



City of Belmont

Attachments

Standing Committee (Audit and Risk) Meeting

**Held
27 February 2017**





Standing Committee (Audit and Risk)

Item 11.1 refers

Attachment 1

2016 Compliance Audit Return



Belmont - Compliance Audit Return 2016

Certified Copy of Return

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

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2016.	N/A	The City did not undertake a major trading undertaking in 2016.	Danielle Uniza
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2016.	N/A	The City did not undertake a major land transaction that was not exempt in 2016.	Danielle Uniza
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2016.	N/A	The City did not enter into a land transaction that was preparatory to entry into a major land transaction in 2016.	Danielle Uniza
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2016.	N/A	The City did not commence a major trading undertaking or enter into a major land transaction during 2016.	Danielle Uniza
5	s3.59(5)	Did the Council, during 2016, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A	The City did not conduct a major land transaction or trading undertaking during 2016.	Danielle Uniza

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	No delegation in place for Committees.	Danielle Uniza
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A	No delegation in place for Committees.	Danielle Uniza
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A	No delegation in place for Committees.	Danielle Uniza
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A	No delegation in place for Committees.	Danielle Uniza
5	s5.18	Has Council reviewed delegations to its committees in the 2015/2016 financial year.	N/A	No delegation in place for Committees.	Danielle Uniza
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes	Ordinary Council Meeting 28/06/2016 Item 12.5 ECM #2767970 Refer to physical Delegated Authority Register located and maintained in the Governance Unit. Delegated Authority Register ECM #2782125	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	Ordinary Council Meeting 28/06/2016 Item 12.5 ECM #2767970	Danielle Uniza
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	Ordinary Council Meeting 28/06/2016 Item 12.5 ECM #2767970 Refer to physical Delegated Authority Register located and maintained in the Governance Unit. Delegated Authority Register ECM #2782125	Danielle Uniza
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes	Refer to physical Delegated Authority Register located and maintained in the Governance Unit. Delegated Authority Register ECM #2782125 ECM Folder 11/005	Danielle Uniza
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	Amendments have been done with absolute majority (see: 13/12/2016 OCM Item 12.6 Amendment to DA01 - Appointment of Authorised Officer as per Stage 3 of Public Health Act 2016). There have been no Council decisions to revoke a delegation.	Danielle Uniza
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Refer to physical Delegated Authority Register located and maintained in the Governance Unit. Delegated Authority Register ECM #2782125 ECM Folder 11/005	Danielle Uniza
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2015/2016 financial year.	Yes	Ordinary Council Meeting 28/06/2016 Item 12.5 ECM #2767970 Delegated Authority Register ECM #2782125	Danielle Uniza
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes	Refer to physical Delegated Authority Register located and maintained in the Governance Unit. Delegated Authority Register ECM #2782125 ECM Folder 11/005	Danielle Uniza

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
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No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	There were three instances of a disclosure of interest made under s5.67 (ECM 3410178, 3433800, 3465435). A review of the corresponding minutes for each of these instances all show that elected member disclosing an interest left the meeting during the voting/ discussion period for the relevant item (OCM 22/3/2016, OCM 26/4/2016, OCM24/5/2016).	Danielle Uniza
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A	No instances occurred.	Danielle Uniza
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes	Evidenced by Ordinary Council Meeting minutes for 22/3/2016, 26/04/2016 and 24/05/2016.	Danielle Uniza
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A	There was no election held in 2016.	Danielle Uniza
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes	Staff Financial Interest / Primary & Annual Returns ECM Folder 35/008. Physical register maintained and located within Governance Unit and monitored by Compliance Administrator. Further work instructions available on procedure for newly designated employees and primary financial returns on Belnet.	Danielle Uniza
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2016.	Yes	CEO Memo sent to advise all elected members of annual return requirement ECM #2786433. All returns have been received by 31 August 2016; recorded in both the physical register kept by Compliance Administrator and in ECM Folder 35/008 Disclosure of Interests Register / Annual / Primary Returns	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2016.	Yes	CEO Memo sent to advise all designated employees of annual return requirement ECM #2785495. All returns have been received by 31 August 2016; recorded in both the physical register kept by Compliance Administrator and in ECM Folder 107/010 Staff Financial Interest / Primary & Annual Returns / Disclosure of Interest	Danielle Uniza
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes	Procedure in receipting primary/ annual returns are outlined in the following documents WI - Manage Primary (Financial) Returns and WI - Manage Annual (Financial Returns). Acknowledgement of receipt memos are recorded on ECM with each completed return found in ECM Folder 107/010 Staff Financial Interest / Primary & Annual Returns / Disclosure of Interest or on ECM Folder 35/008 Disclosure of Interests Register / Annual / Primary Returns.	Danielle Uniza
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes	Physical Register maintained and located within Governance Unit and in ECM Folder 107/010 Staff Financial Interest / Primary & Annual Returns / Disclosure of Interest and in ECM Folder 35/008 Disclosure of Interests Register / Annual / Primary Returns.	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes	Procedure in declaring and recording disclosures made under sections 5.65, 5.70 and 5.71 is outlined in WI - Disclosures of Interest That May Cause Conflict. Physical register is also located in the Governance Unit and is maintained by the Compliance Administrator. The current Disclosure of Interests form used by the City is deemed compliant with that prescribed Administration Regulation 28.	Danielle Uniza
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes	Physical Register maintained and located within Governance Unit does not contain returns of employees and Elected Members who have left the City. This process is monitored bi-monthly in the Compliance Calendar and through notification from HR at the end of employment of any employee.	Danielle Uniza
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes	All returns that have been removed from the Register are maintained by the Records Unit in accordance with the General Disposal Authority for Local Government Records. (To be destroyed 7 years after the employee or Elected Member separates from the organisation).	Danielle Uniza
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes	OCM Agenda Template (ECM #1863345) Item 3.2 Disclosure of Interest That May Affect Impartiality ensure that disclosures of impartiality are recorded in the meeting minutes. Individual declarations available in ECM Folder 35/008 (for elected members) and ECM Folder 107/010 (for staff).	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A	No instances occurred. Employee disclosures of interest may be viewed on ECM Folder 107/010. OCM Report Item Template (ECM #2056692) includes "Disclosure of Any Interest" which prompts officers to declare any interests that may affect their report.	Danielle Uniza
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A	No instances occurred. Employee disclosures of interest may be viewed on ECM Folder 107/010. OCM Report Item Template (ECM #2056692) includes "Disclosure of Any Interest" which prompts officers to declare any interests that may affect their report.	Danielle Uniza
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes	Per the City of Belmont's Code of Conduct and recent amendments to disclosure of gifts and contributions to travel in the City of Perth Act 2016, the CEO currently keeps a physical register located within the Governance Unit, and an online Gift/ Hospitality Register and a Contribution to Travel Register available on the City's website under Corporate Documents. Notification of gifts/ hospitality/ contribution to travel forms are recorded on ECM Folder 11/008 Gift/ Hospitality Notifications.	Danielle Uniza

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A	The City did not dispose of any property pursuant to Section 3.58(3) during 2016.	Danielle Uniza
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	N/A	The City did not dispose of any property pursuant to Section 3.58(3) during 2016.	Danielle Uniza



Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A	Elections were not held this year and, therefore, no electoral gifts were made.	Danielle Uniza

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	SPM 19/10/2015. ECM #3258802	Danielle Uniza
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	No	No delegation authority vested in Committees.	Danielle Uniza
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	OCM 22/11/2016 item 12.9	Danielle Uniza
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	OCM 22/11/2016 item 12.9	Danielle Uniza
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government within 30 days of completion of the audit.	Yes	Audit concluded 23/9/16, Report received 14/10/16. ECM Doc Set ID 2853964	Danielle Uniza
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government by 31 December 2016.	Yes	Audit concluded 23/9/16, Report received 14/10/16. ECM Doc Set ID 2853964	Danielle Uniza
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No matters raised.	Danielle Uniza
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	No matters raised.	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	No matters raised.	Danielle Uniza
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	ECM Doc Set ID 2902625	Danielle Uniza
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	ECM Doc Set ID 2902625	Danielle Uniza
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	ECM Doc Set ID 2902625	Danielle Uniza
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes	ECM Doc Set ID 2902625	Danielle Uniza
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes	ECM Doc Set ID 2902625	Danielle Uniza

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Danielle Uniza
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A	No CEO or designated senior employee positions advertised. CEO to be advertised in 2017.	Danielle Uniza
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	No CEO position advertised.	Danielle Uniza
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	No CEO position advertised.	Danielle Uniza
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	No designated senior employee employed or dismissed.	Danielle Uniza



Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes	CEO is the Complaints Officer at the City of Belmont.	Danielle Uniza
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes	Physical Register maintained and located within Governance Unit. ECM Folder 32/019 - Code of Conduct Register.	Danielle Uniza
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes	This is covered by the Complaint Officers Details Form on the City's document control register (Belnet). Physical Register maintained and located within Governance Unit. ECM Folder 32/019 - Code of Conduct Register.	Danielle Uniza
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes	This is covered by the Complainant Details Form on the City's document control register (Belnet). Physical Register maintained and located within Governance Unit. ECM Folder 32/019 - Code of Conduct Register.	Danielle Uniza
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes	This is covered by the Complaint of Minor Breach Form on the City's document control register (Belnet). Physical Register maintained and located within Governance Unit. ECM Folder 32/019 - Code of Conduct Register.	Danielle Uniza
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes	Physical Register maintained and located within Governance Unit. ECM Folder 32/019 - Code of Conduct Register.	Danielle Uniza

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent



No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11 (1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11 (2)).	Yes	See ECM Folder 114/001	Danielle Uniza
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes	See ECM Folder 114/001	Danielle Uniza
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	ECM# 2691212, ECM# 2803112, ECM# 2820764	Danielle Uniza
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	See ECM Folder 114/001	Danielle Uniza
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes	ECM# 26983749, ECM# 2910556, Tender 23/2016 on Open Windows	Danielle Uniza
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes	ECM#1369013	Danielle Uniza
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Danielle Uniza
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	ECM# 2721306, ECM# 2793155, ECM# 2819169, ECM# 2869755	Danielle Uniza
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes	ECM# 2818205	Danielle Uniza
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes	Successful Letters ECM# 2805909, 2882959, 2893884, 2897990 Unsuccessful Letters ECM# 2805910, 2882961, 2893879, 2897986	Danielle Uniza
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes	ECM# 2740602	Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes	ECM# 2882922	Danielle Uniza
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes	ECM# 2759135	Danielle Uniza
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	ECM# 2882927, 2882669	Danielle Uniza
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A		Danielle Uniza
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Danielle Uniza
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Danielle Uniza
18	F&G Reg 24AD(6)	If the local government to sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		Danielle Uniza
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		Danielle Uniza
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Danielle Uniza
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		Danielle Uniza
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Danielle Uniza



No	Reference	Question	Response	Comments	Respondent
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Danielle Uniza
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Danielle Uniza
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes	City of Belmont Policy Manual BEXB28 - Purchasing	Danielle Uniza

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

28 March 2017

Phil Marks
Mayor, City of Belmont

Stuart Cole
CEO, City of Belmont