



Greater Geraldton - Compliance Audit Return 2015

Certified Copy of Return

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

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2015.	N/A	The City has no existing trading undertakings with expenditure exceeding the amount prescribed in LG(F&G) Reg'n 9 and no new undertakings were commenced in 2015.	Bob Davis
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 2015.	N/A	No such major land transactions were initiated in 2015.	Bob Davis
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 2015.	N/A	No such land transactions were initiated in 2015.	Bob Davis
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 2015.	N/A	No new major trading undertakings or major land transactions were commenced in 2015.	Bob Davis
5	s3.59(5)	Did the Council, during 2015, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A	No new major land transactions or major trading undertakings were initiated in 2015.	Bob Davis



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	There were no delegations to committees.	Sheri Moulds
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Sheri Moulds
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Sheri Moulds
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Sheri Moulds
5	s5.18	Has Council reviewed delegations to its committees in the 2014/2015 financial year.	N/A		Sheri Moulds
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		Margot Adam
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Margot Adam
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Margot Adam
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Margot Adam
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A	There was no decision to amend or revoke a delegation made	Margot Adam
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Margot Adam
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 2014/2015 financial year.	Yes		Margot Adam
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		Margot Adam



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		Sheri Moulds
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		Sheri Moulds
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		Sheri Moulds
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		Margot Adam
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	Due to an administrative error a position which was designated from 1 July 2015 was recorded as vacant. Consequently the incumbent did not lodge a return. The error was rectified with a primary return lodged by 20.10.15.	Margot Adam
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2015.	Yes		Margot Adam
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2015.	Yes		Margot Adam
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		Margot Adam
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		Margot Adam
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Margot Adam
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		Margot Adam
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the	Yes		Margot Adam



		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.			
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Sheri Moulds
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.	Yes		Sheri Moulds
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		Sheri Moulds
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Margot Adam

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	Complied with in accordance with requirements	Brian Robartson
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	Complied with in accordance with requirements	Brian Robartson

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.	Yes		Margot Adam



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		Paul Radalj
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	The Audit Committee has no delegated powers under Part 7 of the Act.	Paul Radalj
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Paul Radalj
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		Paul Radalj
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2015 received by the local government within 30 days of completion of the audit.	Yes		Paul Radalj
6	s7.9(1)	Was the Auditor's report for 2014/2015 received by the local government by 31 December 2015.	Yes		Paul Radalj
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No matters raised in the auditors report prepared under s7.9(1) of the Act required action to be taken.	Paul Radalj
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		Paul Radalj
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		Paul Radalj
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Paul Radalj
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Paul Radalj



12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes	Paul Radalj
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	Paul Radalj
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	Paul Radalj

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes	There was no appointment of a CEO in this return period	Jeff Graham
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.	Yes		Jeff Graham
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).	Yes		Jeff Graham
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).	Yes		Jeff Graham
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	There are no designated employees	Jeff Graham



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.	Sheri Moulds
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	No complaints received in 2015.	Sheri Moulds
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		Sheri Moulds
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		Sheri Moulds
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		Sheri Moulds
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		Sheri Moulds



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	<p>There were 2 instances where public tenders were not sought.</p> <p>Construction of portion of Airport Car park. Works were undertaken utilising a City contract established by tender for wet and dry civil plant hire, however the scope of the works required for this project exceeded scope of the civil plant hire contract. An investigation into this matter was undertaken and the inadvertent non-compliance was formally reported to the DLGC in June 2015.</p> <p>Security Systems upgrade to Airport. The City appointed a contractor via the WALGA ICT panel for installation of security surveillance/CCTV system upgrades to the Airports ICT infrastructure. A significant portion of the work involved routing and installation of digital fibre cable to additional locations for CCTV cameras, then connection of cameras to the fibre. The contractor appointed whilst skilled and able to complete the works was not WALGA prequalified for the narrow category of CCTV works. Officers appointing the contractor reasonably regarded the nature of the work as ICT, for which the appointed contractor was prequalified by WALGA, unaware that CCTV work per se was outside scope of the WALGA ICT panel. The non-compliance was inadvertent.</p> <p>Implemented Control measures. The City has implemented controls to</p>	Bob Davis



					prevent such matters occurring again, including implementation of an electronic Quotes and Panel management system "Vendorpanel"; implemented WALGA and in-house procurement training, including E-Quotes, and undertaken a detailed review into City policy and procedures to strength procedural controls. The City has also established an internal procurement workgroup to review and promote effective procurement practices	
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			Brodie Pearce
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes	Western Australian and local publications utilised		Brodie Pearce
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes			Brodie Pearce
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	All addenda managed via electronic tendering system Tenderlink which ensures all addenda are issued to all tenderers and recorded for future reference		Brodie Pearce
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			Brodie Pearce
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			Brodie Pearce
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			Brodie Pearce
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			Brodie Pearce
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			Brodie Pearce



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		Brodie Pearce
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.	N/A	All respondents received compliant with submission requirements	Brodie Pearce
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		Brodie Pearce
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		Brodie Pearce
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
18	F&G Reg 24AD(6)	If the local government to sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
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	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's	N/A	No Panels established during 01 Jan-31 Dec 2015	Brodie Pearce



		application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.			
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).	Yes	CP016 Regional Pricing Preference Policy	Brodie Pearce
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.	Yes		Brodie Pearce
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	CP010 Procurement of Goods & Services	Brodie Pearce

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

Signed Mayor / President, Greater Geraldton

Signed CEO, Greater Geraldton



Government of **Western Australia**
Department of **Local Government and Communities**