



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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15 December 2020

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 15 DECEMBER 2020 COMMENCING AT 7.02PM.

MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr G Sekulla, JP, Deputy Mayor	West Ward
Cr M Bass (<i>arr 7.04pm</i>)	East Ward
Cr B Ryan	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr L Cayoun	West Ward
Cr R Rossi, JP	West Ward

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Mrs H Mark	Governance Officer

MEMBERS OF THE GALLERY

There were seven members of the public in the gallery and no press representative.

1. OFFICIAL OPENING

7.02pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

Before I begin I would like to acknowledge the Traditional Owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

The Presiding Member invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

Affirmation of Civic Duty and Responsibility
I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr S Wolff (Apology)

South Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.04pm The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

'I wish to draw attention to the Disclaimer Notice contained within the Agenda document and advise members of the public that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.'

7.04pm Cr Bass entered the meeting.

4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Ms S CARTER, 3/10 MARINA DRIVE, ASCOT

The following questions were taken on notice at the 24 November 2020 Ordinary Council Meeting. Ms Carter was provided with a response on 3 December 2020. The response from the City is recorded accordingly:

1. Who is the 'law enforcement agency' referred to in the CCTV Video Analytics Policy, the City of Belmont or the WA Police?

Response

WA Police are the primary law enforcement agency.

2. Does the surveillance for collection of information and identification of individuals who may commit misdemeanours such as parking, loitering and littering fall under that primary purpose?

Response

The City does not actively monitor its CCTV cameras and reviews and sources footage on the whole, after being notified of an incident or issue of interest. Generally, the City reviews and provides footage at the behest of WA Police.

Item 5.1.1 Continued

The primary purpose of the City's CCTV programme is not for the purposes of enforcing parking, littering and such offences. However, the City will review footage to investigate illegal dumping, or if an appeal has been made against a parking infringement. Loitering is not an offence and would only be reviewed if the person was potentially linked to an alleged incident or crime.

5.1.2 MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

The following questions were taken on notice at the 24 November 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 3 December 2020. The response from the City is recorded accordingly:

1. The tender for the website went to Council at the Ordinary Council Meeting in March 2019. This report stated that in September 2018, the City bought a Content Management System. How much did this cost and was this in addition to the almost \$300,000 spent on the website?

Response

The Content Management System was purchased in 2018 from Kentico for \$26,499. This did not form part of the Tender for the development of the website that was awarded in March 2019.

2. A number of staff were listed on the evaluation panel. Had any of these staff ever built a website, how much understanding did they have of what was involved and the process of checking it before it went live?

Response

The evaluation panel responsible for the tender evaluation and report presented to Council in March 2019 comprised suitably skilled officers with demonstrated experience required to undertake this process. The officers were aware of the work involved in launching a website and in conjunction with Integranet undertook testing and checking of the website comprising over 800 pages and 1200 documents. The functionality was tested in the lead up to the launch, and further manual testing as website content and data was transferred between operating environments.

3. Getting Minutes is not as easy as it previously was, is there any plan to get meetings grouped into type and month like it was previously, or will we have to continue to scramble through things to find what we are looking for?

Response

The functionality and accessibility of Agendas and Minutes on the City's website was developed using current industry benchmarks. However, accessibility is currently being reviewed with further changes anticipated in the near future to ensure that the website is best practice.

5.1.3 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 24 November 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 3 December 2020. The response from the City is recorded accordingly:

1. How many staff and Councillors have corporate credit cards and where do we find out what has been purchased on these cards?

Response

The City currently has three corporate credit cards. The use of the Corporate Credit Card is in accordance with the City's Policy BEXB7.2 Corporate Credit and Debit Cards. A list of Accounts for Payment is presented to Council each month in accordance with the *Local Government (Financial Management) Regulations 1996* and this report includes the details of credit card payments. The Accounts for Payment report provides details of the expenditure.

An extract from the Accounts for Payment – October 2020 Report (Item 12.6 from the 24 November 2020 Ordinary Council Meeting) is below.

EF070024	07/10/20	05121	City of Belmont Corporate Card CEO	14.41	Parking expenses
EF070025	07/10/20	05727	City of Belmont Corporate Card Manager Governance	5,715.97	Subscriptions, Computer Software Maintenance and Advertising

2. At the last Council Meeting I used the word exorbitant, the Chief Executive Officer in response said he found that word offensive. At the July Council Meeting, a resident referred to other members of the gallery as vexatious, racist and sexist. Correspondence between the Chief Executive Officer and myself indicated that he did not find that offensive and that this was within the rules of the Standing Orders.

Why does the Chief Executive Officer think that the word exorbitant is offensive and the words vexatious, sexist and racist are not?

Response

Whereas the term 'exorbitant' is in itself, not particularly offensive, the context within which it was used by Ms Hollands at the October Council Meeting, can by any reasonable standard, be deemed to be so. To put this in context, when Ms Hollands made her statement she referred specifically to officers within the City i.e. Human Resources, Governance and the Chief Executive Officer. By using this expression when referring to specific local government employees, it became offensive and therefore, objectionable.

In contrast, statements made at the July Council Meeting by a member of the public during Public Question Time made no specific reference to any particular individual. As such it was not considered offensive.

5.1.4 MR P HITT, 14 MCLACHLAN WAY, BELMONT

The following questions were taken on notice at the 24 November 2020 Ordinary Council Meeting. Mr Hitt was provided with a response on 3 December 2020. The response from the City is recorded accordingly:

1. Why were Belmont Trust matters discussed in a manner where the proceedings and discussions were not minuted or if they are, why are these discussions not available to the residents and ratepayers of Belmont?

Response

The Belmont Trust may undertake a range of discussions in order to inform themselves on particular matters. Some of these discussions are operational in nature and do not form part of a meeting or forum that is required to be open to the public. In circumstances where the Belmont Trust is required to make a formal decision by Resolutions this would be conducted by way of a formal meeting. Public notice of the proposed date and time of these meetings provides an opportunity for members of the public to attend and ask questions. The Minutes of Meetings of the Belmont Trust are published on the City's website.

2. I quote from the correspondence dated 11 November 2020. "It is anticipated that the Belmont Trust will meet early in 2021 to consider a community engagement process". Will the discussions leading up to this meeting be minuted and be made available to the public?

Response

Discussions of the Belmont Trust that are operational in nature and undertaken to enable reports and recommendations to be prepared for consideration are not held in a public forum. When the Belmont Trust is required to make a formal resolution a meeting will be held and Public Notice of the details of the meeting will be provided.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.05pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered five members of the public who had given prior notice to ask questions.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. One further registration was forthcoming.

5.2.1 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT

1. I asked questions at a previous Ordinary Council Meeting. The responses were not adequate and I request these responses are clarified in writing.

Response

The Presiding Member stated the question would be taken on notice.

5.2.2 MR W CHILDS, 122 SYDENHAM STREET, KEWDALE

1. Has any tenancy been taken up in the Hub by Commercial Enterprise or not-for-profit organisations?

Response

The Chief Executive Officer stated the question would be taken on notice.

2. I responded to a direction and contacted Joel Warner to seek more information about the Base and Domestic Violence initiative; I suggested that Joel clarify the conditions of which our discussions take place. Can we expect a response and can we get clarification on how we can relate, what we can talk about, what is the responsibility of the information I have and can we continue?

Response

The Chief Executive Officer stated the question would be taken on notice.

3. Why has the CEO's response identified last month's question about the Base, the same as last Novembers?

Response

The Chief Executive Officer stated the question would be taken on notice and responded to following a review of the Minutes.

5.2.3 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. I have been consulting with the City regarding a problematic verge tree where there is an issue with the falling tree nuts. The City carried out a partial prune and suggested they would come back in a years' time to finish off the pruning. A new arborist has reviewed the tree and has written to me stating the pruning could wait another five years to complete. This is causing a problem, because there is currently a risk of injury caused by the falling tree nuts. Why will the City not allow the tree to be trimmed to minimise the problem?

Response

The Chief Executive Officer stated the question would be taken on notice.

Item 5.2.3 Continued

2. Why are residents not allowed to remove branches off trees, even if they have to do so in consultation with the City?

Response

The Chief Executive Officer stated it is the responsibility of the City to maintain verge trees; it is not the responsibility of the residents.

3. Does that include problematic trees?

Response

The Chief Executive Officer stated, as previously responded, it is the responsibility of the City to maintain verge trees.

4. Does the City take responsibility for any problems caused by those trees?

Response

The Chief Executive Officer stated, that was not the response that was given, the City has responsibility for the maintenance of trees, not the residents. Where there are any safety issues associated with the health or wellbeing of any of the City's trees, the City has an Arborist who will undertake an assessment and make a decision on whether the tree needs to be pruned or whether the tree is dangerous. The response you have been given would be the result of an assessment from a qualified Arborist.

5. Does this overrule the first Arborist?

Response

The Chief Executive Officer stated, yes it does.

6. At the last Council meeting, I asked Mr Christie why he found it offensive that I used the word exorbitant and did not find it offensive that another resident was allowed to use words such as sexist, racist and vexatious. I would like to ask the question again.

Response

The Chief Executive Officer stated that the response provided adequately explains why the comments made were offensive given that direct identification of HR staff, Governance staff and myself was made. The response provided is accurate.

7. Does Council have a policy or procedure for dealing with complaints that are a potential breach of the Code of Conduct when it relates to the CEO?

Response

The Manager Governance stated, the City has a Complaints Policy, which is available on the website. A link to this Policy can be provided if required.

Item 5.2.3 Continued

8. Can I get clarification on whether this relates to complaints about trees for example, or whether it relates to complaints about a staff member or a Councillor?

Response

The Manager Governance stated the Complaints Policy deals with complaints generically and covers a broad range of complaints. The procedures associated with the complaints are internal working documents, for which there is a vast amount of greater detail. These are internal working documents and are not available to the public.

5.2.4 Ms L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

1. The original Enterprise Bargaining Agreement (EBA) was certified by the Fair Work Commission on 25 November 2004. How many new staff were employed by the City of Belmont between 31 March 2005 and the time of Mr Christie's commencement of tenure of CEO around the end of 2017?

Response

The Chief Executive Officer stated the question would be taken on notice.

2. How many staff have been employed since Mr Christie started employment as the CEO?

Response

The Chief Executive Officer stated the question would be taken on notice.

3. Was the CEO aware, when reports were prepared for Councillors, that the maximum amounts for gratuity payments allowed in the policy are more than permitted under the Regulation and if not, why not? Has the Council been advised that gratuity payments under the EBA can be removed or amended under Section 2.10 of the *Fair Work Act 2009*?

Response

The Chief Executive Officer stated the question would be taken on notice.

4. How much money has the City of Belmont paid out in gratuity since 31 March 2005?

Response

The Chief Executive Officer stated the question would be taken on notice.

Item 5.2.4 Continued

5. Last week we had the Pioneers Luncheon, how many Pioneer residents attended and what was the total number of attendees?

Response

The Chief Executive Officer stated the question would be taken on notice.

6. What steps did the City of Belmont take to try to use a venue here in Belmont to support our own businesses and has consideration been given to splitting the event into two groups with half of the Councillors at each event? This has been used in the City of Bayswater in the past, presumably as a result of not having a suitable venue within their locality to accommodate the number of attendees and wanting to support their local businesses.

Response

The Chief Executive Officer stated the City had investigated a number of options with local businesses but were unable to find a facility of sufficient size, particularly with the COVID-19 restrictions, to facilitate a function within the City.

The Director Development and Communities further stated there was a survey previously conducted asking Pioneers' views on splitting the function into two events. There was an overwhelming response against that option.

The Presiding Member stated that the City had previously held split functions for the Pioneers Luncheon, which was held in the Function Room of the Civic Centre and the Pioneers indicated they did not like being unable to attend together at one function.

7. Was the Belmont Trust formerly known as Grove Farm Trust Land and if so, what was the area of land when it was Grove Trust?

Response

The Chief Executive Officer stated the question would be taken on notice.

8. What is the area of the Belmont Trust land as stands now?

Response

The Chief Executive Officer stated the question would be taken on notice.

9. Why did the name get changed from Grove Farm Trust to Belmont Trust, did it relate to a division of the land?

Response

The Chief Executive Officer stated the question would be taken on notice.

5.2.5 Ms S CARTER, 3/10 MARINA DRIVE, BELMONT

My questions relate to the environmental aspects of the amendment to Local Planning Scheme Amendment No. 14 (DA9).

1. Could Councillors please scrutinise the Scheme with respect to the “understated” environmental impact of the reports when they receive the next stage documents to inform of the outcome of the public consultation?

Response

The Chief Executive Officer stated the question would be taken on notice.

2. Could you explain what the difference is between basic and standard assessment in layman’s terms?

Response

The Chief Executive Officer stated the question would be taken on notice.

3. There is no evidence of a marketing presence on the internet of the company that commissioned the two reports on the land that the City has relied upon. With respect to accountability and transparency of the proposed Scheme Amendment No. 14, who is PHB01 Pty Ltd, what experience do they have in development, does the City not ordinarily conduct financial investigations into companies they deal with, do they not include it in the Stakeholder Report and do any of the Councillors or officers need to declare an interest in this company?

Response

The Chief Executive Officer stated the question would be taken on notice.

5.2.6 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. Can you please inform me as to the date of Council’s last valuation of the Belmont Trust Land?

Response

The Chief Executive Officer stated the question would be taken on notice.

2. What was the official figure given at the valuation?
3. What is the current valuation of the Belmont Trust Land?
4. If the Belmont Trust Land has not had an official valuation in the last two years, I am sure that Councillors and the ratepayers of Belmont would like an official valuation from a qualified person, to be instigated as soon as possible. Will the City undertake this action?

Response

The Chief Executive Officer stated these questions would be taken on notice.

Item 5.2.6 Continued

5. As Elected Members, Councillors when acting in good faith, are protected by the Right of Crown, that protection is not extended to the Trustees of the Belmont Trust, they act and stand as individuals. It may be worth a Trustee's serious consideration of the personal implications of remaining in that position. For example, any beneficiary, or member of the public, may elect to take action against the individual trustees in the Supreme Court of WA. Are the CEO and Mayor aware of this?

Response

The Presiding Member stated, any person can take action against any Councillor at any time they wish to.

7.36pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

- 6.1 ORDINARY COUNCIL MEETING HELD 24 NOVEMBER 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

POWELL MOVED, SEKULLA SECONDED

That the Minutes of the Ordinary Council Meeting held on 24 November 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

- 6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 8 DECEMBER 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

DAVIS MOVED, POWELL SECONDED

That the Matrix for the Agenda Briefing Forum held on 8 December 2020 as printed and circulated to all Councillors, be received and noted.

CARRIED 8 VOTES TO 0

- 7. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

9. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Powell.

POWELL MOVED, DAVIS SECONDED

That with the exception of Item 12.1, which is to be considered separately, the Officer or Committee Recommendations for Items 12.2, 12.3, 12.4, 12.5, 12.6, and 12.7 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

12.1 STATUTORY REVIEW OF WARDS AND REPRESENTATION – CONSIDERATION OF SUBMISSIONS AND RECOMMENDATION TO THE LOCAL GOVERNMENT ADVISORY BOARD

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Table of Submissions
Attachment 2 – Item 12.1 refers	Discussion Paper – Ward and Representation Review 2020
Attachment 3 – Item 12.1 refers	Option Papers

Voting Requirement	:	Absolute Majority
Subject Index	:	162/002: Ward Boundaries
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.5 – OCM 25 August 2020
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

The purpose of this report is for Council to:

- Consider the report on the statutory review of wards and representation
- Consider the public submissions received
- Consider the various options for ward boundaries and Councillor representation against the relevant factors
- Determine the recommendation to the Local Government Advisory Board (LGAB) on the ward structure and Councillor representation.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

The City of Belmont is required to carry out a review of its ward boundaries and the number of offices of Councillor for each ward so that not more than eight years elapse between successive reviews (the last review was finalised in February 2013).

Following public consultation, Council is to consider the submissions received, the various options and submit a proposal for any change to the LGAB.

LOCATION

City of Belmont.

CONSULTATION

Following Council's resolution to commence the review and endorsement of the *'Discussion Paper – Ward and Representation Review 2020'* (Discussion Paper) (refer [Attachment 2](#)) at the 25 August 2020 Ordinary Council Meeting, the City gave public notice that a review of the Wards and Representation was to be conducted. A 43 day public submission period was opened on 3 September 2020 and closed on 16 October 2020.

Public Notices calling for submissions on the Ward and Representation Review were placed:

- in the Southern Gazette newspaper on 3 September 2020 and 10 September 2020
- on the City's website and Belmont Connect from 3 September 2020 to 16 October 2020
- on the public notice boards at the Civic Centre and Public Library between 3 September 2020 and 16 October 2020.

Social media posts were also made throughout the public submission period.

The Discussion Paper was made available for public consultation to explain the process for the Ward and Representation Review, the five factors against which options are to be considered, and provide examples.

At the close of the public submission period on 16 October 2020, 14 public submissions had been received (refer [Attachment 1](#)).

At an Information Forum on 9 November 2020, Councillors were presented with information on the review, copies of all submissions received and the nine options for consideration and review.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Item 12.1 Continued

Strategy: 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 2.2 – Provisions about names, wards and representation

‘6. Local government with wards to review periodically

- (1) *A local government the district of which is divided into wards is to carry out reviews of —*
 - (a) *its ward boundaries; and*
 - (b) *the number of offices of councillor for each ward,**from time to time so that not more than 8 years elapse between successive reviews.*
- (2) *A local government the district of which is not divided into wards may carry out reviews as to —*
 - (a) *whether or not the district should be divided into wards; and*
 - (b) *if so —*
 - (i) *what the ward boundaries should be; and*
 - (ii) *the number of offices of councillor there should be for each ward,**from time to time so that not more than 8 years elapse between successive reviews.*
- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*
[Clause 6 amended: No. 49 of 2004 s. 68(5) and (6).]

7. Reviews

- (1) *Before carrying out a review a local government has to give local public notice advising —*
 - (a) *that the review is to be carried out; and*
 - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.’*

Item 12.1 Continued

BACKGROUND

As required by Schedule 2.2, Clause 6 of the *Local Government Act 1995*, the City is required to carry out a review of the ward boundaries and the number of Councillors for each ward from time to time so that not more than eight years elapse between successive reviews.

In any consideration of a change to the number of Elected Members for the City of Belmont, it is important to note that at its Ordinary Council Meeting on 23 June 2009 while considering a report on '*Local Government Reform, Boundary Adjustments and Elected Member Numbers*', Council resolved the following:

'HITT MOVED, BRENNAN SECONDED,

6. *That Council confirms subject to formalisation by way of further officer reports and statutory compliance with the provisions of the Local Government Act 1995, in principle, the acceptance of a reduction in the number of Elected Members from the existing 11 to 9, with a decision in regard to the continuance of wards versus district elections to be determined, but with the possibility of being implemented during the 2011 elections.*

CARRIED 10 VOTES TO 0'

A review was carried out in 2011 and completed in 2013, resulting in changes from four to three Wards, and a reduction from 11 to 9 Elected Members.

As required by legislation, a review is now required and is to be finalised with any changes to be implemented prior to the 2021 local government elections. It is necessary to notify the LGAB prior to February 2021 to enable any necessary changes.

At the Ordinary Council Meeting held on 25 August 2020 Council resolved:

'That Council:

1. *In accordance with the provisions of the Local Government Act 1995, resolves to undertake a review of its ward and representation system;*
2. *Give local public notice of its intent to carry out a review of wards and representation and invite submissions as required under Clause 7(1) of Schedule 2.2 of the Local Government Act 1995; and*
3. *Endorse the content within the Public Discussion Paper – City of Belmont Review of Wards and Representation – 2020 ([Attachment 13](#)) for the purpose of public consultation seeking public submissions.'*

Official local public notices advising of the review and inviting public submissions were placed throughout the public consultation period, as outlined in the 'Consultation' section of this report.

Three examples of the possible ward options were provided in the Discussion Paper. The examples were provided for discussion purposes only and members of the community were invited and encouraged to provide any options for change to the City, for consideration as part of the ward and representation review process.

The 14 public submissions received have guided the development of options for consideration by Council.

Item 12.1 Continued

OFFICER COMMENT

When considering changes to boundaries and Councillor representation, Schedule 2.2 of the Act specifies factors that must be taken into account by Council as part of the review process. These factors are:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of Councillors to Electors in the various wards.

The LGAB offers the following interpretations of these factors:

Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as many other man made features such as railway lines and freeways.

Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Ratio of Councillors to Electors

The LGAB considers that the number of Councillors to electors is particularly significant – it is expected that each local government will have similar ratios of Electors to Councillors across the wards of its district.

Item 12.1 Continued

Analysis of Current Wards and Representation

The City has three wards, East, South and West. Each ward is represented by three Councillors who serve a four year term. The City is also represented by a Mayor who is elected by the Council. At each biennial election, half of the City of Belmont Councillors are elected for terms of four years. The City currently has 25,688 Electors (City of Belmont Electoral Roll as at 21 October 2020), with an average ratio of 2,854 Electors per Councillor.

The City's current wards and representation model has been analysed in reference to the five factors discussed above.

Community of Interest

The City is 40 square kilometres in size.

The City of Belmont's suburbs are predominantly within the current ward boundaries, with three suburbs split between wards. The wards are made up of the following suburbs:

East Ward

- Ascot (portion included in West Ward)
- Redcliffe.

South Ward

- Cloverdale (portion included in East Ward)
- Kewdale.

West Ward

- Rivervale
- Belmont (portion included in East Ward).

Physical and Topographic Features

The City of Belmont is an inner city Council, the western border is 6 kilometres from the Perth CBD. The City of Belmont encompasses a total land area of 40 square kilometres with main arterial roads including Orrong Road, Tonkin Highway and the Great Eastern Highway. Key transport routes in the City include the Graham Farmer Freeway, the Kewdale Freight Train Terminal and both the international and domestic airports. In addition, 11 kilometres of Swan River foreshore forms the City's North West boundary.

Item 12.1 Continued

Demographic Trends

It is anticipated that the population will continue to grow as the City undergoes urban renewal. The City's population (which tends to also drive changes in elector numbers) to the year 2041 (see <https://forecast.id.com.au/belmont/population-summary>) is forecast to be 65,659 broken down as follows:

Population Summary

City of Belmont	Forecast Year						Change between 2016 and 2041	
Area	2016	2021	2026	2031	2036	2041	Total Change	Average annual % change
City of Belmont	41,448	45,332	50,455	55,936	60,862	65,659	+24,211	+1.86
Ascot	2,632	2,924	3,197	3,424	3,852	4,814	+2,182	+2.45
Belmont	7,047	7,656	8,544	9,294	9,700	10,122	+3,075	+1.46
Cloverdale	8,423	9,319	9,904	10,393	10,844	11,286	+2,863	+1.18
Kewdale	7,253	7,852	8,203	8,593	8,965	9,374	+2,121	+1.03
Redcliffe – Perth Airport	5,241	5,453	6,414	8,886	11,484	13,510	+8,269	+3.86
Rivervale	10,852	12,128	14,193	15,346	16,016	16,552	+5,700	+1.70

Table 1: Population and household forecasts, 2016 to 2041, prepared by [.id](#), the population experts, October 2018.*

*Please note that population numbers in forecast.id for the 2016 base year are derived from Estimated Resident Population from the Australian Bureau of Statistics. These differ from (and are usually higher than) Census counts as they factor in population missed by the Census and population overseas on Census night. They are generally considered a more accurate measure of population size than Census counts.

Growth in the City is expected in all areas, though a higher growth rate is forecast for Ascot, and particularly Redcliffe for the period to 2026 and beyond. Following this review of wards and representation, if wards are still applicable, the next review will be due in 2029 and depending on the reliability of the forecasts, the representation may have readjusted between the East and West Wards.

Economic Factors

The City of Belmont is part of Perth's Eastern Region and a powerhouse in the regional economy of Greater Perth. The main industry sectors are Transport, Postal and Warehousing, Manufacturing, Mining and Construction Services, Health and Social Assistance and Retail Services.

Item 12.1 Continued

Almost 3,900 businesses actively operate in the City of Belmont. Businesses in the Belmont District are distributed throughout, mainly located in the Kewdale industrial area, the Belmont Business Park, along the Great Eastern Highway and within the Perth Airport.

Ratio of Councillors to Electors

The current ratio of electors per Councillor is:

Ward	Electors	Council Members	Councillor: Elector Ratio	Percentage deviation from average
East	7,596	3	2,532	11.29%
South	8,536	3	2,845	0.31%
West	9,556	3	3,185	-11.60%
Totals or average	25,688	9	2,854	

This indicates that the South Ward is quite close to the average for the Councillor to elector ratio while the East Ward is slightly over represented and the West Ward is slightly under represented. The ratios for the East and West Wards are marginally outside the 10% limits considered appropriate by the LGAB.

2020 Review

The purpose of a Ward and Representation Review is to evaluate the current arrangements and consider options to find the system of representation that best reflects the characteristics of the district and its people. Once a decision has been made, Council is to submit a report to the LGAB for its consideration and (if a change is proposed) the LGAB submits a recommendation to the Minister for Local Government, Heritage, Culture and the Arts.

If the preferred option proposes a change to the number of Councillors, it is necessary to consider the implications to the current Councillors and the transition required to implement the change. Changes would need to be made through the election in October 2021. There are five Elected Members with terms that expire in 2021.

An updated Electoral Roll was obtained from the Western Australian Electoral Commission dated 21 October 2020. Elector Numbers used for the purposes of this review were current at that date and positioning of these electors to create the options was achieved with BatchGeo, (<https://batchgeo.com>), which utilises the Google Maps Geocoding API - known to have some of the highest quality addressing data currently available.

Analysis of the Submissions Received

In conducting a review, Council must consider all submissions and relevant factors to make a decision. Some options are more viable than others.

Submissions totalling 14 in number were received and are outlined in the Table of Submissions ([Attachment 1](#)). The 14 submissions received guided the development of the nine Options outlined below and are detailed in the Option Papers ([Attachment 3](#)).

Item 12.1 Continued

In principle, the submissions were in support of the Options as follows:

- Seven preferred Option 1 – current wards (Example 1 of the discussion paper)
- One preferred Options 5 and 6 - to adjust the boundaries to include all of the Ascot locality in the East Ward (Example 2 of the discussion paper)
- Four preferred Option 8 – no wards (Example 3 of the discussion paper)
- One suggested Option 2 - the creation of a North Ward
- One suggested Options 3/3a - the adjustment of the boundary between East and West Wards.

The nine options developed from the public submissions were presented to Councillors at an Information Forum held on 9 November 2020 for consideration and discussion and are as follows:

Option 1

Proposes maintaining the status quo - the retention of existing ward boundaries with the same number of Councillors – nine (9). The Councillor to Elector ratio is marginally outside the acceptable ratio, though potentially allows for future growth in the East Ward due to projected population growth in the Redcliffe and Ascot localities.

Option 2

To create a North Ward. The option is suggested to facilitate resident representation in line with the Golden Gateway proposal and proposes a North Ward to be bound by Garratt Road Bridge to the west and south, Great Eastern Highway to the east and the Tonkin Highway to the north, with the addition of one Councillor for the North Ward. This option is not considered viable as the Councillor to Elector ratio is significantly outside the LGAB requirements, and would create a small ward within the District which does not align with the size of the other three wards or provide an 'even' approach to the division of the district.

Option 3

Proposes changes to the East and West Wards. The boundary between the East and West Wards to move to Belgravia Street and along Grandstand Road. The proposal is also to increase representation by one additional Councillor in the East Ward. The Councillor to Elector ratio is marginally outside the acceptable ratio with an overrepresentation in the East Ward. This would allow for any future growth in the East Ward.

Option 3a

Proposes changes to the East and West Wards. The boundary between the East and West Wards to move to Belgravia Street and along Grandstand Road and retain the existing number of Councillors – nine (9). This provides for the Councillor to Elector ratio to be within the acceptable ratio though does not allow for future growth in the East Ward.

Item 12.1 Continued

Option 4

Proposes no change to the ward boundaries, with an additional Councillor in the West Ward and one less Councillor in the East Ward to keep the same total number of Councillors at nine (9). The total number of Councillors would remain the same though the Councillor / Elector ratio would not be acceptable.

Option 5

Proposes to move the section of Ascot west of Grandstand Road presently in the West Ward to the East Ward, with a reduction of Councillors to have two Councillors per ward with the total number of Councillors reducing to six (6). This would provide an acceptable Councillor / Elector ratio and bring the whole locality of Ascot within the East Ward, though the reduction in Councillors reduces the ratio of Councillors to Electors across the District.

Option 6

Proposes to move the section of Ascot west of Grandstand Road presently in the West Ward to the East Ward, with no change to the existing number of Councillors. This would provide an acceptable Councillor / Elector ratio and bring the whole locality of Ascot within the East Ward, though does not allow for future growth in the East Ward.

Option 7

Proposes no change to the current ward boundaries, with an additional Councillor in the West Ward. The Councillor to Elector ratio is marginally outside the acceptable ratio, though would not allow for future growth in the East Ward due to projected population growth in the Redcliffe and Ascot localities.

Option 8

Proposes the abolition of all ward boundaries within the district. This is considered a viable option providing for a much simpler system.

Conclusion

Preferred option – Option 1

Option 1 - No change to the number of wards, ward boundaries or the number of Councillors is the preferred option. This is considered viable, while the Councillor to Elector ratio is marginally outside the acceptable ratio, there is potential population growth in the coming years in the East Ward due to projected population growth in the Redcliffe and Ascot localities. If this population growth occurs the ratios will balance out.

The nature of development within the City of Belmont may change. With the current Government incentives as a result of COVID-19, it is unknown what future intensity of development will be throughout the District and the impact on Councillor / Elector ratios.

It is considered premature to adjust the boundaries due to the marginal ratio variance. The ratios will be assessed following each local government election to monitor the number of electors in each Ward and a review will be conducted when required.

Item 12.1 Continued

Option 1 is recommended for the following reasons:

- Provides a reasonable ratio of Councillors to Electors
- Provides a balanced system, three (3) wards with three (3) Councillors per ward
- The community is familiar with a ward system and there is no immediate community desire to move away from this system
- Seven of the 14 Submissions supported no change
- Allows for a review following each local government election to assess the Councillor to Elector ratios without prematurely adjusting the boundary and then requiring a future adjustment within a short time
- Provides for a distribution of the businesses across the District
- No transitional arrangements or spill of Councillors would be necessary.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

POWELL MOVED, DAVIS SECONDED

That Council:

1. Acknowledges that all submissions received during the public consultation period for the Ward and Representation Review – 2020 as detailed in the table of Submissions ([Attachment 1](#)) were considered.
2. Pursuant to clauses 8 and 9 of Schedule 2.2 of the *Local Government Act 1995*, authorises the Chief Executive Officer to advise the Local Government Advisory Board (LGAB) that:
 - a. The City has undertaken a review of its wards and representation in accordance with clause 6(1) of Schedule 2.2 of the *Local Government Act 1995*; and
 - b. The City proposes that no changes to the wards or representation are necessary at this time.

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 2

*For: Bass, Davis, Marks, Powell, Ryan, Sekulla
Against: Cayoun, Rossi*

12.2 AUDIT PLAN - 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.2 refers	Proposed Audit Plan - 2021

Voting Requirement	:	Simple Majority
Subject Index	:	19/003: Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 19 November 2019 – Item 12.5 Standing Committee (Audit and Risk) 10 November 2020 - Item 11.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council endorsement of the City's 2021 Audit Plan (refer [Attachment 4](#)).

SUMMARY AND KEY ISSUES

The City of Belmont conducts and undertakes a range of audit activities.

The City has developed a coordinated approach to these audit activities, managed year to year by an Audit Plan. This report is for endorsement of the Audit Plan for the forthcoming year – 2021.

Item 12.2 Continued

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont

Strategy: Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 7.2 of the *Local Government Act 1995* requires the City to conduct annual financial audits.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister.

Regulation 17 of the *Local Government (Audit) Regulations 1996* states the following:

‘17. CEO to review certain systems and procedures

(1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

(a) *risk management; and*

(b) *internal control; and*

(c) *legislative compliance.*

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) *The CEO is to report to the audit committee the results of that review.’*

In addition, under the International Standard of ISO 9001:2015 Quality Management Systems, the City is required to conduct an annual program of internal and external audits to maintain certification of the ISO Standards.

Item 12.2 Continued

BACKGROUND

The 2021 Audit Plan was presented to the 10 November 2020 Standing Committee (Audit and Risk) for endorsement prior to consideration by Council.

OFFICER COMMENT

The 2021 Audit Plan is based on:

- Internal control and legislative compliance
- Statutory audit requirements
- The Integrated Management System (IMS) Audits approach of integrating the Quality, Environment and Occupational Health & Safety management systems with other initiatives implemented by the City (such as Risk, Compliance and Records Management)
- The need to support the City's chosen governance approach
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

The City's approach to internal audit is currently under review. The Audit Plan for 2021 ([Attachment 4](#)) outlines the audits as proposed at the current time. Following any formalised change to the process or schedule for the internal audit function, notification will be provided.

There are a number of focus audits that any area of the City can potentially be subject to each year, these could be conducted as internal audits, operational comparison reports, or by external third parties, the Department of Local Government, Sport and Cultural Industries, the Corruption and Crime Commission, Public Sector Commission or the Western Australian Auditor General. As these audits are carried out as required, they are not identified on the Audit Plan.

An outline of the actual audits undertaken in 2020 will be reported to the February 2021 Standing Committee (Audit and Risk) meeting.

The Standing Committee (Audit and Risk) considered the proposed Audit Plan at the meeting held on 10 November 2020.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.2 Continued

COMMITTEE RECOMMENDATION

That Council endorse the City of Belmont 2021 Audit Plan as outlined in [Attachment 4](#).

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.3 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT – WASTE MANAGEMENT – SERVICE DELIVERY

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5– Item 12.3 refers	<u>Auditor General's Report Waste Management – Service Delivery Report 3: 2020-2021</u>
Attachment 6 – Item 12.3 refers	<u>Waste Management Service Delivery Action Plan</u>

Voting Requirement : Simple Majority
Subject Index : 19/005: Audits – Office of the Auditor General
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To provide information on the recent performance audit carried out by the Office of the Auditor General (OAG) into waste management, 'Waste Management – Service Delivery Report 3: 2020-21 (the Report)' (refer [Attachment 5](#)) and for Council to consider the findings as required by the *Local Government Act 1995*. The City of Belmont was a participant in the audit.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

The Office of the Auditor General (OAG) conducted a performance audit into whether local government entities plan and deliver effective waste services to their communities and whether the State Government provide adequate support to local governments relating to local waste planning and service delivery.

The audit was focussed on local government waste management and progress towards achieving the objectives and targets of the State Government's *Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy 2030)* and the previous 2012 strategy the *Western Australian Waste Strategy: Creating the Right Environment*. The audit also followed up on the recommendations made to State Government entities following the OAG's *Western Australian Waste Strategy: Rethinking Waste* audit in 2016. This involved auditing the Department of Water and Environmental Regulation (DWER), the Waste Authority and the Department of Local Government, Sport and Cultural Industries (DLGSC).

The report found that:

- Local government entities deliver essential waste collection and drop-off services but few are likely to meet State and community expectations to avoid and recover waste
- State and local waste planning and data capture is inadequate
- Wider uptake of existing better practice waste management methods could be key to improving waste recovery
- The State Government has made good progress since 2016 but local government entities need more support to address local challenges.

The report contained 10 recommendations of which four are specific to local government. They are that local government entities should:

- Provide regular community updates on efforts to recover waste and meet Waste Strategy 2030 targets and seek community feedback where appropriate
- Consider preparing waste plans which demonstrate how the local government will contribute to relevant Waste Strategy 2030 headline strategies. These plans should be publicly available
- Include performance measures in contracts with service providers to recover more waste without adding significant costs
- Consider providing incentives for the community to minimise waste production.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

Item 12.3 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 3: Natural Belmont

Strategy: Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor’s other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must—*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.*

[Section 7.12A inserted: No. 49 of 2004 s. 8; amended: No. 5 of 2017 s. 19.]

7.13. Regulations as to audits

- (1) *Regulations may make provision as follows —*
 - (aa) *as to the functions of a CEO in relation to —*
 - (i) *a local government audit; and*
 - (ii) *a report (an action report) prepared by a local government under section 7.12A(4)(a); and*

Item 12.3 Continued

- (2) *Regulations may also make any provision about audit committees that may be made under section 5.25 in relation to committees.*

[Section 7.13 amended: No. 64 of 1998 s. 40; No. 49 of 2004 s. 9; No. 55 of 2004 s. 700; No. 5 of 2017 s. 20.]

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

[Regulation 16 inserted: Gazette 26 Jun 2018 p. 2386-7.]

BACKGROUND

The OAG conducted a performance audit into whether local government entities plan and deliver effective waste services to their communities and whether the State Government provides adequate support to local governments relating to local waste planning and service delivery.

Item 12.3 Continued

The audit encompassed both Local, Regional and State government entities. The City of Belmont was audited along with the following:

- City of Bunbury
- City of Kalgoorlie-Boulder
- City of Kwinana
- City of Melville
- City of Broome
- Mindarie Regional Council
- Department of Water and Environmental Regulation
- Waste Authority
- Department of Local Government, Sport and Cultural Industries.

The City of Belmont was notified of the intention of the OAG to audit the City on 5 July 2019 with the audit entry meeting being conducted on 11 July 2019. Subsequent information was sought by and provided to the OAG and a series of meetings were held with relevant City staff. The OAG provided the City with the summary of findings on 31 July 2020 and provided the City with the opportunity to comment on the findings and recommendations contained within the draft report.

The final report was tabled in Parliament on 20 August 2020. The City's response is contained at Appendix 3 of the Report (refer [Attachment 5](#)).

OFFICER COMMENT

The report contained a number of findings and below are comments relating to the first three as it relates to Belmont.

- 1. Local government entities deliver essential waste collection and drop-off services but few are likely to meet State and community expectations to avoid and recover waste.**

The following waste services are provided by the City of Belmont and are tabled in context of the OAG Report. The verge-side bulk and green waste collections are provided through a skip bin service to residents and businesses. This entitles most residents to four bulk bins to dispose of household waste or garden waste.

The choice of bin is at the discretion of the resident and one bin can be exchanged for a tip pass for the Red Hill Waste Management facility which is equivalent to a 6x4 trailer.

Item 12.3 Continued

Waste Service

Kerbside Waste	✓
Kerbside recycling	✓
Kerbside garden organics (GO)	✗
Kerbside food organics and garden organics (FOGO)	✗
Verge-side bulk waste	✓
Verge-side green waste	✓
Drop-off	✓

In addition to the City’s White Goods and Hazardous Materials drop off days, the City through its contractor SUEZ, allows for the on demand kerbside collection of white goods and other large items on a booking basis.

The City has consistently scored high rates of community satisfaction with the bin and bulk bin services as identified through the CATALYSE community and business scorecards as shown below.

The City is currently investigating options in relation to the implementation of a three bin system to support the separation and processing of organic waste, and expects to meet the targeted implementation of 2025 as outlined within the Waste Strategy 2030.



Source: Markyt Business Scorecard June 2019

2. State and local waste planning and data capture is inadequate.

The need for a State waste infrastructure plan was identified in 2012, however to date it is yet to be developed by DWER. The development of this plan would assist local governments to plan and develop long term appropriate waste infrastructure. The lack of the plan means that some infrastructure that is developed by local government may become redundant in that it cannot meet the requirements of the Waste Strategy 2030.

Item 12.3 Continued

The report recommends that further guidance be provided by DWER to local governments in respect to the capture of waste costs. It also found that verification of data by local governments, their contractors and DWER is not regularly undertaken therefore data may be inaccurate. The City's waste services contractor provides high quality monthly reports that provide the data required to complete the annual waste census as required by DWER.

It is recommended that contracts contain performance criteria in relation to recovery targets. The City's current contractor (SUEZ) was contracted in 2018 for an initial term of 5 years, with a 5 year extension option. The current contract only identifies a particular range of items to be recycled. Future contracts could include KPI's to meet the City's desired targets, however some targets will not relate to KPI's for the contractor as the contents of the recyclable bin is beyond the control of the contractor and relates to the customer and their diligence to correctly separate at the source.

DWER have provided waste plan templates and guidance for local governments and it is a requirement that all Perth, Peel and major regional centres have an individual waste plan by March 2021.

The City of Belmont Waste Plan was endorsed by Council at its 24 November 2020 Ordinary Council Meeting. The Waste Plan will be submitted to DWER for approval, no later than 31 March 2021.

The implementation plan of the City's Waste Plan contains the following tasks to improve the effective delivery of waste management services and to meet the targets of the Waste Strategy 2030:

- Introduction of a three bin kerbside collection by 2025
- Continue to improve data collection with emphasis on illegal dumping
- Improve awareness and benefits of separation for customers through consistent messaging and education programmes.

3. Wider uptake of existing better practice waste management methods could be key to improving waste recovery.

The City's Waste Plan will align with practices which have proved to be beneficial in assisting local governments improve waste recovery through the provision of a three bin kerbside collection and continued education and community engagement. The current contract with SUEZ has provision for the supply of education services of up to 60 hours per annum.

The report outlined that the State Government has made good progress since 2016 but local government entities need more support to address local challenges.

As required under the *Local Government Act 1995* s7.12A an Action Plan (refer [Attachment 6](#)) has been developed addressing the recommendations and is attached for endorsement. The Action Plan is to be provided to the Minister for Local Government within three months of the City receiving the report. The Action Plan must also be published on the City's website within 14 days of the letter being forwarded to the Minister.

The Standing Committee (Audit and Risk) considered the findings of the performance audit report and proposed actions at its meeting held on 10 November 2020.

Item 12.3 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

A coordinated strategy across State and Local Government through the implementation of Waste Plans that align to the State Waste Strategy will benefit the environment through improved resource recovery of items.

The Waste Strategy 2030 and the City of Belmont Waste Plan address the issues of illegal dumping and littering and contain actions to reduce both which will benefit the environment.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

COMMITTEE RECOMMENDATION

That Council:

- 1. Receive the Western Australian Auditor General's Report Waste Management – Service Delivery ([Attachment 5](#))**
- 2. Endorse the City of Belmont Waste Management Service Delivery Action Plan addressing the recommendations ([Attachment 6](#))**
- 3. Authorise the Chief Executive Officer to advise the Minister for Local Government of the City of Belmont's proposed actions**
- 4. Request that the Chief Executive Officer provide a report at the next Standing Committee (Audit and Risk) Meeting detailing progress of actions outlined in the Action Plan ([Attachment 6](#)).**

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

Item 12.4 Continued

The findings and management responses were provided to the City in a management letter and were considered by the Standing Committee (Audit and Risk) on 25 February 2019 and are contained in [Confidential Attachment 1](#). This report provides further information on the status of actions identified in the focus audit regarding the management of supplier master files carried out by the Office of the Auditor General (OAG) during October 2018.

SUMMARY AND KEY ISSUES

The OAG conducted a focus audit on the management of supplier master files in five State and five local government entities. The City of Belmont was a participant.

The recommendations from the tabled report are that entities should:

- a. Have policies and procedures that include comprehensive guidance for employees to effectively manage supplier master files
- b. Ensure that all additions or amendments to supplier master files are subject to a formal independent review to confirm validity and correctness
- c. Regularly review employees' access to create or amend supplier master files to prevent any unauthorised access, and ensure adequate segregation of duties between those amending the master files and those approving payments
- d. Ensure all key information is input at the time of creating a new supplier record
- e. Apply consistent naming conventions for supplier records, to avoid suppliers being registered under multiple names
- f. Ensure that documentary evidence is retained for all additions and amendments to supplier master files and there is a record of the reason for amending the supplier record
- g. Include a requirement for a formal and periodic internal review to identify incomplete, incorrect, duplicate or redundant supplier records
- h. Ensure any actual, potential or perceived conflicts of interest are declared and effectively managed, and that relevant employees are not involved in the procurement from, or management of supplier records in response of their related suppliers.

This report provides further information on the status of actions identified in the focus audit regarding the management of supplier master files carried out by the Office of the Auditor General (OAG) during October 2018 for Council to note.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

Item 12.4 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont

Strategy: Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

POLICY IMPLICATIONS

Operational policy: Supplier Master File Policy

STATUTORY ENVIRONMENT

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to —*
 - (a) *assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

[Section 7.12A inserted: No. 49 of 2004 s. 8; amended: No. 5 of 2017 s. 19.]

7.13. Regulations as to audits

- (1) *Regulations may make provision as follows —*
 - (aa) *as to the functions of a CEO in relation to —*
 - (v) *a local government audit; and*
 - (vi) *a report (an action report) prepared by a local government under section 7.12A(4)(a); and*

Item 12.4 Continued

[Section 7.13 amended: No. 64 of 1998 s. 40; No. 49 of 2004 s. 9; No. 55 of 2004 s. 700; No. 5 of 2017 s. 20.]

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee has the following functions —

- (a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- (b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
 - (i) *is required to take by section 7.12A(3); and*
 - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

[Regulation 16 inserted: Gazette 26 Jun 2018 p. 2386-7.]

Item 12.4 Continued

BACKGROUND

The OAG advised the City on 27 September 2018 that the City had been selected for a focus audit regarding the management of supplier master files. In total five State Agencies and five Local Governments were selected.

The focus audit was undertaken during late October 2018 with the final management letter, following management feedback, received on 5 December 2018.

Although the management of the supplier master file, which includes specific supplier information such as bank details, has been reviewed during past financial audits, no significant matters had been identified. The OAG undertook a focused, intensive and detailed audit to assess that suitable policies, procedures and controls were in place.

The management letter from the OAG was considered by the Standing Committee (Audit and Risk) at the meeting held 25 February 2019 ([Confidential Attachment 1](#)) and a presentation was provided to address the findings ([Confidential Attachment 2](#)).

The OAG advised that audit findings / recommendations of individual agencies and local governments are only reported to those respective entities. The collective general results of the audits are contained in the OAG Report *Management of Supplier Master Files* which was tabled in Parliament in March 2019.

OFFICER COMMENT

As a result of the findings and recommendations listed in the management letter received from the OAG, there were a number of changes to current processes and procedures that were required to be implemented by 31 March 2019. The required changes are included in the 'Management Comments' section of the attached letter ([Confidential Attachment 1](#)).

These can be summarised as:

1. Following the finalisation of process / procedural changes they will be documented and subject to internal audits
2. A more robust review / approval process will be introduced when amending supplier details, particularly bank details
3. Periodic (at least semi-annual) reviews of the supplier master files will be undertaken
4. Procurement documents and procedures will be reviewed and updated to improve existing controls regarding conflicts of interest.

At the Standing Committee (Audit and Risk) meeting on 25 February 2019, the results of the focus audit as advised in the management letter from the OAG were presented.

All actions outlined in the presentation were completed as a matter of priority in March 2019 (Refer [Confidential Attachment 2](#)). The Supplier Master File Policy was adopted in March 2019 and upgrades to the procurement processes requiring declaration of conflict of interests were also completed. The OAG Report *Management of Supplier Master Files* tabled in Parliament contained no recommendations identified as significant.

Item 12.4 Continued

In September 2019 the OAG provided clarification to local governments in relation to recommendations contained in performance audit reports tabled in Parliament. This was in response to feedback from local governments. The OAG advised that the reference to s7.12A would appear in the recommendations that the OAG considered significant. There were no significant recommendations in the tabled report.

A defined process is being established by the City following OAG correspondence pertaining to local government and audits. An outline of the process will be presented to the Standing Committee (Audit and Risk) in February 2021 for review, whether the City is a participant of the audit or not. Information reports pertaining to progress against any actions required or opportunities for improvement arising from audit reports will also be provided to the Standing Committee (Audit and Risk) as required.

The Standing Committee (Audit and Risk) considered the findings of the comparison report at its meeting held 10 November 2020.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

COMMITTEE RECOMMENDATION

That Council receive the Office of the Auditor General's Focus Audit Report Management of Supplier Master Files ([Attachment 7](#)) and note the actions that have been undertaken in response to the report.

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.5 OPERATIONAL COMPARISON – WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – REGULATION OF CONSUMER FOOD SAFETY BY LOCAL GOVERNMENT ENTITIES

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.5 refers	<u>Western Australian Auditor General’s Report 28 - Regulation of Consumer Food Safety by Local Government Entities</u>

Voting Requirement : Simple Majority
Subject Index : 32/001 Operational/Strategic Planning
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Standing Committee (Audit and Risk) 10 November 2020 Item 11.6
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report presents an assessment of the City of Belmont’s (the City) operations in comparison with findings from the Auditor General’s Report 28 ‘Regulation of Consumer Food Safety by Local Government Entities’ (refer [Attachment 8](#)).

Item 12.5 Continued

SUMMARY AND KEY ISSUES

The Office of the Auditor General (OAG) conducted a performance audit into whether local government entities effectively regulate consumer food safety within food businesses in their local government areas. Local governments are responsible for the regulation and enforcement action under the *Food Act 2008*.

The scope and size of the audit was limited due to the COVID-19 pandemic. The OAG indicated in the report that the Department of Health's framework for monitoring consumer food safety would be the subject of a future report after the scope of the original audit was amended due to the pandemic.

The OAG found that the two local government entities audited did not have an effective risk based approach to regulation of food businesses in their regions. It was found that many inspections were overdue, record keeping was poor and there was an inconsistent approach to compliance and enforcement.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy: Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Food Act 2008

Multiple sections of the *Food Act 2008* relate to the regulatory inspection and enforcement actions associated with consumer food safety.

Item 12.5 Continued

BACKGROUND

To stay abreast of industry best practice and as part of its commitment to continuous improvement, the City of Belmont conducts internal audits and comparison reports in response to inquiries or audits that may be relevant to the organisation. Previous comparisons have been conducted on reports issued by the Department of Local Government, Sport and Cultural Industries (DLGSCI), the Corruption and Crime Commission (CCC), Public Sector Commission (PSC) and the Western Australian Auditor General (OAG). The Minister for Local Government has recently commended the City on its proactive response to issues using these comparison reports following the Minister's receipt of the comparison reports into the Shire of Perenjori and City of Melville.

The OAG conducted the performance audit into the regulation of food safety as local governments have key responsibilities for the inspection and enforcement of consumer food safety. The scope of the report was limited due to the restrictions of the COVID-19 pandemic.

The OAG found that local governments should:

- ensure food business inspections are prioritised and carried out according to their risk classification
- ensure changes to inspection frequencies are only made based on a documented assessment of compliance history or other urgent requirement
- improve recordkeeping for food business inspections and compliance reporting to:
 - a. better understand inspection and compliance history
 - b. identify compliance issues and follow-up activities
 - c. respond to emerging food safety issues
- develop procedures and staff guidance to ensure non-compliant food businesses are followed up and Standards enforced in a consistent and timely manner
- work with the Department of Health in the development and implementation of new electronic food safety inspection and recordkeeping systems.

OFFICER COMMENT

This comparison report represents an assessment of the practices and procedures associated with the regulation of consumer food safety at the City of Belmont (the City) against the findings from the recent performance audit conducted by the OAG as outlined in its report.

The timeframe for the audit was for regulatory actions carried out in the financial year 2018-2019 to align with the timeframes represented in the OAG performance audit.

In 2018-2019, the City had 423 food businesses within its jurisdiction, including those located at Perth Airport. The table below shows the breakdown via risk rating.

Risk Rating	No of Businesses
High	19
Medium	277
Low	52
Exempt	75
Total	423

Item 12.5 Continued

Of the above businesses, 14 are subject to 3.3.1 of the Australia New Zealand Food Standards Code, which relates to food premises that prepare food for vulnerable persons. This standard requires that these businesses have a verified audited food safety program.

The methodology used to determine the City's rating against the findings raised, was through review of the City's current processes and documentation, sampling of inspection reports, and discussions of controls and risk assessments with relevant officers.

In line with the recommendations of the report, the questions posed for the operational comparison were:

1. Does the City have risk based approach to food inspections?
2. Are inspections completed when due?
3. Does the City have processes in place to ensure that follow-ups are completed?
4. Does the City have appropriate reporting mechanisms in place?

The Officers believe that the responses presented are an accurate indication of the City's current practices.

The City of Belmont responses and assessment scores have been compiled following internal review and verification, reflecting consideration of the recommendations of the Auditor General's report.

While it is recommended that priority be given to areas scoring below four, it is considered equally important to consider all matters contained within the report for potential opportunities for improvement and prevent complacency.

Score	Assessment Criterion
5	Fully complies with OAG expectations
4	Mostly complies with OAG expectations – good process in place
3	Partially complies with OAG expectations – reasonable process in place
2	Some compliance with OAG expectations – requires review of process
1	Does not comply with OAG expectations

1. Issues arising from the OAG Report

1.1 Does the City have risk based approach to food inspections?

The City has a risk-based approach to classification of premises and inspection frequency. Information for the public on the approach taken by the City is contained within the document "*Food Business Design, Construction and Operation Guidelines*" and is available on the City's website. In the publication, it outlines to prospective operators what is expected under the Australia New Zealand Food Safety Standards and how the Standard can be met.

When an application to register a food business is received, the Environmental Health Officer (EHO) carries out a Food Business Risk Assessment that is based on a Department of Health tool and City of Belmont historical data. The risk assessment determines the frequency of inspections.

Overall Assessment	5
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Item 12.5 Continued

1.2 Are inspections completed when due?

All applications relating to Food Business Applications are recorded in the City's business system, Pathway, with the frequency of inspections included in the program. The system automatically advises EHO's of inspections due. The Coordinator Environmental Health monitors this and any inspections not carried out by the due date are identified by the system as being overdue, and followed up accordingly.

Additionally, the City's Health Section provides monthly inspection reports to the Executive Leadership Team which include the number of inspections due, completed and any that are not completed.

Overall Assessment	4
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1.3 Does the City have processes in place to ensure that follow-ups are completed?

Eight hundred and seventy three (873) inspections were carried out in the comparison period of 2018-2019. No inspections were outstanding greater than 28 days at the end of the comparison period.

The City has processes and monitoring procedures in place to ensure that inspections are carried out within the required timeframes. Where an inspection is not completed when due, a comment is required to be entered against the premises and priority is given to outstanding inspections the next month. During the comparison period, the City experienced difficulties in sourcing appropriately qualified EHO's which affected inspections at times.

Pathway treats each inspection separately as one record. A follow-up inspection on the same premises is treated as a new inspection. If an inspection is carried out and there are no issues, then it is marked as complete. If a follow-up is required, this is entered onto the system, notes made and the due date for the follow-up inspection. This is then monitored through the process outlined above in 1.2 above. This is repeated until no further action is required.

The City of Belmont carried out five hundred and sixty nine (569) inspections during the 2019-2020 financial year. Five food premise inspections were overdue at the end of the year and have been followed up according to the process.

The current processes are consistent with those identified throughout the comparison period. Fewer inspections were carried out during 2019-2020 due to a combination of COVID-19 restrictions, premises closing and a re-assessment of the risk classifications for food businesses resulting in a reduction in the required frequency for inspections on some businesses.

Overall Assessment	4.5
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1.4 Does the City have appropriate record keeping and reporting mechanisms in place?

The City has appropriate record keeping and reporting mechanisms in place. The City uses smart-tablet based inspection software. The report is automatically generated by the system and recorded in the City's electronic record management system, ECM. The report is also emailed to the customer through the system to the email linked to the business registration. The EHO's are able to provide additional comments on the report. As mentioned previously, there is an appropriate reporting mechanism within Pathway, which provides the EHO individually with a dashboard of due, overdue and completed

Item 12.5 Continued

inspections. The Coordinator has an overarching view of all EHO dashboards. Monthly inspection reports are provided to management with comments on enforcement activity undertaken within the month in relation to Food inspections e.g., improvement notices.

The City also reports to the Department of Health annually as required by the *Food Act 2008*.

Overall Assessment	5
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2 Conclusion

The comparison report findings have found that the City has a number of well established procedures relating to the regulation of consumer food safety. These areas comply with the expectations outlined within the OAG report although regular review and monitoring of overdue inspections is required to ensure continued compliance.

Score	Number Assessed at
5	2
4	2
3	0
2	0
1	0
Total	4

As stated in the OAG report, the regulation of consumer food safety is an important responsibility of local governments. The City of Belmont has appropriate procedures and systems in place to ensure that this regulation is carried out in accordance with business risk rating and to the required Standard.

The Standing Committee (Audit and Risk) considered the findings of the comparison report at its meeting held on 10 November 2020. It was noted that the City has stringent processes in place above and beyond the requirements and is in a very good position with regard to these particular issues in comparison to other local governments.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

COMMITTEE RECOMMENDATION

That Council receive the Western Australian Auditor General's Report 28: Regulation of Consumer Food Safety by Local Government Entities ([Attachment 8](#)).

**COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

12.6 ACCOUNTS FOR PAYMENT – NOVEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.6 refers	<u>Accounts for Payment – November 2020</u>

Voting Requirement	:	Simple Majority
Subject Index	:	54/007-Creditors-Payment Authorisations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

Item 12.6 Continued

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* states:

“If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.”*

BACKGROUND

Checking and certification of Accounts for Payment required in accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 12.

OFFICER COMMENT

The following payments as detailed in the Authorised Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	788571 to 788585	\$61,392.62
Municipal Fund EFTs	EF070416 to EF070933	\$5,095,674.17
Municipal Fund Payroll	November 2020	\$1,484,948.68
Trust Fund EFTs	EF070491 to EF070492	<u>\$11,411.72</u>
Total Payments for November 2020		\$6,653,427.19

A copy of the Authorised Payment Listing is included as [Attachment 9](#) to this report.

Item 12.6 Continued

FINANCIAL IMPLICATIONS

Provides for the effective and timely payment of Council's contractors and other creditors.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for November 2020 as provided under [Attachment 9](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.7 MONTHLY ACTIVITY STATEMENT AS AT 30 NOVEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.7 refers	<u>Monthly Activity Statement as at 30 November 2020</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/009-Financial Operating Statements
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

Item 12.7 Continued

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a "percentage or value" for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comments section.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted ten percent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

Item 12.7 Continued

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.

**Revenue unspent but set aside under the annual budget for a specific purpose.*

***Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.*

****Based on a materiality threshold of 10 percent.*

In order to provide more details regarding significant variations as included in [Attachment 10](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	686,877	279,953	It's expected a number of capital purchases won't be required this year and will be adjusted during the next budget review.
Crime Prevention and Community Safety	266,678	506,194	The purchase and installation of CCTV at the Belmont Hub is ahead of schedule.
Town Planning	95,800	40,368	Purchase of Fleet has been deferred.
Environment	109,421	3,852	A number of Environment projects are behind budget although still planned to be completed this financial year.
Grounds Operations	486,813	316,600	Variance mainly relates to Faulkner Park irrigation renewal and Cracknell Park playground renewal which are expected to commence in early 2021.
Footpath Works	209,967	125,334	The variance relates to three completed projects where invoices are outstanding.
Drainage Works	225,122	52,285	Drainage improvement projects including entry pit upgrades are behind schedule.
Operations Centre	600,072	462,580	Budget timing issue regarding plant replacement.
Building Operations	1,196,516	778,024	Variance relates to Belmont Hub which is likely to be under budget.
Expenditure – Operating			
Marketing and Communications	932,377	813,308	Variance relates to employee costs and survey / sponsorship activities that are due to commence in early 2021.
Governance	1,485,518	1,346,586	Activity Based Costing (ABC) allocations are below budget.
Rates	2,011,395	2,140,643	A greater number of residents than had been anticipated paid their rates in full, resulting in a greater take-up of

Item 12.7 Continued

Report Section	Budget YTD	Actual YTD	Comment
			the 5% discount.
City Facilities and Property	488,499	398,296	Employee and consulting costs are below budget.
Crime Prevention and Community Safety	453,868	401,565	A number of programs have been delayed and are due to start in early 2021 including the taskforce video project and the Positive Engagement Program.
Town Planning	1,447,667	1,188,038	Variance mainly relates to employee costs.
Sanitation Charges	2,163,489	2,045,479	Invoices are processed one month in arrears.
Marketing and Communications (Events)	272,283	101,699	Budget spread issue regarding various events.
Donations and Grants	182,167	81,434	Budget spread issue regarding MOU's and the Community Contribution Fund.
Belmont Oasis	378,856	232,031	Combination of outstanding contract management costs and the cost to manage the Oasis is less than expected.
Ruth Faulkner Library	1,308,898	1,182,318	Largely relates to minor fit-out costs regarding Belmont Hub and employee costs.
Community Place Making	97,000	39,144	Variance largely relates to public art projects.
Grounds Operations	2,487,449	2,327,943	Employee and contractor costs are below budget with invoices outstanding for November.
Grounds - Active Reserves	561,333	630,397	Mowing costs are higher than anticipated although are expected to be offset by other costs throughout the year.
Grounds Overheads	704,632	602,207	Employee costs are below budget.
Building Operations	793,456	673,671	Although employee and consulting costs are below budget the most significant item relates to a budget spread issue regarding cleaning of Belmont Hub.
Technical Services	1,180,850	1,090,857	Employee and consulting costs are below budget.
City Projects	209,950	158,426	Variance mainly relates to employee costs.
Revenue - Capital			
Road Works	(382,386)	(513,238)	Relates to the timing of road grants.
Operations Centre	(176,000)	(59,364)	Budget timing issue regarding plant replacement.
Revenue - Operating			
Finance Department	(909,152)	(981,831)	ABC recoveries are below budget.
Computing	(1,128,659)	(1,392,918)	ABC recoveries are below budget.
Reimbursements	(152,151)	(49,110)	Miscellaneous and Workers Compensation reimbursements are outstanding.

Item 12.7 Continued

Report Section	Budget YTD	Actual YTD	Comment
Financing Activities	(407,560)	(186,447)	Monthly variances are expected due to the timing of term deposits maturing.
Sanitation Charges	(6,134,095)	(6,249,102)	Number of bin services are slightly more than expected.
Streetscapes	Nil	(76,401)	Prepaid road / verge maintenance income.
Public Works Overheads	(517,757)	(275,283)	Overhead recoveries are below budget and are subject to further review.
Plant Operating Costs	(587,290)	(417,962)	Overhead recoveries are below budget.

In accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the attached report.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 November 2020	\$	Comment
Cash and investments	82,344,957	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	12,637,737	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,239,449)	ESL Receivable
Stock on hand	203,254	
Total Current Assets	44,587,295	
Current Liabilities		
Creditors and provisions	(11,995,882)	Includes ESL and deposits
- less non rate setting creditors & provisions	5,703,762	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(6,292,120)	
Nett Current Assets 30 November 2020	38,295,175	
Nett Current Assets as Per Financial Activity Report	38,295,175	
Less Committed Assets	(37,795,175)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

The presentation of these reports to Council ensures compliance with the *Local Government Act 1995* and associated Regulations, and also ensures that Council is regularly informed as to the status of its financial position.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.7 Continued

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 November 2020 as included in [Attachment 10](#) be received.

*OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12*

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note:

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* if there were any questions on Confidential Item 14.1, then Council will need to go behind closed doors.

As there were no questions or debate on this item, the meeting did not proceed behind closed doors.

14.1 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT – INFORMATION SYSTEMS AUDIT REPORT 2020 – LOCAL GOVERNMENT ENTITIES (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(F)(II))

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 14.1 refers	Report Item – Western Australian Auditor General's Report – Information Systems Audit Report 2020 – Local Government Entities (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(f)(ii))
Confidential Attachment 4 – Item 14.1 refers	Auditor General's Report – Information Systems Audit Report 2020 – Local Government Entities
Confidential Attachment 5 – Item 14.1 refers	Audit Results Report
Confidential Attachment 6 – Item 14.1 refers	Information Security Gap Analysis
Confidential Attachment 7 – Item 14.1 refers	Action Plan - Detailed
Confidential Attachment 8 – Item 14.1 refers	Action Plan – Modified

COMMITTEE RECOMMENDATION

POWELL MOVED, DAVIS SECONDED

That Council:

1. Receive the Western Australian Auditor General's *Information Systems Audit Report 2020- Local Government Entities* ([Confidential Attachment 4](#)).
2. Endorse the City of Belmont Action Plans ([Confidential Attachment 7](#) and [Confidential Attachment 8](#)) addressing the recommendations.
3. Authorise the Chief Executive Officer to advise the Minister for Local Government of the City of Belmont's proposed actions.
4. Request that the Chief Executive Officer provides an information report to the next Standing Committee (Audit and Risk) Meeting outlining progress of actions outlined in the Action Plan.

CARRIED 8 VOTES TO 0

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.45pm.