

If this policy is adopted some of the sporting based organisations may only received a 50% concession, instead of their current 100%. However, it is also expected that some groups currently with no concessions may in fact be eligible for either a 100% or 50% concession. Until applications are received, the administration is unable to accurately estimate the true value/cost of possible rate concessions under the policy.

Council should note that rate concessions are offset by higher rates to other rate payers. The current rate concessions effectively cause all other ratepayers to pay an additional 0.5% in annual rates.

Officer's Comment

As was expected, the proposed policy has created some concern from various community groups. The feedback received can probably be categorised as:

1. Community groups that currently don't pay rates may fold if required to do so; and
2. Indigenous groups should be given the same preference as Youth and Aged.

When the policy was originally developed, Council was advised that there was likely to be some "winners" and "losers" in trying to objectively determine which community groups should or should not be rated. This was always an expectation, considering the previous "ad hoc" decision by Council, resulting in certain groups receiving rate benefits over others. This policy is an attempt to correct these previous errors.

Whether or not paying rates will cause some groups to fold is really dependent on the ongoing financial viability of each group. Granted this may mean some groups memberships may need to be increase, however how is this any different when other costs (utilities, fuel, etc) increase? Most groups (especially sporting) should generally be able to get at least a 50% concession under the proposed policy, which still a significant decrease compared to general ratepayers.

Council should note that only groups that have "exclusive" use or right to some piece of land may have to pay rates (under the proposed policy). Other groups (that don't have exclusive rights to land) need to compete for access to "public" facilities such as Sports Ovals. The following clubs don't pay rates, however do pay user fees to Council to participate in their recreational interest.

Sports Club	Annual Reserve Hire Costs
Cricket	\$885.50
Football SHFC	\$970.20
Football PHFC	\$919.80
Netball	\$1,717.45
Softball	\$952.00
Baseball	\$982.80
Touch Football	\$2,625.00
PH Turf Club	\$8,250.00

On top of these fees, these clubs must also cover equipment, insurance and other costs associated with their chosen sport. If there is an argument that community groups should not pay rates, then the same argument should hold with regards to hire fees.

Whether Council should provide concessional preference to indigenous organisations is at Council's discretion. There are arguments of "discrimination" on both sides of this issue, and that is why this issue was not included in the original draft policy.

Given that this item was always going to be controversial, it may be in Council interest to try and workshop the proposed criteria's with community group representatives to try and "iron out" some of the major issues. This being said no policy is likely to meet everyone's needs and wants.

Attachments

Nil.

Officer's Recommendation

That Council invites all community based organisations to a workshop to provide clarity and seek additional feedback on the proposed community rating policy.

200809/277 Council Decision

Moved: Cr S J Coates

Seconded: Cr J E Ford

That Council invites all community based organisations to two (2) workshops to provide clarity and seek additional feedback on the proposed community rating policy.

CARRIED 8/0

REASON: Council preferred to hold two workshops for the community in relation to its proposed community rating policy to ensure representatives have the opportunity to attend.

- 7:23 pm Councillor George J Daccache declared a financial interest in Agenda Items 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval', and 11.3.2.1 'TOPH/BHPBIO Sustainability Partnership Projects: Update and Recommended Changes to Funding Allocations' as he owns greater than \$10,000 value in BHP Billiton shares and is employed by BHP Billiton. Councillor Daccache left the room.
- 7:23 pm Councillor Steve J Coates declared a financial interest in Agenda Item 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval', and 11.3.2.1 'TOPH/BHPBIO Sustainability Partnership Projects: Update and Recommended Changes to Funding Allocations', as he owns greater than \$10,000 value in BHP Billiton shares and is employed by BHP Billiton. Councillor Coates left the room.
- 7:23 pm Councillor Arnold A Carter declared a financial interest in Agenda Item 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval', and 11.3.2.1 'TOPH/BHPBIO Sustainability Partnership Projects: Update and Recommended Changes to Funding Allocations', as he owns greater than \$10,000 value in BHP Billiton shares. Councillor Carter left the room.

11.3.1.3 Lease with BHP Billiton to Increase the Colin Matheson Oval (File No.: ...)

Officer Matthew Scott
Director Corporate
Services

Date of Report 12 March 2009

Disclosure of Interest by Officer Nil

Summary

For Council to consider accepting a lease of a Portion of Lot 3263 Dempster Street from BHP Billiton to facilitate modifications to Colin Matheson Oval.

Background

The Colin Matheson Oval, for many years, has actually extended outside the current reserve 34344, and into Lot 3263, the old St Cecilia school site. This was not a significant issue while St Cecilia used the site, however BHP Billiton now own the land, and given the recent development on the site, the company wish to formalise the use of their land with Council.

To accommodate these changes, BHP Billiton has formally offered Council use of a portion of Lot 3263 Dempster Street, by way of a three (3) year lease.

The significant terms of the lease are follows:

Date of Commencement	1 July 2008
Term	3 Years
Rental	\$1 per annum
Permitted Use	Sports Oval

The lease document has been drawn up, which now requires Council to authorise the Mayor and Chief Executive Officer to execute, by way of attaching the town seal.

Consultation Nil

Statutory Implications Nil

Local Government Act 1995, Section 9.49, states:

*“9.49. Documents, how authenticated
A document, is, unless this Act requires otherwise,
sufficiently authenticated by a local government without its*

common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign. “

Policy Implications

Though not a formal policy, Council has previously resolved that any documents that require the Town's Seal be reported to Council.

Strategic Planning Implications Nil

Budget Implications

The lease fee of \$1 per annum will not have an impact on Council current or future budget.

Officer's Comment

The proposed lease has been reviewed and does not create any onerous requirements on Council, as long as the lease area is used for the permitted purpose of "Sport Oval". Given the current development on Lot 3263 Dempster Street, it is unlikely the affected land could be used for anything else other than public open space, and activities on Sport Oval probably will provide some passive entertainment for prospective tenants.

BHP Billiton currently owns Lot 3263, however this may not be the case in the future, and Council should consider the effects should any future owner of Lot 3263 choose not to renew a lease with Council in the future. Council should plan to reposition the current Oval back over onto the current reserve, to avoid any possible future conflicts, while the current proposed lease is in place.

Attachments

Map Indicating proposed lease area.

Officer's Recommendation

That Council authorises the Mayor and Chief Executive Officer to attach the Town's seal and execute the lease agreement between BHP Billiton and the Town of Port Hedland, to lease a portion of Lot 3263 (as shown) for three (3) years, commencing 1 July 2008, for a rental of one (1) dollar per annum.

[NOTE: Given the Mayor and Deputy Mayor was not present, Chief Executive Officer called for nominations from Councillors for a Chair for the period of Council's consideration of Agenda Item 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval'.]

200809/278 Council Decision

Moved: Cr G D Bussell

Seconded: Cr J E Ford

That Councillor Jan M Gillingham assume the Chair for Council's consideration of Agenda Item 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval'.

CARRIED 4/0

[NOTE: Chief Executive Officer advised that permission has been received from the Department for Local Government and Regional Development for four (4) elected members to consider Agenda Item 11.3.1.3 'Lease with BHP Billiton to Increase the Colin Matheson Oval'.]

200809/279 Council Decision

Moved: Cr J E Ford

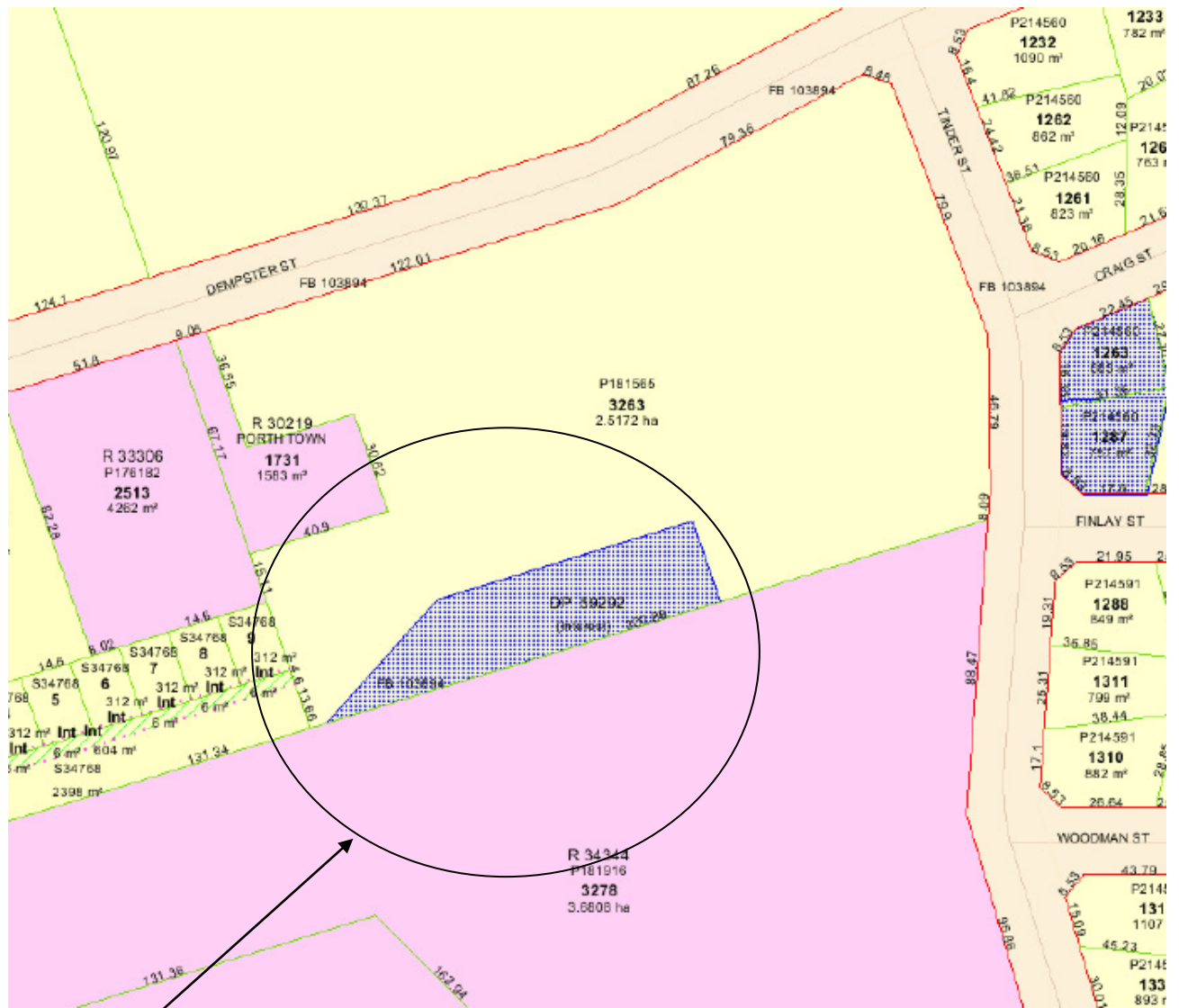
Seconded: Cr K A Howlett

That Council:

- i) offers to purchase the land, a portion of Lot 3263 Dempster Street Port Hedland, for one (1) dollar for community use; and
- ii) advise it is prepared to offer the first right of refusal to BHP Billiton Iron Ore, should Council wish to sell the land adjacent to the oval in the future.

CARRIED 4/0

ATTACHMENT TO AGENDA ITEM 6.3.1.1



Proposed portion of Lot 3263.

11.3.2 Governance**11.3.2.1** *TOPH/BHPBIO Sustainability Partnership Projects: Update and Recommended Changes to Funding Allocations*

Officer Chris Adams
Chief Executive Officer

Date of Report 12 February 2009

Disclosure of Interest by Officer Nil

Summary

The BHPBIO/Town of Port Hedland Sustainability Partnership Working Group met on the 28th of January to review progress of the partnership projects. As a result of this meeting the Working Group has recommended some changes for Council's consideration.

Background

The BHPBIO/Town of Port Hedland Sustainability Partnership Working Group was formed to oversee the management of partnership projects and to make recommendations to the Council on how the partnership funds should/could be used to generate the greatest level of community benefit. The Working Group meets approximately four times per year.

At its last meeting the status of the 21 projects that have been approved for the 2008/09 Financial Year were discussed along with the status of unfinished projects from previous financial years. The vast majority of projects are on schedule to be completed within prescribed timeframes.

As a result of these discussions the Working Group has recommended two changes:

- 1) Don Rhodes Mining Museum: Project proposal is to fence around exhibits and provide lighting throughout Museum area. Scoping work has identified that budget is insufficient to deliver the full proposed scope (approximately \$30,000 shortfall). Working Group's recommendation is to a) reduce the scope of works to meet budget parameters and b) consider seeking funding from external sources to provide additional funds for the project (particularly Royalties for Regions).

- 2) Pool Infrastructure: Several comments made during recent community consultation regarding the lack of an Aqua Run at TOPH aquatic facilities and the lack of shade at the South Hedland Aquatic Centre. Working Group recommended that the \$87,500 that is currently unallocated within the partnership fund for 2008/09 (contingency funds) be used for the purchase of two aqua runs and additional shade at the South Hedland Aquatic Centre.

Consultation

The Partnership Working Group involves representation from three Councillors and three BHPBIO representatives. The Working Group considers feedback that has been obtained from community feedback from both Council and BHPBIO sources.

Statutory Implications Nil

Policy Implications Nil

Strategic Planning Implications

The following statements from the Town's Plan for the future are relevant to this matter:

Goal 2 – Mining: That the Town has developed strong working relationships with the mining industry that are achieving sustainable outcomes for the local community.

Budget Implications

The total value of partnership projects that are being undertaken in the Town during 2008/09 is \$27,587,500. The major contributors to these projects are:

BHPBIO	16,000,000	
South Hedland New Living		1,980,000
Town of Port Hedland		3,987,500
External Funding		4,770,000

The recommendation of the Working Group is to expend contingency funds that had not been allocated from BHPBIO's 2008/09 contribution.

Officer's Comment

It has become clear that the projects that have been identified for 2008/09 are unlikely to need the contingency funds. As additional funds will become available in July for a new range of projects, it was deemed prudent by the Working Group to allocate and utilise the available funding now. The selection of upgrades to aquatic facilities was made on the basis of community feedback and the relative ease of getting the project completed by 30 June 2009 when compared to other alternatives.

Attachments

TOPH/BHPBIO Sustainability Partnerships: January 2009 Update

200809/280 Council Decision/Working Group's Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council:

- i) notes the status of the 2008/09 TOPH/BHPBIO Partnership Projects;
- ii) reduces the scope of work of lighting at the Don Rhodes Mining Museum project to meet existing budget parameters;
- iii) considers using available Royalties for Regions Funds (\$30,000) for additional lighting at the Don Rhodes Mining Museum as a component of the 2008/09 Mid-Year Budget Review; and
- iv) endorses the allocation of the previously unallocated \$87,500 for contingency projects for the purchase of 2 x Aqua Runs and the construction of shade facilities at the South Hedland Aquatic Centre.

CARRIED 4/0

7:34 pm

Councillors Arnold A Carter, George J Daccache and Steve J Coates re-entered the room and assumed their chairs.

Councillor Gillingham, as presiding officer for consideration of this item, advised Councillors Carter, Daccache and Coates of Council's decision. Councillor Jan M Gillingham resumed her chair.

TOPH/BHPB Sustainability Partnership Project - January 2009 Update**2006/07 - Outstanding Projects**

Project	Project Status/Comments	Budget	Funds to be Spent	Finish Date
Town Entry Statement	Jahne Rees has won contract and has commenced works. Installation in Feb. Commissioning (inc landscaping) in May. Landscaping concepts available	\$ 125,000	\$ 125,000	May-09
JD Hardie Centre Upgrade	Upgrade works @ JD Hardie Centre Complete with exception of car park upgrade which will be completed in Feb 09.	\$ 300,000	\$ 30,000	Feb-09

2007/08 - Outstanding Projects

Project	Project Status/Comments	Budget	Funds to be Spent	Finish Date
Throssell Rd Streetscape	Design works complete. Road works scheduled for Feb. Streetscape (Mar/Apr/May). Plans available.	\$ 300,000	\$ 300,000	Jun-09
Park Improvement Program - Demarchi Park	Major sculpture installed by FMGL. Landscape works to be undertaken by Apr 2009 (by SHNL)	\$ 150,000	\$ 150,000	Apr-09
Sports Facility Upgrade Program	Majority of works completed last FY. Only o/s item is storage sheds at McGregor St and Baseball diamonds. (Currently under construction)	\$ 300,000	\$ 84,000	Dec-09
PH Youth and Family Centre	All major works completed. Minor works to be completed in Feb. Official ceremony in March	\$ 380,000	\$ 380,000	Mar-09

2008/09 Projects

Item Name	Project Description	Cost	External Funding	BHPB Contribution	SHNL Partnership	Council	Carry forward funds	Start Date	Finish Date	Comments
5yr Program - SH Footpaths	3800lineal metres of footpath construction proposed.	\$ 615,000	\$ -	\$ 205,000	\$ 205,000	\$ 205,000	\$ -	Aug-08	Mar-09	Contractor progressing. 40% complete
5yr Program - PH Footpaths	2300 lineal metres of footpath construction proposed.	\$ 385,000	\$ -	\$ 192,500	\$ -	\$ 192,500	\$ -	Aug-08	Mar-09	Contractor nearing completion. 95% complete.
5yr Program - Walkway Lighting	Fast-tracked program. 42 new lights (as compared to 18 that were programmed)	\$ 270,000	\$ -	\$ 90,000	\$ 90,000	\$ 90,000	\$ -	Sep-08	Apr-09	Horizon power have quoted works and have commenced construction.
Streetlighting Upgrades	Install additional Streetlights in identified hotspots	\$ 450,000	\$ -	\$ 150,000	\$ 150,000	\$ 150,000	\$ -	Aug-08	Jun-09	Horizon Power have commenced works. Focus on Koombana area as it has underground power already.
Security Cameras	Install eight security cameras around Skate Park and surrounding area.	\$ 280,000	\$ 20,000	\$ 220,000	\$ 20,000	\$ 20,000	\$ -	Jul-08	May-09	Scope of works has been developed. Tender ad in early Feb. Install in Apr/May.

11.3.2.2 Request for Fee Waiver of Gratwick Hall and Sponsorship Request – Frontier Services (File No.: BLD/044)

Officer Gaye Stephens
Executive Assistant

Date of Report 17 March 2009

Disclosure of Interest by Officer Nil

Summary

Council has received a request from the Regional Manager WA of Frontier Services to waive fees associated with hosting the launch of the book “Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to Western Australia – some via Christmas Island”, which was held in Gratwick Hall on the evening of Monday 16 March 2009.

The book is a compilation of 27 oral histories, of which 12 were conducted in Hedland, which was published by Frontier Services, through a Lotterywest Grant.

Background

Frontier Services is represented as charity as per their web site, which states (in part):

“Frontier Services is a charity and agency of the National Assembly of the Uniting Church. The organisation’s work is funded by public donations, and grants from Federal and State Governments.

Frontier Services’ goal is to work with and empower communities and individuals to overcome the disadvantages of living in remote locations.”

The idea to publish the book came from local community member Mrs Selina Bilton who was at the time the Frontier Services Migrant Working in Hedland.

Frontier Services have requested Council to consider:

- waiving Gratwick Hall hire fees (\$380) for the Book Launch event that was held on Monday 16 March 2009; and
- and donating \$500 towards catering for that evening.

Council reviewed its Schedule of Fees and Charges as part of the 2008/09 budget process and adopted the following facility hire charges (GST inclusive):

...Community Facilities
Discounts – Hire fees – All facilities
Community Groups 25%
Junior Community Groups 50%
Not for Profit, no Alcohol, and Open to
Public no charge 100%

Bond – All Events/All Facilities (unless stated otherwise)
...Non Commercial – Alcohol \$1,000

...Gratwick Hall
Nightly rate with air-conditioning \$380

Attendance at the launch was believed to be by invitation only.

Consultation **Nil**

Statutory Implications **Nil**

Policy Implications

The Frontier Services organisation is not listed in Council's Community Recreation Celebrations and Events policy.

Strategic Planning Implications **Nil**

Budget Implications

If the request is supported. Council will forego revenue of \$380 in hire fees. The request for sponsorship/donation towards catering equates to a further \$500.

Officer's Comment

It is noted to Council that standard fee hires are charged to all organisations in an endeavour to recoup the marginal costs of maintenance of the hire venue. In order for and fee structure of the Town of Port Hedland to be maintained and respected, a consistent approach is taken towards all groups who wish to hire Council facilities.

Council did review its schedule of fees and charges as part of the 2008/09 budget process and reinstated the previous year's hire charges for these facilities, and discounts for the following groups/events:

- Community Groups – 25% discount;
- Junior Community Groups – 50% discount; and
- Not for Profit, no Alcohol, and Open to Public no charge – 100% discount.

Waiving these fees may set a precedent for other community groups and not for profit organisations to seek exemption of hire fees, and therefore will materially reduce the amount of income the Council may be able to generate from the hire of maintenance expensive fixed assets such as community halls and gardens.

Council has four (4) option it may consider:

1. waive/refund the hire fees as requested resulting in a reduction of income to Council of \$380;
2. sponsor/donate \$500 towards catering for the book launch;
3. not waive/refund the hire fees, and/or
4. not make a donation towards catering costs as requested by Frontier Services..

Attachments

Letter of request from Frontier Services.

Officer's Recommendation

That Council advises Frontier Services that in relation to costs for the launch of the book "Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to Western Australia – some via Christmas Island", that was held on Monday 16 March 2009, in Gratwick Hall:

- i) its request of Council to waive its Schedule of Fees and Charges totalling \$380 for the hire of Gratwick Hall on the evening of Monday 16 March 2009; and
- ii) a donation/sponsorship of \$500 being made to Frontier Services towards the catering costs associated with event

is approved.

OR

That Council advises Frontier Services that in relation to costs for the launch of the book "Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to

Western Australia – some via Christmas Island’, that was held on Monday 16 March 2009, in Gratwick Hall:

- i) its request of Council to waive its Schedule of Fees and Charges totalling \$380 for the hire of Gratwick Hall on the evening of Monday 16 March 2009; and
- ii) a donation/sponsorship of \$500 being made to Frontier Services towards the catering costs associated with event

is declined.

NOTE: SIMPLE OR ABSOLUTE MAJORITY VOTE REQUIRED

200809/281 Council Decision/Officer’s Recommendation

Moved: Cr K A Howlett

Seconded: Cr J E Ford

That Council advises Frontier Services that in relation to costs for the launch of the book “Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to Western Australia – some via Christmas Island’, that was held on Monday 16 March 2009, in Gratwick Hall:

- i) its request of Council to waive its Schedule of Fees and Charges totalling \$380 for the hire of Gratwick Hall on the evening of Monday 16 March 2009; and
- ii) a donation/sponsorship of \$500 being made to Frontier Services towards the catering costs associated with event

is approved.

CARRIED BY ABSOLUTE MAJORITY 8/0

REASON: Council resolved to approve the waiving of its Fees and Charges and made the requested donation to Frontier Services.

ATTACHMENT TO AGENDA ITEM 11.3.2.2



18th February 2009

Stan Martin
Mayor of Port Hedland
PO Box 41
Port Hedland WA 6721

Dear Stan Martin,

Please find enclosed a copy of a book recently published by Frontier Services: *"Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to Western Australia – some via Christmas Island"*. I hope you enjoy reading the stories of those individuals and families featured – many of whom live in Port Hedland and have done so for many years.

The launch of the book will be held in Gratwick Hall at the Civic Centre in Port Hedland on Monday 16th March 2009 at 7 – 9pm. I would like to thank you very much for accepting our invitation to launch the book. I have requested speaking notes to be sent to you prior to the launch.

The book is the result of a grant Frontier Services received from Lotterywest in 2006. In our application to Lotterywest, the Town of Port Hedland, through conversations with John Cornelder, Manager of Community Services in February 2006, suggested the Town of Port Hedland would be willing to provide up to \$1 000 of in-kind support. I would therefore like to request that the Town of Port Hedland waive the hire fee for the Gratwick Hall and assist with the cost of catering to the value of \$500. The total therefore the support would amount to is \$880 comprising \$380 of hire charges and \$500 towards the cost of catering. I realize I have missed the opportunity to put this request to the February Council meeting, and would request that it be taken to the March meeting if possible.

I have faxed our application to hire the hall to Juanita Reedi.

Please call me to discuss this request, or if you have other queries. My mobile number is 0427 666 588.

With best wishes

Nina Boydell

Nina Boydell
Regional Manager WA

11.3.2.3 2008 Compliance Audit Return (File No.: ...)

Officer Chris Adams
Chief Executive Officer

Date of Report 18 March 2009

Disclosure of Interest by Officer Nil

Summary

The statutory compliance return for the 2008 Calendar year is presented for Council's consideration.

Background

Each year all local government authorities throughout Western Australia are required to undertake a compliance audit and forward the results to the Department of Local Government and Regional Development. The process audits the level of compliance with the Local Government Act and associated regulations that is being achieved. The audit covers both major systems and minor technical matters.

The Compliance Audit is one of the tools that Councils and the Department of Local Government use to monitor how the organisation functioned throughout the previous calendar year from a legislative compliance perspective. It identifies areas of non-compliance and lists areas where additional systems development may be required to ensure improved governance.

Generally the audits are undertaken as a self-audit with the Chief Executive Officer managing the audit process. In 2005 and 2006 the Department of Local Government and Regional Development undertook the compliance audit on Council's behalf.

In 2007 and this year the audit process was carried out by the Town's Chief Executive Officer (CEO). The CEO conducted interviews with relevant staff and sought evidence from staff that compliance with legislative requirements was obtained.

The vast majority of non-compliances were very minor or technical in nature with no significant or serious breaches identified, there is a concern that some items of compliance that were identified in previous years remained throughout 2008.

Listed below are issues that have been identified.

1. Delegation of Power – Council did not successfully undertake a review of delegated authority during 2008. While discussions have been held, Council's Delegations Register was not officially reviewed during the period.

2. Disclosure of Interests by Elected Members – Issues were identified in relation to financial disclosures. This process need to be improved.

Currently the member verbally indicates that they have an interest and leaves the room. Elected Members are required to advise the extent of each interest, in addition to the nature of that interest, i.e. 'greater than \$10,000 value in shares'. The Presiding Officer does not bring the nature or extent of the interest to the attention of other persons present.

The presiding member did not always inform the persons present at the meeting the nature and content of Councillors disclosures immediately prior to the item being discussed.

Ms Jenni Law from the Department of Local Government and Regional Development (DLGRD) has previously met with Elected Members to provide information/training on disclosure of interest requirements.

3. Annual Returns – One Councillor did not complete their Annual Return by the stipulated date.
4. Audit – The Auditors Report and Annual Report was not accepted by the 31st of December due to Auditors being late with the completion on the 2007/08 Audit. Council's auditors advised the Department of Local Government and Regional Development.
5. Minutes – There were two instances where the unconfirmed minutes of Council meetings were prepared/made available to the public outside of the prescribed time.
6. Tenders – The Council's tender register and process requires refinement through the review of Delegated Authority. One tender was advertised incorrectly, by giving less than 14 days notice. Staff sought advice from DLGRD and readvertised. Tenderers who submitted during the initial period were given the opportunity to submit a new tender or resubmit their original tender bid.

The Pilbara Pools Management Contract tender process was undertaken by the PRC on behalf of Council, hence was not advertised by the Town of Port Hedland and is not included in the Town's Tender Register.

7. Thoroughfare Alignments – Section 3.52(4) requires the local government to keep levels and alignments of all public thoroughfares that are within its control. Given the age and magnitude of Council's road network this is very difficult to fully comply with. This is progressively being updated as road improvements are undertaken.

Consultation

The CEO met with relevant staff to discuss compliance matters. Advice has been sought from DLGRD on specific compliance issues.

Statutory Implications

Section 7.13(i) of the Local Government Act 1995 states that:

*“Regulations may make provisions requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed whether those requirements are:
Of a financial nature
Under this act or another written law”*

Regulation 14 of the Local Government (Audit) Regulations requires the following:

A local government is to carry a compliance audit for the period 1 January to 31 December each year.

After carrying out a compliance audit the local government is to prepare a compliance audit in a form approved by the Minister.

A compliance audit return is to be:

- i) Presented to Council at a meeting of the Council*
- ii) Adopted by the Council*
- iii) Recorded in the minutes of the meeting at which it is adopted.”*

Policy Implications

Nil

Strategic Planning Implications

The following Goal is included within the Governance KRA of the Strategic Plan.

“That the Town’s internal operating systems are structured in a manner that assists in providing timely accurate information to the community”

The compliance audit is a significant management tool that is used to ensure that systems and structures are operating efficiently and effectively.

Budget Implications

As the Council conducted the compliance audit ‘in-house’ no costs were incurred.

Officer's Comment

The high level of attention paid to compliance issues has resulted in a high level of compliance within the annual return.

Attachments

Compliance Audit Return 2008

200809/282 Council Decision/Officer's Recommendation

Moved: Cr A A Gear

Seconded: Cr J E Ford

That Council adopts the findings of the 2008 Local Government Compliance Audit.

CARRIED 8/0

ATTACHMENT TO AGENDA ITEM 11.3.2.3

Department of Local Government and Regional Development - Compliance Audit Return



Port Hedland - Compliance Audit Return 2008

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2007 to 30 June 2008.	Yes		Chris Adams

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period)	Yes		Chris Adams
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period)	Yes		Chris Adams
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in as above.	Yes		Chris Adams

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 2008.	N/A		Chris Adams
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 2008.	Yes		Chris Adams
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2008.	Yes		Chris Adams
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 2008.	Yes		Chris Adams
5	s3.59(5)	Did the Council, during 2008, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Chris Adams

Department of Local Government and Regional Development - Compliance Audit Return



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.	Yes		Chris Adams
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Chris Adams
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Chris Adams
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Chris Adams
5	s5.18	Has Council reviewed delegations to its committees in the 2007/2008 financial year.	Yes		Chris Adams
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		Chris Adams
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Chris Adams
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes		Chris Adams
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Chris Adams
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Chris Adams
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Chris Adams
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 2007/2008 financial year.	No	While discussions were held, Delegations Register was not officially reviewed during the period.	Chris Adams
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		Chris Adams
Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Chris Adams
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.	Yes		Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Chris Adams
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Chris Adams
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		Chris Adams
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2008.	No	Cr AA Gear supplied his annual return after the 31/08/08 due date.	Chris Adams
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2008.	Yes		Chris Adams
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		Chris Adams
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		Chris Adams
10	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Chris Adams
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		Chris Adams
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		Chris Adams
13	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	No	Process needs to be improved. Currently the member verbally indicates that they have an interest and leaves the room. Mayor does not bring the nature or extent of the interest to the attention of the persons present.	Chris Adams
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Chris Adams
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	N/A		Chris Adams
17	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.	Yes		Chris Adams
18	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.	Yes		Chris Adams
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Chris Adams
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes		Chris Adams

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)).	Yes		Chris Adams
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



Executive Functions					
No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes		Chris Adams
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	Yes		Chris Adams
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	N/A		Chris Adams
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Chris Adams
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Chris Adams
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Chris Adams
7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes		Chris Adams
8	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes		Chris Adams
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	Yes		Chris Adams
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection.	No	Levels and alignments for all thoroughfares are not available. This is progressively being updates as road improvements are undertaken.	Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	N/A		Chris Adams
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	N/A		Chris Adams

Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2008 that contained the prescribed information under the Act and Regulations.	Yes		Matthew Scott
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2008.	N/A	Audit was not completed by 31 December, Auditors advised Department	Matthew Scott
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	Yes		Matthew Scott
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Matthew Scott
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	Yes		Matthew Scott
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	Yes		Matthew Scott
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Matthew Scott
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	N/A	no request recieved	Matthew Scott
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Matthew Scott
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Matthew Scott
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	Yes		Matthew Scott
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		Matthew Scott
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		Matthew Scott
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		Matthew Scott
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		Matthew Scott
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	N/A	no fees payable for attending committee meetings	Matthew Scott
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A	no non elected members on committees	Matthew Scott
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes		Matthew Scott
20	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		Matthew Scott
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
22	FM Reg 33	Was the 2008/2009 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes		Matthew Scott
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes	re 07/08 audit report	Matthew Scott
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	Yes	re 07/08 audit report, and continue to do so.	Matthew Scott
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	Yes		Matthew Scott
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2008, submitted to the Auditor by 30 September 2008 or by the extended time allowed by the Minister or his delegate.	Yes		Matthew Scott
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes	in the process now	Matthew Scott
28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Matthew Scott
29	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column)	Yes		Matthew Scott
30	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	No	On one occasion it was reported to the following meeting in error	Matthew Scott
31	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes	POS money transfered from reserve to trust as part of the 07/08 audit	Matthew Scott
32	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		Matthew Scott
33	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



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

Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A	All borrowings included in Annual Budget	Matthew Scott
45	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		Matthew Scott
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A		Matthew Scott
47	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A		Matthew Scott
48	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	N/A	Council imposed differential rates so, there was no one general rate	Matthew Scott
49	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	N/A	no specified area rates	Matthew Scott
50	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		Matthew Scott
51	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	Yes		Matthew Scott
52	s6.33(3)	Did Council obtain the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	Yes		Matthew Scott
53	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A	Balanced budget	Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



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

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
63	s6.46	Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	Yes		Matthew Scott
64	s6.47	When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	Yes		Matthew Scott
65	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes		Matthew Scott
66	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	N/A	no objections recieved	Matthew Scott
67	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes	Re external review of Financial Management Systems	Matthew Scott
68	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes	External auditor used for financial management system review	Matthew Scott
69	FM Reg 8	Did the local government maintain a separate account with a bank or other financial instiution for money to be held in a municipal fund, trust fund or reserve accounts.	Yes		Matthew Scott
70	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	Yes		Matthew Scott
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes		Matthew Scott
72	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes		Matthew Scott
74	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes		Matthew Scott
75	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes		Matthew Scott
76	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	N/A	Payments made under delegated authority	Matthew Scott
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	N/A		Matthew Scott
78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes		Matthew Scott
79	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		Matthew Scott
80	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes		Matthew Scott
81	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		Matthew Scott
82	FM Reg 33A	Did the local government, between 1 January and 31 March 2008, carry out a review of its annual budget for the year ended 30 June 2008.	Yes		Matthew Scott
83	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes		Matthew Scott
84	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
85	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes		Matthew Scott
86	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	Yes		Matthew Scott
87	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		Matthew Scott
88	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.	Yes		Matthew Scott
89	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Matthew Scott
90	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Matthew Scott
91	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Matthew Scott
92	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2008 received by the local government within 30 days of completion of the audit.	Yes		Matthew Scott
93	s7.9(1)	Was the Auditor's report for 2007/2008 received by the local government by 31 December 2008.	N/A	LG Department advised	Matthew Scott
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes		Matthew Scott
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	Yes		Matthew Scott
96	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	Yes		Matthew Scott

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
97	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Matthew Scott
98	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Matthew Scott
99	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Matthew Scott
100	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		Matthew Scott
101	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		Matthew Scott

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.	N/A		Chris Adams
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	N/A		Chris Adams
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	N/A		Chris Adams
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	N/A		Chris Adams
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	N/A		Chris Adams
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	N/A		Chris Adams
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	N/A		Chris Adams
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	N/A		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Chris Adams
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Chris Adams
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes		Chris Adams
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Chris Adams
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Chris Adams
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		Chris Adams
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes		Chris Adams
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		Chris Adams
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Chris Adams
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		Chris Adams
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		Chris Adams
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Chris Adams
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Chris Adams
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Chris Adams

Local Laws

No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	Yes		Chris Adams
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	Yes		Chris Adams
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	Yes		Chris Adams
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	N/A		Chris Adams
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	Yes		Chris Adams
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	Yes		Chris Adams
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	Yes		Chris Adams
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	Yes		Chris Adams
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	Yes		Chris Adams
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	Yes		Chris Adams
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	Yes		Chris Adams
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	Yes		Chris Adams
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	Yes		Chris Adams
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	Yes		Chris Adams
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	Yes		Chris Adams
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	Yes		Chris Adams

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	N/A		Chris Adams
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	N/A		Chris Adams
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Chris Adams
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		Chris Adams
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Chris Adams
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A		Chris Adams
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Chris Adams
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		Chris Adams
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		Chris Adams
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes		Chris Adams
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		Chris Adams
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		Chris Adams
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		Chris Adams
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Chris Adams
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		Chris Adams
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		Chris Adams
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Chris Adams
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	No	All Council meeting minutes have been duly signed. There was one instance where minutes of the Council's Audit & Finance Committee were not signed.	Chris Adams
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Chris Adams
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	Yes		Chris Adams
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Chris Adams
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	N/A		Chris Adams
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Chris Adams
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Chris Adams
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	Yes		Chris Adams
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	Yes		Chris Adams
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Chris Adams
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes		Chris Adams
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		Chris Adams
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		Chris Adams
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Chris Adams
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Chris Adams
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Chris Adams
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Chris Adams
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		Chris Adams
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Chris Adams
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Chris Adams
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	No	No set schedule of Audit and Finance Committee meetings has been established and hence no advertising has occurred.	Chris Adams
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	N/A		Chris Adams
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Chris Adams
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Chris Adams
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	No	There have been two instances where minutes have been prepared/made available outside of the prescribed time.	Chris Adams
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		Chris Adams
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Chris Adams
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		Chris Adams
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		Chris Adams
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Chris Adams

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Department of Local Government and Regional Development - Compliance Audit Return



No	Reference	Question	Response	Comments	Respondent
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Chris Adams
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Chris Adams
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Chris Adams
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Chris Adams
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Chris Adams

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Chris Adams
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	N/A		Chris Adams
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	Yes		Chris Adams

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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.	N/A		Chris Adams
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		Chris Adams
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		Chris Adams
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		Chris Adams
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		Chris Adams
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) (c).	Yes		Chris Adams

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

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	Yes		Chris Adams
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	No	Pool Management contract was managed by the PRC on behalf of TOPH. When undertaking this process the PRC called advertisements on behalf of the TOPH which, strictly speaking, does not comply as the LGA did not invite tenders.	Chris Adams
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Chris Adams
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Chris Adams
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Chris Adams
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Chris Adams
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Chris Adams
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		Chris Adams
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Chris Adams
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Chris Adams
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	No	One tender was advertised incorrectly, giving less than 14 days notice. After advice from DLGRD, the tender was readvertised, with appropriate time given for submissions. Tenderers who submitted in during the initial period were offered the opportunity to submit a new tender or re-submit their original tender bid.	Chris Adams
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Chris Adams
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Chris Adams
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Chris Adams
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	No	The Pilbara Pool's Management Contract was managed by the PRC on behalf of teh TOPH, Shire of Roebourne and Shire of East Pilbara. The PRC managed the opening of tenders. This did not involve TOPH staff.	Chris Adams
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Chris Adams
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	No	The Pilbara Pool's Management Contract was managed by the PRC on behalf of teh TOPH, Shire of Roebourne and Shire of East Pilbara. The PRC recorded the tender that were received.	Chris Adams

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No	Reference	Question	Response	Comments	Respondent
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Chris Adams
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Chris Adams
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Chris Adams
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	No	Process requires refinement through the review of Delegated Authority.	Chris Adams
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	N/A		Chris Adams
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	N/A		Chris Adams
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	No	In one instance the Advertisement was not available. This issue has been rectified. Also -The Pilbara Pool's Management Contract was managed by the PRC on behalf of teh TOPH, Shire of Roebourne and Shire of East Pilbara. The tender details for this contract are shown of the PRC's Tender register, not the Towns.	Chris Adams
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	No	The Pilbara Pool's Management Contract was managed by the PRC on behalf of teh TOPH, Shire of Roebourne and Shire of East Pilbara. The tender details for this contract are shown of the PRC's Tender register, not the Towns.	Chris Adams

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No	Reference	Question	Response	Comments	Respondent
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Chris Adams
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	Yes		Chris Adams
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Chris Adams
45	F&G Reg 11A(1)	Has the local government prepared and adopted a 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, \$100,000 or less or worth \$100,000 or less.	Yes		Chris Adams
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes		Chris Adams

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No	Reference	Question	Response	Comments	Respondent
47	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	Yes		Chris Adams

COPY ONLY

ITEM 12 LATE ITEMS AS PERMITTED BY CHAIRPERSON/COUNCIL

Nil

ITEM 13 MOTIONS OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

Nil.

ITEM 14 CONFIDENTIAL ITEMS

Nil.

ITEM 15 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

ITEM 16 CLOSURE

16.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 22 April 2009, commencing at 5.30 pm.

16.2 Closure

There being no further business, the Chairman declared the meeting closed at 7.39 pm.

Declaration of Confirmation of Minutes

I certify that these Minutes were confirmed by the Council at its Ordinary Meeting of 22 April 2009.

CONFIRMATION:

MAYOR

DATE