



City of Perth

**Audit and Risk Committee
Minutes**

**19 March 2018
4.30pm**

**Committee Room 1
Level 9
Council House**

APPROVED FOR RELEASE

**MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER**



City of Perth

Audit and Risk Committee Minutes

19 March 2018
4.30pm

Committee Room 1
Level 9
Council House

Minutes to be confirmed at the next **Audit and Risk Committee** meeting.

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S SIGNATURE



DATE:-----
21 MAY 2018

Minutes of the **Audit and Risk Committee** meeting of the City of Perth in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on Monday, 19 March 2018.

Members in Attendance:

Mr Maurich	Presiding Member and Independent Member
Commissioner Lumsden	
Commissioner Hammond	

Officers:

Mr Mileham	Chief Executive Officer
Mr Mianich	Director Corporate Services
Mr Crosetta	Director Construction and Maintenance
Ms Moore	Director Community and Commercial Services
Mr Ridgwell	Manager Governance
Mr Seidl	Manager Community Amenity and Safety
Ms Hewitt	Manager Health and Activity Approvals
Mr Ngara	Risk Management Coordinator
Mr White	Chief Accountant
Mr Cheldi	Internal Auditor
Mr Taylor	Senior Safety Coordinator
Ms Mendoza	Assistant Internal Auditor
Ms Halley	Risk and Business Continuity Officer
Ms Rippington	Acting Governance Coordinator

Guests and Deputations:

Nil

1. Declaration of Opening

4.29pm The Presiding Member declared the meeting open.

2. Apologies and Members on Leave of Absence

Commissioner McMath (apology)

3. Question Time for the Public

Nil

4. Confirmation of Minutes – 11 December 2017

Commissioners Lumsden and Hammond requested additional time to review the minutes of the 11 December 2017 Audit and Risk Committee Meeting. The Presiding Member agreed that the minutes can be confirmed at the next Committee meeting.

5. Correspondence

Nil

6. Disclosures of Members' Interests

Nil

7. Matters for which the Meeting may be Closed

The Chief Executive Officer advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting will be required to be closed to the public prior to discussion of the following:

Item No.	Item Title	Reason
Confidential Item 8.4 and Attachments 8.4A and 8.4B	Item 8.4 - Internal Audit 2017/18 – Validation of Critical/Major Risk Mitigation Strategies Review Part 2	s.5.23(2)(f)(i)
Confidential Item 8.5 and Attachment 8.5A	Item 8.5 – Compliance Audit Return 2017	s5.23(2)(a)(e)(iii)

The Chief Executive Officer also advised that, in accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential attachments listed below, it is recommended that Council resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachment 8.1A and 8.1B	Item 8.1 - Risk Management Quarterly Update – February 2018	s5.23(2)(e)(iii)

Commissioner Hammond stated that there is no reason under the *Local Government Act 1995* for Item 8.5 'Compliance Audit Return 2017' and the asset management component of Item 8.4 'Internal Audit 2017/18 – Validation of Critical/Major Risk Mitigation Strategies Review Part 2' to be confidential.

Moved Commissioner Lumsden, seconded Commissioner Hammond

That Item 8.5 'Compliance Audit Return 2017' and the asset management component of Item 8.4 'Internal Audit 2017/18 – Validation of Critical/Major Risk Mitigation Strategies Review Part 2' become public documents.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

8. Reports

Item 8.1 Risk Management Quarterly Update – February 2018

Moved Commissioner Hammond, seconded Commissioner Lumsden

That Council RECEIVES the Risk Management Quarterly Update for February 2018.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

Item 8.2 Review of Terms of Reference - Audit and Risk Committee

OFFICER RECOMMENDATION

That Council DETERMINES the eligibility of the Presiding Member of the Audit and Risk Committee.

The Audit and Risk Committee determined to adopt an alternative motion as follows:

Moved Commissioner Hammond, seconded Commissioner Lumsden

That the Committee NOTES that matters related to the eligibility of the Presiding Member of the Audit and Risk Committee are covered in the Local Government Act 1995.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

Reason: The *Local Government Act 1995* clearly states that members of a committee are to elect a presiding member from amongst themselves.

Item 8.3 Organisational Capability and Compliance Assessment – Status Report

Moved Commissioner Hammond, seconded Commissioner Lumsden

That the Audit and Risk Committee RECEIVES the Implementation Status Report on addressing the findings from the Deloitte Organisational Capability and Compliance Assessment.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

Item 8.4 Internal Audit 2017/18 – Validation of Critical/Major Risk Mitigation Strategies Review - Part 2

Moved Commissioner Hammond, seconded Commissioner Lumsden

That Council APPROVES the Validation of Critical/Major Risk Mitigation Strategies Review Part 2 as part of the Internal Audit Plan 2017/18 as detailed in Confidential Attachments 8.4A and 8.4B.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

Meeting Note: Commissioner Hammond requested a Commissioners' briefing on the Asset Management Strategy.

Item 8.5 Compliance Audit Return 2017

Moved Commissioner Lumsden, seconded Commissioner Hammond

That Council ADOPTS the completed 2017 Compliance Audit Return as detailed in Confidential Attachment 8.5A for certification by the Chair Commissioner and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996.

The motion was put and carried

The votes were recorded as follows:

For: Mr Maurich, Commissioners Lumsden and Hammond

Against: Nil

Meeting Note: The Committee requested that the Compliance Audit Return 2017 (CAR) be made a public document. Subsequently, the revised CAR is attached (Attachment 8.5B).

The Administration advised that the report to the Special Council Meeting on 27 March 2018 would be made public, however, the report would be amended to protect the identity of tenderers listed in the original report.

Following observations made by the Committee, the changes listed below were made to the report submitted to the Special Council Meeting:

- Commercial Enterprises by Local Government section. The number of non-compliances reduced from two to nil (questions 1, 4 and 5 updated response is "N/A"). These changes are due to the City of Perth Parking Business Plan being in draft form only in 2017; and
- Disclosure of Interests section. The number of non-compliances reduced from seven to five (questions 1 and 13 updated response is "yes" and "N/A" respectively). During the preparation of the 2017 CAR it was deemed that non-disclosures by Elected Members needed to be recorded as a non-compliance for transparency purposes. The CAR does not contain a question(s) to capture these non-disclosures. However, it is acknowledged that a strict interpretation of questions 1 and 13 warrants the responses of "yes" and "N/A"

respectively and as a result these updates have been made within the 2017 CAR.

9. Motions of which previous notice has been given

Nil

10. General Business

10.1 Responses to General Business from a Previous Meeting

Nil

10.2 New General Business

Nil

11. Items for consideration at a future meeting

Outstanding Items:

Nil

12. Closure

5.55pm There being no further business, the Presiding Member declared the meeting closed.



Department of
**Local Government, Sport
and Cultural Industries**

Perth - Compliance Audit Return 2017

Certified Copy of Return

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

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2017.	N/A	A draft report was prepared in 2017 in relation to a business plan for City of Perth Parking, however, this report was not endorsed by Council in 2017. This business plan is in response to a finding from the Organisational Capability and Compliance Assessment completed by Deloitte and reported to Council in June 2017.	Niloha Mendoza
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 2017.	N/A	No major land transaction that was not exempt in 2017.	Niloha Mendoza
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2017.	N/A	No preparatory land transaction to entry into a major land transaction in 2017.	Niloha Mendoza
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 2017.	N/A		Niloha Mendoza
5	s3.59(5)	Did the Council, during 2017, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Niloha Mendoza



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	Referenced in annual review: Ordinary Council Meeting (OCM) 01/08/2017 Item 13.14.	Niloha Mendoza
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes	Referenced in 2017/18 Delegated Authority Register.	Niloha Mendoza
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes	Referenced in 2017/18 Delegated Authority Register.	Niloha Mendoza
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes	2017/18 Delegated Authority Register.	Niloha Mendoza
5	s5.18	Has Council reviewed delegations to its committees in the 2016/2017 financial year.	Yes	Referenced in annual review: OCM 01/08/2017 Item 13.14.	Niloha Mendoza
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.	No	1 instance of non-compliance whereby the CEO authorised a Director to sign documents on behalf of the City of Perth for the period 9 to 10 March 2017 (this is contrary to section 5.43 (ha)).	Niloha Mendoza
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes	OCM 01/08/2017 Item 13.14.	Niloha Mendoza
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes	As per 2017/18 Delegated Authority Register.	Niloha Mendoza
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes	As per 2017/18 Delegated Authority Register.	Niloha Mendoza
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes	As per annual review: OCM 01/08/2017 Item 13.14.	Niloha Mendoza
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes	Referenced in 2017/18 Delegated Authority Register.	Niloha Mendoza
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 2016/2017 financial year.	Yes	Referenced in CEO Annual Delegated Authority Review as well as Delegation of Authority Register 2017/18.	Niloha Mendoza
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	Based on audit sample. However, unable to confirm that a written record was kept on all occasions.	Niloha Mendoza



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		Niloha Mendoza	
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A	No decisions made under section 5.68(1).	Niloha Mendoza	
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	Referenced in the 2017 Financial and Non-financial Interest Disclosures Register and various Council and Committee meetings.	Niloha Mendoza	
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	2 newly elected members in 2017.	Niloha Mendoza	
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	No	12 instances of non-compliance whereby newly designated employees did not lodge a primary return within the required period.	Niloha Mendoza	
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2017.	Yes	As per Primary and Annual Return Register.	Niloha Mendoza	
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2017.	No	5 instances of non-compliance as per Primary and Annual Return Register.	Niloha Mendoza	
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	As per Primary and Annual Return Register.	Niloha Mendoza	
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	As per Primary and Annual Return Register.	Niloha Mendoza	
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	No	3 disclosures were not recorded in the register.	Niloha Mendoza	
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.	No	1 instance of non-compliance as per Primary and Annual Return Register.	Niloha Mendoza	



No	Reference	Question	Response	Comments	Respondent
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	As per Primary and Annual Return Register.	Niloha Mendoza
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	N/A		Niloha Mendoza
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	No	1 instance of non-compliance whereby 1 employee did not disclose an interest. The above mentioned employee provided a report/advice directly to the Council regarding a tender outcome. However, the employee maintains a friendship with an employee of one of the tenderers.	Niloha Mendoza
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes	As per 2017 Financial and Non-financial Interest Disclosures Register.	Niloha Mendoza
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes	As per Gift Register. Only once the gift has been notified.	Niloha Mendoza

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)).	No	2 instances of non-compliance whereby no public notice was given prior to disposal of a City's property.	Niloha Mendoza
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	In one other applicable instance (Tenancy 1, S3 Kings Square, 10 Telethon Avenue, Perth) local public notice with relevant details was given by the City.	Niloha Mendoza



Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	No	1 instance of non-compliance whereby a disclosure of gift by a candidate was not placed on the electoral gift register.	Niloha Mendoza

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	An Audit Committee was established at Special Council meeting on 11/05/2010. The Council rename it as the Audit and Risk Committee on 4/06/2013. The Council appointed new members to the Audit & Risk Committee and re-appointed the independent member (for a term to expire 21 May 2019) at Special Council meeting on 24/10/2017.	Niloha Mendoza
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No change to the Audit and Risk Committee delegation 1.1.3 in 2017. OCM 01/08/17 Item 13.14.	Niloha Mendoza
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	OCM 11/10/2016, Item 388/16. Registered Auditor 302461.	Niloha Mendoza
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	Referenced in OCM 11/10/2016, Item 388/16.	Niloha Mendoza
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government within 30 days of completion of the audit.	Yes	The auditor's report was completed/signed off on 24/11/17. The City of Perth received the Auditor's report through its Audit & Risk Committee on 11/12/17 and by the Council on 19/12/17.	Niloha Mendoza
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2017 received by the local government by 31 December 2017.	Yes	The Auditor's report was received by the Audit & Risk Committee on 11/12/17 item 8.2 and by the Council on 19/12/17 item 13.21.	Niloha Mendoza



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes	2 minor issues were raised in the auditor's report for the 2016/17 financial year. These issues are in the process of being addressed.	Niloha Mendoza
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	No report was required to be sent to the Minister. Issues raised in the auditor's report were of a minor nature not warranting direction from the Department.	Niloha Mendoza
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	No report was required to be sent to the Minister. Issues raised in the auditor's report were of a minor nature not warranting direction from the Department.	Niloha Mendoza
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes	Contract - Tender No. 111 15/16, Tender Specification 5.8, requires objective, scope and plan of the audit to be provided prior to the commencement of the audit and for each subsequent audit by the auditors. The objective of the audit was sighted in the 2017 Engagement Letter.	Niloha Mendoza
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes	The scope of the audit was included in the above mentioned 2017 Engagement Letter.	Niloha Mendoza
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	No	Not provided by the auditors as required by above mentioned Contract Tender No. 111 -15/16 Specification 5.8.	Niloha Mendoza
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes	As per the above mentioned Contract Tender No. 111-15/16 and 2017 Engagement Letter.	Niloha Mendoza
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes	This is included in the Engagement Letter dated 13/06/2017.	Niloha Mendoza



Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	OCM 6/6/2017 Item 13.20.	Niloha Mendoza
2	s5.56 Admin Reg 19DA (6)	Has the local government adopted a modification to the most recent Corporate Business Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A		Niloha Mendoza
3	s5.56 Admin Reg 19C (7)	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments. This question is optional, answer N/A if you choose not to respond.	Yes	Special Council Meeting 28/6/2017 Item 8.3.	Niloha Mendoza
4	s5.56 Admin Reg 19C (7)	Has the local government adopted a modification to the most recent Strategic Community Plan. If Yes, please provide adoption date in Comments. This question is optional, answer N/A if you choose not to respond.	N/A		Niloha Mendoza
5	S5.56	Has the local government adopted an Asset Management Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	OCM 6/6/2017 Item 13.20.	Niloha Mendoza
6	S5.56	Has the local government adopted a Long Term Financial Plan. If Yes, in Comments please provide date of the most recent Plan, plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	Yes	OCM 6/6/2017 Item 13.20.	Niloha Mendoza
7	S5.56	Has the local government adopted a Workforce Plan. If Yes, in Comments please provide date of the most recent Plan plus if adopted or endorsed by Council the date of adoption or endorsement. This question is optional, answer N/A if you choose not to respond.	N/A		Niloha Mendoza



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	CEO recruitment did not occur during the audit period - 1 January to 31 December 2017.	Niloha Mendoza
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	No	3 designated senior employee positions were advertised in the Weekend Australian, The West Australian newspaper and the Australian Local Government Job Directory. The advertisement for the 3 senior employee positions does not include contact details for a person who can provide further information about the position.	Niloha Mendoza
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	CEO was not recruited in 2017.	Niloha Mendoza
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	CEO was not recruited in 2017.	Niloha Mendoza
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes	A proposal to employ the Director Economic Development and Activation; Director Planning and Development; and Manager Coordination and Design occurred during 2017.	Niloha Mendoza



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	The CEO is the Complaints Officer.	Niloha Mendoza
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	As per the City of Perth Register of Complaints of Minor Breaches. 3 complaints of minor breaches occurred during 2017.	Niloha Mendoza
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	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
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	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
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	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes	As per the City of Perth Register of Complaints of Minor Breaches.	Niloha Mendoza

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)).	No	Audit identified 5 occasions where the procurement values exceeded or were about to exceed the tender threshold. Evidence sighted in the Contracts Expenditure Report.	Niloha Mendoza
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes	As per monthly Contract Expenditure Reports.	Niloha Mendoza



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	As per Tenders Register Book, the City has advertised tenders in the West Australian newspaper. Likewise, the tenders have been displayed on the Council House and Perth City Library public notice boards.	Niloha Mendoza
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes	As per Tenders Register Book.	Niloha Mendoza
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes	Based on sample audit testing (addendums issued to tenderers).	Niloha Mendoza
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes	As per City of Perth Tendering for Goods and Services Procedure and review of Tenders Register.	Niloha Mendoza
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes	2 instances of rejection of late tenders sighted in sample testing (tender 011-17/18, and tender 028-17/18).	Niloha Mendoza
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	Evidence sighted in sample tenders files.	Niloha Mendoza
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes	As per review of Tender Register Book.	Niloha Mendoza
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes	Evidence sighted in sample tenders files.	Niloha Mendoza
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes	As per the EOI advertisements within Tender Register.	Niloha Mendoza
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes	1 instance of rejection of late expression of interest i.e. EOI 080-17/18. All other expressions of interest submitted at the place and within the time specified in the notice.	Niloha Mendoza



No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes	Evidence sighted in Record of Delegated Authority Decision for above mentioned Expressions of Interest.	Niloha Mendoza
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes	Letter to successful and unsuccessful applicants were provided.	Niloha Mendoza
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	Yes	As per Tenders Register.	Niloha Mendoza
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	Yes	As per Tenders Register.	Niloha Mendoza
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	Yes	As per City of Perth Purchasing Policy 9.7 and review of Tenders Register.	Niloha Mendoza
18	F&G Reg 24AD(6)	If the local government to sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	Yes	As per addendums issued to applicants for sampled tender panels.	Niloha Mendoza
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A	All submissions received at the place and time specified in the invitation as per Tender Register.	Niloha Mendoza
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	Yes	As per relevant Council Reports and Records of Delegated Authority Decision Report.	Niloha Mendoza
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	Yes	As per Tender Register.	Niloha Mendoza
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	Yes	As per sample letters to applicants within Content Manager (records keeping system).	Niloha Mendoza



Department of
**Local Government, Sport
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A	No Regional price preference given in 2017.	Niloha Mendoza
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Niloha Mendoza
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes	Corporate Policy No. 9.7 (Purchasing Policy).	Niloha Mendoza

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

Signed Mayor / President, Perth

Signed CEO, Perth