          | Christine Robinson |
| 76 | FM Reg 55    | Does the local government's rate record include all particulars set out in the FM Regulations.  | Yes      |          | Christine Robinson |
| 77 | FM Reg 56,57 | Are the contents of the local government's rate notice in accordance with the FM Regulations.   | Yes      |          | Christine Robinson |
| 78 | FM Reg 56,57 | Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.   | Yes      |          | Christine Robinson |
| 79 | s7.1A        | Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.  | Yes      |          | Christine Robinson |
| 80 | s7.1B        | Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.   | N/A      |          | Christine Robinson |
| 81 | s7.3         | Was the person(s) appointed by the local government to be its auditor, a registered company auditor.  | Yes      |          | Christine Robinson |
| 82 | s7.3         | Was the person(s) appointed by the local government to be its auditor, an approved auditor.   | Yes      |          | Christine Robinson |



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| No | Reference      | Question   | Response | Comments | Respondent         |
|----|----------------|--|----------|----------|--------------------|
| 83 | s7.3           | Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.  | Yes      |          | Christine Robinson |
| 84 | Audit Reg 10   | Was the Auditor's report for the financial year ended 30 June 2006 received by the local government within 30 days of completion of the audit.   | Yes      |          | Christine Robinson |
| 85 | s7.9(1)        | Was the Auditor's report for 2005/2006 received by the local government by 31 December 2006.   | Yes      |          | Christine Robinson |
| 86 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.  | N/A      |          | Christine Robinson |
| 87 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.   | N/A      |          | Christine Robinson |
| 88 | S7.12A(3), (4) | Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time. | N/A      |          | Christine Robinson |
| 89 | A Reg 7        | Did the agreement between the local government and its auditor include the objectives of the audit.  | Yes      |          | Christine Robinson |
| 90 | A Reg 7        | Did the agreement between the local government and its auditor include the scope of the audit.   | Yes      |          | Christine Robinson |
| 91 | A Reg 7        | Did the agreement between the local government and its auditor include a plan for the audit.   | Yes      |          | Christine Robinson |
| 92 | A Reg 7        | Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.   | Yes      |          | Christine Robinson |
| 93 | A Reg 7        | Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.  | Yes      |          | Christine Robinson |
| 94 | FM Reg 33A     | Did the local government, between 1 January and 31 March 2006, carry out a review of its annual budget for the year ended 30 June 2006.  | Yes      |          | Christine Robinson |



| Local Government Employees |                                  |   |          |          |                    |
|----------------------------|----------------------------------|---|----------|----------|--------------------|
| No                         | Reference                        | Question  | Response | Comments | Respondent         |
| 1                          | s9.59, Admin Reg 18C             | Did the local government approve the process to be used for the selection and appointment of the CEO before the position was advertised.  | N/A      |          | Christine Robinson |
| 2                          | s5.36(4), 5.37(3), Admin Reg 18A | Were all vacancies for the position of CEO and for designated senior employees advertised.  | Yes      |          | Christine Robinson |
| 3                          | s5.36(4), 5.37(3), Admin Reg 18A | Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.  | Yes      |          | Christine Robinson |
| 4                          | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.  | Yes      |          | Christine Robinson |
| 5                          | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.   | Yes      |          | Christine Robinson |
| 6                          | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.  | Yes      |          | Christine Robinson |
| 7                          | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.  | Yes      |          | Christine Robinson |
| 8                          | s5.36(4), 5.37(3), Admin Reg 18A | Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.  | Yes      |          | Christine Robinson |
| 9                          | s5.37(2)                         | Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.  | Yes      |          | Christine Robinson |
| 10                         | s5.38                            | Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment. | Yes      |          | Christine Robinson |
| 11                         | Admin Reg 18D                    | When the Council considered the CEO's performance review did it decide to accept the review ( with or without modification).  | Yes      |          | Christine Robinson |
| 12                         | Admin Reg 18D                    | When the Council considered the CEO's performance review did it decide to reject the review.  | No       |          | Christine Robinson |
| 13                         | s5.39                            | During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.                                  | Yes      |          | Christine Robinson |



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| No | Reference                 | Question   | Response | Comments                       | Respondent         |
|----|---------------------------|--|----------|--------------------------------|--------------------|
| 14 | s5.39 Admin Reg 18B       | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.   | Yes      |                                | Christine Robinson |
| 15 | s5.39 Admin Reg 18B       | Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated. | Yes      |                                | Christine Robinson |
| 16 | s5.50(1)                  | Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.  | No       | Policy in place prior to 2006. | Christine Robinson |
| 17 | s5.50(1)                  | Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.  | No       | Policy in place prior to 2006. | Christine Robinson |
| 18 | s5.50(2)                  | Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.  | N/A      |                                | Christine Robinson |
| 19 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.   | Yes      |                                | Christine Robinson |
| 20 | S5.53(2)(g) Admin Reg 19B | For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.  | Yes      |                                | Christine Robinson |
| 21 | Admin Reg 18F             | Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).  | N/A      |                                | Christine Robinson |
| 22 | Admin Regs 18E            | Did the local government ensure checks were carried out to confirm that the information in an application for employment was true. (Applicable if staff engaged in 2006)   | Yes      |                                | Christine Robinson |



### Local Government Grants Commission

| No | Reference                               | Question   | Response | Comments | Respondent         |
|----|---|--|----------|----------|--------------------|
| 1  | s12(4) Local Government Grants Act 1978 | Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission. | Yes      |          | Christine Robinson |

### Local Laws

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



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| No | Reference   | Question   | Response | Comments | Respondent         |
|----|-------------|--|----------|----------|--------------------|
| 10 | s3.12(6)    | After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.  | N/A      |          | Christine Robinson |
| 11 | s3.12(6)    | After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.   | N/A      |          | Christine Robinson |
| 12 | s3.12(6)    | After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.  | N/A      |          | Christine Robinson |
| 13 | s3.16(1)    | Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.   | Yes      |          | Christine Robinson |
| 14 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.  | N/A      |          | Christine Robinson |
| 15 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice. | N/A      |          | Christine Robinson |
| 16 | s3.16(1)(2) | If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.  | N/A      |          | Christine Robinson |
| 17 | s3.16(3)    | Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.   | N/A      |          | Christine Robinson |
| 18 | s3.16(4)    | Was the decision to repeal or amend a local law determined by absolute majority on all occasions.  | N/A      |          | Christine Robinson |

#### Meeting Process

| No | Reference   | Question  | Response | Comments | Respondent         |
|----|-------------|---|----------|----------|--------------------|
| 1  | s2.25(1)(3) | Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution. | Yes      |          | Christine Robinson |



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



| No | Reference   | Question   | Response | Comments | Respondent         |
|----|-------------|--|----------|----------|--------------------|
| 13 | s5.10(2)    | Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act. | Yes      |          | Christine Robinson |
| 14 | s5.12(1)    | Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.                                  | Yes      |          | Christine Robinson |
| 15 | s5.12(2)    | Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.                             | Yes      |          | Christine Robinson |
| 16 | s5.15       | Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.   | N/A      |          | Christine Robinson |
| 17 | s5.21 (4)   | When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.            | N/A      |          | Christine Robinson |
| 18 | s5.22(1)    | Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.   | Yes      |          | Christine Robinson |
| 19 | s5.22(2)(3) | Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.                                   | Yes      |          | Christine Robinson |
| 20 | s5.22(2)(3) | Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.  | Yes      |          | Christine Robinson |
| 21 | s5.23 (1)   | Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).   | Yes      |          | Christine Robinson |
| 22 | s5.23 (1)   | Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).   | N/A      |          | Christine Robinson |
| 23 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.   | Yes      |          | Christine Robinson |
| 24 | s5.23(2)(3) | On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.                                     | Yes      |          | Christine Robinson |



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| No | Reference        | Question  | Response | Comments  | Respondent         |
|----|------------------|---|----------|---|--------------------|
| 25 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.   | Yes      |   | Christine Robinson |
| 26 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.  | Yes      |   | Christine Robinson |
| 27 | s5.24 (1) AR 5&6 | Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.  | N/A      |   | Christine Robinson |
| 28 | Admin Reg 8      | Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.   | Yes      |   | Christine Robinson |
| 29 | Admin Reg 9      | Was voting at Council or committee meetings conducted so that no vote was secret.   | Yes      |   | Christine Robinson |
| 30 | Admin Reg 10(1)  | Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.                   | N/A      |   | Christine Robinson |
| 31 | Admin Reg 10(1)  | Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.                               | No       | On two occasions, one third support was not identified before the motion to revoke was discussed. | Christine Robinson |
| 32 | Admin Reg 10(2)  | Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority. | Yes      |   | Christine Robinson |
| 33 | Admin Reg 10(2)  | Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.   | Yes      |   | Christine Robinson |
| 34 | Admin Reg 11     | Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.   | Yes      |   | Christine Robinson |
| 35 | Admin Reg 11     | Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.                  | Yes      |   | Christine Robinson |



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| No | Reference              | Question  | Response | Comments  | Respondent         |
|----|------------------------|---|----------|---|--------------------|
| 36 | Admin Reg 11           | Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.   | Yes      |   | Christine Robinson |
| 37 | Admin Reg 11           | Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.  | Yes      |   | Christine Robinson |
| 38 | Admin Reg 11           | Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.  | Yes      | On one occasion a planning recommendation was overturned with no explicit reasons for the changed approach being given on the night. A report was subsequently prepared to enable Council to provide the reasons. | Christine Robinson |
| 39 | Admin Reg 11           | Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.  | Yes      |   | Christine Robinson |
| 40 | Admin Reg 11           | Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.  | Yes      |   | Christine Robinson |
| 41 | Admin Reg 12(1)        | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.   | Yes      |   | Christine Robinson |
| 42 | Admin Reg 12(1)        | Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public. | Yes      |   | Christine Robinson |
| 43 | Admin Reg 12(2)        | Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.  | Yes      |   | Christine Robinson |
| 44 | Admin Reg 12(3)<br>(4) | In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.  | Yes      |   | Christine Robinson |
| 45 | Admin Reg 12(3)<br>(4) | Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.   | Yes      |   | Christine Robinson |



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| No | Reference              | Question   | Response | Comments | Respondent         |
|----|------------------------|--|----------|----------|--------------------|
| 46 | Admin Reg 13           | Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.  | Yes      |          | Christine Robinson |
| 47 | Admin Reg 13           | Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.   | Yes      |          | Christine Robinson |
| 48 | Admin Reg 14(1)<br>(2) | Were notice papers, agendas and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.  | Yes      |          | Christine Robinson |
| 49 | Admin Reg 14A          | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority. | N/A      |          | Christine Robinson |
| 50 | Admin Reg 14A          | On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)   | N/A      |          | Christine Robinson |
| 51 | s5.27(2)               | Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.  | Yes      |          | Christine Robinson |
| 52 | s5.29                  | Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.   | Yes      |          | Christine Robinson |
| 53 | s5.32                  | Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.   | Yes      |          | Christine Robinson |
| 54 | s5.33(1)               | Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.  | Yes      |          | Christine Robinson |
| 55 | s5.33(2)               | Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.   | Yes      |          | Christine Robinson |



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| No | Reference                  | Question  | Response | Comments   | Respondent         |
|----|----------------------------|---|----------|--|--------------------|
| 56 | s5.103(3) Admin<br>Reg 34B | Has the CEO kept a register of all token gifts received by Council members and employees.   | Yes      | The City cannot say categorically that this has occurred. It maintains a register of token gifts and elected members and employees have been made aware of the requirement for disclosure. Whether everything received has been disclosed is impossible to verify. | Christine Robinson |
| 57 | s5.103                     | Has the local government reviewed its code of conduct in the 12 months immediately following each ordinary election day.<br>(Please advise of the Date of Review in the comments column. If the review has not been done please indicate when the review will be undertaken). | Yes      | 19 September 2006  | Christine Robinson |

#### Miscellaneous Provisions

| No | Reference   | Question  | Response | Comments | Respondent         |
|----|-------------|---|----------|----------|--------------------|
| 1  | s9.4        | Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision. | Yes      |          | Christine Robinson |
| 2  | s9.29(2)(b) | On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.  | Yes      |          | Christine Robinson |

#### Swimming Pools

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

#### Tenders for Providing Goods and Services

| No | Reference        | Question   | Response | Comments | Respondent         |
|----|------------------|--|----------|----------|--------------------|
| 1  | s3.57 F&G Reg 11 | Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than \$50,000. (Subject to Functions and General Regulation 11(2)) | Yes      |          | Christine Robinson |



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| No | Reference        | Question   | Response | Comments | Respondent         |
|----|------------------|--|----------|----------|--------------------|
| 2  | F&G Reg 12       | Is the local government aware of any occasion in which it entered into 2 or more contracts to avoid the requirements to call tenders in accordance with F&G Reg 11(1).   | No       |          | Christine Robinson |
| 3  | F&G Reg 14(1)    | Did the local government invite tenders via Statewide public notice.   | Yes      |          | Christine Robinson |
| 4  | F&G Reg 14(3)    | Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.           | Yes      |          | Christine Robinson |
| 5  | F&G Reg 14(3)    | Did all the local government's invitations to tender include information as to where and how tenders could be submitted.   | Yes      |          | Christine Robinson |
| 6  | F&G Reg 14(3)    | Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.  | Yes      |          | Christine Robinson |
| 7  | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.  | Yes      |          | Christine Robinson |
| 8  | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.   | Yes      |          | Christine Robinson |
| 9  | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.  | N/A      |          | Christine Robinson |
| 10 | F&G Reg 14(3)(4) | Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted. | Yes      |          | Christine Robinson |
| 11 | F&G Reg 14(3)(4) | Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.   | Yes      |          | Christine Robinson |
| 12 | F&G Reg 14(5)    | If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.      | Yes      |          | Christine Robinson |
| 13 | F&G Reg 15       | Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.   | Yes      |          | Christine Robinson |



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| No | Reference              | Question  | Response | Comments | Respondent         |
|----|------------------------|---|----------|----------|--------------------|
| 14 | F&G Reg 16(1)          | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.   | Yes      |          | Christine Robinson |
| 15 | F&G Reg 16(1)          | Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.   | Yes      |          | Christine Robinson |
| 16 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.   | Yes      |          | Christine Robinson |
| 17 | F&G Reg 16 (2)& (3)(a) | Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.  | Yes      |          | Christine Robinson |
| 18 | F&G Reg 16 (3)(b)      | Did the local government ensure members of the public were not excluded when tenders were opened.   | Yes      |          | Christine Robinson |
| 19 | F&G Reg 16 (3)(c)      | Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.   | Yes      |          | Christine Robinson |
| 20 | F&G Reg 18(1)          | Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.  | Yes      |          | Christine Robinson |
| 21 | F&G Reg 18 (4)         | In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.                  | Yes      |          | Christine Robinson |
| 22 | F&G Reg 17 (2) & (3)   | Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.  | Yes      |          | Christine Robinson |
| 23 | F&G Reg 17 (2) & (3)   | Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).                 | Yes      |          | Christine Robinson |
| 24 | F&G Reg 17 (2) & (3)   | Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest. | Yes      |          | Christine Robinson |
| 25 | F&G Reg 17 (2) & (3)   | Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)   | Yes      |          | Christine Robinson |



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|----|----------------------|---|----------|----------|--------------------|
| 26 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.   | Yes      |          | Christine Robinson |
| 27 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.  | Yes      |          | Christine Robinson |
| 28 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.  | Yes      |          | Christine Robinson |
| 29 | F&G Reg 17 (2) & (3) | Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.                      | Yes      |          | Christine Robinson |
| 30 | F&G Reg 19           | Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.  | Yes      |          | Christine Robinson |
| 31 | F&G Reg 21(3)        | On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice. | Yes      |          | Christine Robinson |
| 32 | F&G Reg 21(4)        | Did all public notices inviting an expression of interest, include a brief description of the goods and services required.  | Yes      |          | Christine Robinson |
| 33 | F&G Reg 21(4)        | Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.   | Yes      |          | Christine Robinson |
| 34 | F&G Reg 21(4)        | Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.  | Yes      |          | Christine Robinson |
| 35 | F&G Reg 21(4)        | Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.   | Yes      |          | Christine Robinson |
| 36 | F&G Reg 22           | Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.  | Yes      |          | Christine Robinson |
| 37 | F&G Reg 23(1)        | Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.   | N/A      |          | Christine Robinson |



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|----|---------------|--|----------|----------|--------------------|
| 38 | F&G Reg 23(4) | After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.  | Yes      |          | Christine Robinson |
| 39 | F&G Reg 24    | Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.   | Yes      |          | Christine Robinson |
| 40 | F&G Reg 24E   | Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).   | N/A      |          | Christine Robinson |
| 41 | F&G Reg 24E   | Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).       | N/A      |          | Christine Robinson |
| 42 | F&G Reg 24E   | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).   | N/A      |          | Christine Robinson |
| 43 | F&G Reg 24E   | Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council). | N/A      |          | Christine Robinson |
| 44 | F&G Reg 24E   | Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).  | N/A      |          | Christine Robinson |



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

\_\_\_\_\_  
Signed Mayor / President, Joondalup

\_\_\_\_\_  
Signed CEO, Joondalup