

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 2 MARCH 2022

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MINUTES

MINUTES OF THE AUDIT AND RISK COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 2 MARCH 2022 AT 9.00AM.

1. DECLARATION OF OPENING, ACKNOWLEDGEMENT OF COUNTRY AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.03am.

The Presiding Member noted this meeting is held on the lands of the Wadandi people and acknowledged them as Traditional Owners, paying respect to their Elders, past and present, and Aboriginal Elders of other communities who may be present.

2. ATTENDANCE

Presiding Member:

Cr Paul Carter

Members:

Cr Grant Henley

Cr Phill Cronin

Cr Anne Ryan

Officers:

Mr Tony Nottle, Director, Finance and Corporate Services

Mr Ben Whitehill, Manager, Legal and Property Services

Mrs Emma Heys, Governance Coordinator

Ms Jo Barrett-Lennard, Governance Officer

Apologies:

Nil

Public:

1

3. PUBLIC QUESTION TIME

Mr Andrew Macnish

Question

What date were the minutes of the Audit and Risk Committee publicised, and what evidence do you have about the accuracy of that?

Response

(Mr Tony Nottle, Director Finance and Corporate Services)

Officers will check the time/date stamp of the document. We will take that question on notice.

Question

In those minutes, three impartiality interests were declared in relation to item 6.1. What assurances can you give the public that the matter received unbiased consideration?

Response

(Cr Paul Carter, Presiding Member)

The onus of the declaration falls on the individuals who make the disclosure. The declarations are specifically made so that any potential bias is known.

9:11am: At this time, Mr Whitehill entered the meeting.

Question

Local Government Operational Guidelines and the Local Government (Rules of Conduct) Regulations 2007 (now preceded by *Local Government (Model Code of Conduct) Regulations 2021*) state that the nature of the interest must be recorded in the minutes. Do those that declared their interest now wish to provide the nature of their impartiality interests?

Response

(Mr Tony Nottle, Director Finance and Corporate Services)

The specifics of the declarations made by both the elected members and the senior officer would potentially release confidential information of which the Committee discussed. Therefore on the public set of minutes, the particular nature of their interest is not disclosed to protect the confidentiality of the matter. The nature of the disclosure will be in the confidential minutes of the meeting.

Question

A letter responding to the Audit and Risk Committees reply regarding a complaint was emailed to the City on 17 February 2022, addressed to the Audit and Risk Committee c/- the Presiding Member and Mr Ben Whitehill. Will each of the members present at the Audit and Risk Committee meeting indicate if they have received this recent letter addressed for the committee's consideration?

Response

(Mr Tony Nottle, Director Finance and Corporate Services)

The letter received by the City is an official record of the City of Busselton and therefore needs to be treated as such. As the content of the letter contained information that was outside of the Audit and Risk Committee, and Councils, jurisdiction, officers provided an appropriate response to you to advise of the appropriate jurisdiction. This advice was previously provide by the Presiding Member of the Audit and Risk Committee. The Presiding Member was provided with a copy of the letter and the response, for his information.

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES**5.1 Minutes of the Audit and Risk Committee Meeting held 25 January 2022****COMMITTEE DECISION**

AU2203/057 Moved Councillor G Henley, seconded Councillor A Ryan

That the Minutes of the Audit and Risk Committee Meeting held 25 January 2022 be confirmed as a true and correct record.

CARRIED 4/0

6. REPORTS

6.1 2021 ANNUAL COMPLIANCE AUDIT RETURN

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Compliance Audit Return
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Legislative: adoption of “legislative documents” such as local laws, local planning schemes and local planning policies
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A 2021 Compliance Audit Return - City of Busselton Responses

COMMITTEE DECISION

AU2203/058 Moved Councillor P Cronin, seconded Councillor A Ryan

That the Council, having received the 2021 Compliance Audit Return (Attachment A),

- 1. adopt the 2021 Compliance Audit Return; and**
- 2. authorises the Mayor and Chief Executive Officer to sign in joint the Certificate.**

CARRIED 4/0

OFFICER RECOMMENDATION

That the Council, having received the 2021 Compliance Audit Return (Attachment A),

1. adopt the 2021 Compliance Audit Return; and
2. authorises the Mayor and Chief Executive Officer to sign in joint the Certificate.

EXECUTIVE SUMMARY

The Compliance Audit Return (CAR) is a statutory reporting tool that evaluates the City’s compliance with targeted sections of the *Local Government Act 1995* (the Act) during the period 1 January 2021 to 31 December 2021.

The City has completed the 2021 CAR and it is included in this report (Attachment A) for the Audit & Risk Committee’s consideration. The 2021 CAR is recommended for adoption by Council, after which it will be lodged, as required, with the Department of Local Government, Sport and Cultural Industries (the Department) by 31 March 2022.

BACKGROUND

Between 1 January 2022 and 31 March 2022, local governments are required to carry out an audit of compliance covering the period 1 January 2021 to 31 December 2021. The City’s responses to the 2021 CAR are to be reviewed by the Audit & Risk Committee and then recommended to Council for adoption. The certified CAR, together with an extract of the Council Minutes of the meeting in which the 2021 CAR is adopted, will be lodged with the Department via the online SmartHub portal by 31 March 2022.

OFFICER COMMENT

In completing the 2021 CAR, relevant officers have undertaken an audit of the City's activities, practices and procedures in line with the Act and associated Regulations.

The Audit results are summarised in the Table below:

Compliance Area	Number of Questions	Compliance
Commercial Enterprises by Local Government	5	100%
Delegation of Power/Duty	13	100%
Disclosures of Interest	25	99%
Disposal of Property	2	100%
Elections	3	100%
Finance	7	100%
Integrated Planning and Reporting	3	100%
Local Government Employees	6	100%
Official Conduct	3	100%
Tenders for Providing Goods and Services	22	100%
Optional Questions	9	100%

Disclosures of Interest

Due to an employee transitioning between fixed and permanent roles within the same business unit, an administrative oversight occurred and the employee was not provided with a Primary Return within the required time. Once this error was identified, the Primary Return was provided to the employee, who completed it immediately. This is therefore not a breach by the employee, but an administrative oversight.

The administrative process for identifying employees who are required to submit a Primary Return has now been strengthened, with a monthly audit of the appointments notifications against the delegations register and Primary/Annual Returns register.

Overall, the 2021 CAR represents a high level of compliance by the City.

Statutory Environment

Section 7.13 of the *Local Government Act 1995* provides for the making of Regulations in regards to Audits.

Regulation 13 of the *Local Government (Audit) Regulations 1996* prescribes the statutory requirements for the compliance audit.

Regulations 14 and 15 state the following:

14. *Compliance audits by local governments*
 - (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.*
 - (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
 - (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) presented to council at a meeting of the council; and*
 - (b) adopted by council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.*
15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*
 - (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 Departmental CEO 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.*

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council may choose to request further information from officers prior to adopting the 2021 CAR. It is however a statutory requirement that the 2021 CAR is endorsed by Council and submitted to the Department prior to 31 March 2022.

CONCLUSION

It is recommended that the Council adopts the 2021 CAR for submission to the Department prior to 31 March 2022.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The 2021 CAR will be lodged with the Department prior to 31 March 2022.

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



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Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	Not applicable	No major trading undertaking occurred in 2021	Director, Finance and Corporate Services
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	Not applicable	No major land transaction occurred in 2021	Director, Finance and Corporate Services
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2021?	Not applicable	No land transactions occurred in 2021	Director, Finance and Corporate Services
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	Not applicable	No land undertakings or transactions occurred in 2021	Director, Finance and Corporate Services
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Not applicable	No land undertakings or transactions occurred in 2021	Director, Finance and Corporate Services

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Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	YES		Manager Governance and Corporate Services
2	s5.16	Were all delegations to committees in writing?	YES		Manager Governance and Corporate Services
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	YES		Manager Governance and Corporate Services
4	s5.18	Were all delegations to committees recorded in a register of delegations?	YES		Manager Governance and Corporate Services
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	YES	Ordinary Meeting of Council, 27 January 2021, C2101/010	Manager Governance and Corporate Services
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	YES		Manager Governance and Corporate Services
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	YES	Ordinary Meeting of Council, 13 October 2021, C2110/057	Manager Governance and Corporate Services
8	s5.42(2)	Were all delegations to the CEO in writing?	YES		Manager Governance and Corporate Services
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	YES		Manager Governance and Corporate Services
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	YES	Ordinary Meeting of Council, 13 October 2021, C2110/057	Manager Governance and Corporate Services

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11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	YES		Manager Governance and Corporate Services
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	YES	Ordinary Meeting of Council, 27 January 2021, C2101/010	Manager Governance and Corporate Services
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	YES		Manager Governance and Corporate Services

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Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	YES		Manager Governance and Corporate Services
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	YES		Manager Governance and Corporate Services
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	YES		Manager Governance and Corporate Services
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	YES		Manager Governance and Corporate Services
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	NO	Administrative oversight that has now been corrected. Further details are contained within the Council report.	Manager Governance and Corporate Services
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	YES		Manager Governance and Corporate Services
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	YES		Manager Governance and Corporate Services
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained	YES		Manager Governance and

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		a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?		Corporate Services
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	YES	Manager Governance and Corporate Services
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	YES	Manager Governance and Corporate Services
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	YES	Manager Governance and Corporate Services
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	YES	Manager Governance and Corporate Services
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	YES	Manager Governance and Corporate Services
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	YES	Manager Governance and Corporate Services
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*	YES	Manager Governance and Corporate Services
		*Question not applicable after 2 Feb 2021		
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct	YES	Manager Governance and

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		Reg 11(2) was the nature of the interest recorded in the minutes?*		Corporate Services
		*Question not applicable after 2 Feb 2021		
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	YES	Manager Governance and Corporate Services
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	Not applicable	Manager Governance and Corporate Services
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	Not applicable	Manager Governance and Corporate Services
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?*	YES	Manager Governance and Corporate Services
		*Question not applicable after 2 Feb 2021		
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?*	YES	Manager Governance and Corporate Services
		*Question not applicable after 2 Feb 2021		
22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	YES	Ordinary Meeting of Council, 28 April 2021, C2104/082 Manager Governance and Corporate Services

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23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	Not applicable	Council did not adopt additional requirements to the model code of conduct	Manager Governance and Corporate Services
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	YES		Manager Governance and Corporate Services
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	YES	Endorsed by CEO and published to the City's website 24 May 2021	Manager Governance and Corporate Services

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Disposal of Property					
No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	YES		Manager, Property and Legal Services
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		Manager, Property and Legal Services

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Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	YES		Manager, Governance and Corporate Services
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	Not applicable	No disclosures were received from unsuccessful candidates or a successful candidate that completed their term	Manager, Governance and Corporate Services
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	YES		Manager, Governance and Corporate Services

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Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	YES	Audit and Risk Committee was established and membership appointed at the Special Council Meeting, 18 October 2021 - C2110/065	Manager Financial Services
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	YES	Terms of Reference for the Audit and Risk Committee were endorsed, Ordinary Council Meeting 8 September 2021, C2109/201	Manager Financial Services
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	YES	Council received the Auditors Report, Ordinary Council Meeting 8 December 2021, C2110/110	Manager Financial Services
4	s7.12A(3)	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, did the local government ensure that appropriate action was undertaken in respect of those matters?	YES	Actions are on-going and are planned to be completed by 30 th June 2022	Manager Financial Services
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No matters were identified as significant	Manager Financial Services
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did	YES		Manager Financial Services

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		the CEO publish a copy of the report on the local government's official website?		
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	YES	Manager Financial Services

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Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	Ordinary Council Meeting 9 June 2021, C2106/118	Manager Governance and Corporate Services
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	YES	Ordinary Council Meeting 11 August 2021, C2108/167	Manager Governance and Corporate Services
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	YES		Manager Governance and Corporate Services

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Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	Not applicable	The City did not recruit a CEO in this period	Manager Governance and Corporate Services
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Not applicable	The City did not recruit a CEO or Senior Employee in this period	Manager Governance and Corporate Services
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Not applicable	The City did not recruit a CEO in this period	Manager Governance and Corporate Services
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	Not applicable	The City did not recruit a CEO in this period	Manager Governance and Corporate Services
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Not applicable	The City did not recruit or dismiss a Senior Employee during this period	Manager Governance and Corporate Services
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	Not applicable	The City did not recruit or dismiss a Senior Employee during this period	Manager Governance and Corporate Services

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	YES		Director Finance and Corporate Services
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121(2)?	YES		Director Finance and Corporate Services
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	YES		Director Finance and Corporate Services

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Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	YES		Manager, Legal and Property Services
2	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	YES		Manager, Legal and Property Services
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	YES		Manager, Legal and Property Services
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Not Applicable	The City did not enter into multiple contracts	Manager, Legal and Property Services
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	YES		Manager, Legal and Property Services
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	YES		Manager, Legal and Property Services
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders	YES		Manager, Legal and Property Services

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		register available for public inspection and publish it on the local government's official website?			
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	YES	A late tender was rejected in response to RFT14/21	Manager, Legal and Property Services
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	YES		Manager, Legal and Property Services
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	YES		Manager, Legal and Property Services
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	YES		Manager, Legal and Property Services
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	YES	A late expression of interest was rejected in response to EO101/21.	Manager, Legal and Property Services
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	YES		Manager, Legal and Property Services
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	YES		Manager, Legal and Property Services
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	YES		Manager, Legal and Property Services

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16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	YES	Manager, Legal and Property Services
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	YES	Manager, Legal and Property Services
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	YES	Manager, Legal and Property Services
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	Not Applicable	Manager, Legal and Property Services
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	YES	Manager, Legal and Property Services
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	YES	Manager, Legal and Property Services
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	YES	Manager, Legal and Property Services

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Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	YES	Review endorsed by Council, 12 May 2021, C2105/093	Manager Governance and Corporate Services
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	YES	Review endorsed by Council, 10 June 2020, C2006/043	Manager Governance and Corporate Services
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	YES		Manager Governance and Corporate Services
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	YES	Adopted 12 August 2020, C2008/076	Manager Governance and Corporate Services
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	YES		Manager Governance and Corporate Services
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a	YES	Adopted 12 August 2020, C2008/079.	Manager Governance and

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		policy in relation to the continuing professional development of council members?	Reviewed and adopted, 25 January 2022, C2201/009	Corporate Services
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	YES	Manager Governance and Corporate Services
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	YES	Manager Financial Services
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	YES	Manager Financial Services

7. GENERAL DISCUSSION ITEMS

At this time the Presiding Member agreed for a general discussion item to take place in relation to a confidential matter previously heard by the Audit and Risk Committee, and then called on a Committee Member to move a motion to close the meeting to discuss item of a confidential nature.

This General Discussion item is confidential in accordance with section 5.23(2)(d) of the Local Government Act 1995, as it contains information relating to the personal affairs of any person, and also legal advice obtained, or which may be obtained, by the local government and which related to a matter to be discussed at the meeting.

The motion was moved and carried.

COMMITTEE DECISION

AU2203/059 Moved Councillor P Cronin, seconded Councillor A Ryan

That the meeting be closed to members of the public to discuss this item which is confidential for the reasons as shown.

CARRIED 4/0

9:34am At this time, the meeting was closed to members of the public.

At this time the Presiding Member called on a Committee Member to move a motion to re-open the meeting.

The motion was moved and carried.

COMMITTEE DECISION

AU2203/060 Moved Councillor P Cronin, seconded Councillor A Ryan

That the meeting be re-opened to the members of the public.

CARRIED 4/0

9:40am At this time, the meeting was re-opened to members of the public.

8. NEXT MEETING DATE

TBA

9. CLOSURE

The meeting closed at 9:40am

THESE MINUTES CONSISTING OF PAGES 1 TO 29 WERE CONFIRMED AS A TRUE AND
CORRECT RECORD ON .10 AUGUST 2022

DATE: 29.8.22

PRESIDING MEMBER: 