



Greater Geraldton - Compliance Audit Return 2011

| 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 2011. | Yes | One business plan was prepared for Lot 9 Verita Road in August 2011 | Towela |
| 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 2011. | Yes | As above | Towela |
| 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 2011. | Yes | As above | Towela |
| 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 2011. | Yes | Statutory advertisement was given for the above. Advertisement closed on 31 August 2011 | Towela |
| 5 | s3.59(5) | Did the Council, during 2011, resolve to proceed with each major land transaction or trading undertaking by absolute majority. | Yes | Decision to proceed with the above transaction recorded in Council Minutes for 12 October 2011. | Towela |

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| Delegation of Power / Duty | | | | | | |
|-----------------------------------|--------------------------------|--|----------|---|------------|--|
| No | Reference | Question | Response | Comments | Respondent | |
| 1 | s5.16, 5.17, 5.18 | Were all delegations to committees resolved by absolute majority. | N/A | No delegations were made to the committees during this return period. | Towela | |
| 2 | s5.16, 5.17, 5.18 | Were all delegations to committees in writing. | N/A | | Towela | |
| 3 | s5.16, 5.17, 5.18 | Were all delegations to committees within the limits specified in section 5.17. | N/A | | Towela | |
| 4 | s5.16, 5.17, 5.18 | Were all delegations to committees recorded in a register of delegations. | N/A | | Towela | |
| 5 | s5.18 | Has Council reviewed delegations to its committees in the 2010/2011 financial year. | N/A | | Towela | |
| 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 | | Towela | |
| 7 | s5.42(1)(2) Admin Reg 18G | Were all delegations to the CEO resolved by an absolute majority. | Yes | | Towela | |
| 8 | s5.42(1)(2) Admin Reg 18G | Were all delegations to the CEO in writing. | Yes | | Towela | |
| 9 | s5.44(2) | Were all delegations by the CEO to any employee in writing. | Yes | | Towela | |
| 10 | s5.45(1)(b) | Were all decisions by the Council to amend or revoke a delegation made by absolute majority. | N/A | | Towela | |
| 11 | s5.46(1) | Has the CEO kept a register of all delegations made under the Act to him and to other employees. | Yes | | Towela | |
| 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 2010/2011 financial year. | Yes | | Towela | |
| 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 | | Towela | |

| 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 | This information is reflected and recorded in all Minutes. All minutes are available on the City's website and hard copies with Information Management. | Towela | |



| No | Reference | Question | Response | Comments | Respondent |
|----|------------------------------|---|----------|--|------------|
| 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 | This information is reflected and recorded in all Minutes. All minutes are available on the City's website and hard copies with Information Management. | Towela |
| 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 | This information is reflected and recorded in all Minutes. All minutes are available on the City's website and hard copies with Information Management. | Towela |
| 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 | | Towela |
| 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 | | Towela |
| 6 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all continuing elected members by 31 August 2011. | N/A | The City of Geraldton-Greenough and the Shire of Mullewa amalgamated on the 1 July 2011 to form the City of Greater Geraldton. Therefore there were no continuing elected members. | Towela |
| 7 | s5.76(1) Admin Reg 23 Form 3 | Was an annual return lodged by all designated employees by 31 August 2011. | Yes | Due to amalgamation, there was a slight confusion on who was meant to complete returns and as such, a few were submitted late, but have all now been completed. | Towela |
| 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 | | Towela |
| 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 | | Towela |
| 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 | | Towela |
| 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 | | Towela |



| 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 | | Towela |
| 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 | This information is reflected and recorded in all Minutes. All minutes are available on the City's website and hard copies with Information Management. | Towela |
| 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 | The presiding member reads out all interests at the meetings. Staff make the CEO aware and fillout a form, which is also recorded in the minutes, which provides the reason. | Towela |
| 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 | The presiding member reads out all interests at the meetings. Staff make the CEO aware and fillout a form, which is also recorded in the minutes, which provides the reason. | Towela |
| 16 | s5.103(3) Admin Reg 34B | Has the CEO kept a register of all notifiable gifts received by Council members and employees. | Yes | | Towela |

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 | All disposals complied with Section 3.58(3) | Towela |
| 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 | All disposals complied with Section 3.54(4) | Towela |

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 | An electoral gift register was established and maintained, however, there were no disclosure of gifts forms completed by the candidates. | Towela |



| 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 | Appointed 22 November 2011 | Towela | |
| 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. | Yes | | Towela | |
| 3 | s7.3 | Was the person(s) appointed by the local government to be its auditor, a registered company auditor. | Yes | | Towela | |
| 4 | s7.3 | Was the person(s) appointed by the local government to be its auditor, an approved auditor. | Yes | | Towela | |
| 5 | 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 | | Towela | |
| 6 | Audit Reg 10 | Was the Auditor's report for the financial year ended 30 June 2011 received by the local government within 30 days of completion of the audit. | Yes | | Towela | |
| 7 | s7.9(1) | Was the Auditor's report for 2010/2011 received by the local government by 31 December 2011. | Yes | | Towela | |
| 8 | 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 | Some matters are on-going and the Audit Committee is monitoring them. | Towela | |
| 9 | 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 | Report to Audit Committee and Council | Towela | |
| 10 | 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 | | Towela | |
| 11 | Audit Reg 7 | Did the agreement between the local government and its auditor include the objectives of the audit. | Yes | | Towela | |
| 12 | Audit Reg 7 | Did the agreement between the local government and its auditor include the scope of the audit. | Yes | | Towela | |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|----------|------------|
| 13 | Audit Reg 7 | Did the agreement between the local government and its auditor include a plan for the audit. | Yes | | Towela |
| 14 | 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 | | Towela |
| 15 | 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 | | Towela |

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 | The CEO position was not advertised this year. | Towela |
| 2 | s5.36(4) s5.37(3), Admin Reg 18A | Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A. | N/A | | Towela |
| 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 | The CEO's position was not advertised this year. | Towela |
| 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 | The CEO's position was not advertised this year | Towela |
| 5 | s5.37(2) | Did the CEO inform council of each proposal to employ or dismiss a designated senior employee. | N/A | | Towela |

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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. | Yes | | Towela | |
| 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). | N/A | No complaints were made under this section of the Act for the return period. | Towela | |
| 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 | | Towela | |
| 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 | | Towela | |
| 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 | | Towela | |
| 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 | | Towela | |

| 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 | Request for Tenders are issued for all purchases expected to exceed the \$100K threshold, unless a direct purchase is made through the WALGA preferred supplier contracts or State Government CUA | Towela | |
| 2 | F&G Reg 12 | Has the local government entered into multiple contracts only where avoiding the requirement to call tenders for a single contract in accordance with F&G Reg 11(1) was not a significant reason for doing so. | No | | Towela | |
| 3 | F&G Reg 14(1) | Did the local government invite tenders via Statewide public notice. | Yes | As required by regulations | Towela | |



| No | Reference | Question | Response | Comments | Respondent |
|----|---------------------|---|----------|---|------------|
| 4 | F&G Reg 14, 15 & 16 | Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16. | Yes | A few advertisements didnt contain the 'information as to where and how tenders may be submitted" because a wrong advertisement template was being used. This has now been rectified and all advertisements now contain that information | Towela |
| 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 | The Tender can only be downloaded from the website, so the City can keep an accurate record as to who has taken a copy. All tenderers receive an emailed copy of the addendum and it is also uploaded on to the website, so it can be downloaded by future tenderers. | Towela |
| 6 | F&G Reg 18(1) | Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender. | N/A | All tenders were submitted at the place and within the deadline specified. | Towela |
| 7 | 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 | WALGA's evaluation templates are used to assist the Evaluation Panel to decide the most advantageous tender | Towela |
| 8 | 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 | Copies of the tender advertisements are not included in the tender register. However, they are printed separately and filed together with the tendering documentation. | Towela |
| 9 | F&G Reg 19 | Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted. | Yes | | Towela |
| 10 | F&G Reg 21 & 22 | Did the local governments' advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22. | Yes | | Towela |
| 11 | 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 Expressions of Interest have been submitted at the place and within the time frame specified. | Towela |
| 12 | 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 | | Towela |



| No | Reference | Question | Response | Comments | Respondent |
|----|-------------|---|----------|----------|------------|
| 13 | 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 | | Towela |
| 14 | 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 | | Towela |
| 15 | 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, \$100,000 or less. | Yes | | Towela |

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