

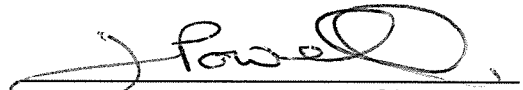


MINUTES

CERTIFICATION OF CONFIRMATION OF COMMITTEE MEETING MINUTES

8 MARCH 2012

I, Cr Janet Powell, hereby certify that the following minutes [pages 1 to 27] of the Meeting of **AUDIT COMMITTEE** held on 8 March 2012 were confirmed at a meeting of the Committee held on 5 April 2012.



Signature

Cr Janet Powell

Person presiding at the Committee Meeting held on 5 April 2012

AUDIT COMMITTEE

MINUTES

8 March 2012

(REF: COMMITTEES-13602)

A meeting of the Audit Committee was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 8 March 2012**. The meeting commenced at **6.32pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The CEO opened the meeting at 6.32pm.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Councillor Attendance

Cr Janet Powell (Chairman)	EMRC Member	City of Belmont
Cr Gerry Pule	EMRC Member	Town of Bassendean
Cr Alan Radford (Deputising for Cr Pittaway)	EMRC Member	City of Bayswater
Cr Alan Pilgrim	EMRC Member	Shire of Mundaring
Cr David Färdig (Deputy Chairman)	EMRC Member	City of Swan

Apologies

Cr Graham Pittaway

EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr David Ameduri	Manager Financial Services
Ms Terri-Ann Ashton	Manager Administration and Compliance
Ms Mary-Ann Winnett	Personal Assistant to Director Corporate Services (Minutes)

3 DISCLOSURE OF INTERESTS

Nil



4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION ELECTION OF A CHAIRMAN AND DEPUTY CHAIRMAN OF THE AUDIT COMMITTEE (AC)

4.1 ELECTION OF A CHAIRMAN OF THE AUDIT COMMITTEE (AC)

REFERENCE: COMMITTEES-13622

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Chairman of the Audit Committee (AC).

KEY ISSUES AND RECOMMENDATION(S)

- It is a statutory requirement that a Committee elects a Chairman at the first meeting of the AC after an Ordinary Council elections day.

Recommendation(s)

That the members of the Audit Committee elect a Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

An Ordinary Meeting of Council was held on Thursday 3 November 2011, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

AC MEMBERS 2011-2013

The following AC members were appointed to the AC at the Ordinary Meeting of Council held on 3 November 2011:

EMRC Member	Cr Gerry Pule	Town of Bassendean
EMRC Member	Cr Graham Pittaway	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Frank Lindsey	Shire of Kalamunda
EMRC Member	Cr Alan Pilgrim	Shire of Mundaring
EMRC Member	Cr David Färdig	City of Swan

In accordance with section 5.12(1) of the Local Government Act 1995, (the Act) the members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1.

It is a requirement of Schedule 2.3 of the Local Government Act 1995, (the Act) that the election is conducted by the Chief Executive Officer and the nominations for the Office are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member the Chief Executive Officer is not to accept the nomination unless the nominee has advised the Chief Executive Officer, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 4.1 continued

REPORT

The Chief Executive Officer will preside at the meeting until the office of Chairman is filled.

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Chairman of the AC.

1. A blank nomination form for the Office of Chairman of the AC, nominate oneself
2. A blank nomination form for the Office of Chairman of the AC, nominate another
3. A blank ballot paper for Election of Chairman of the AC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the Chief Executive Officer before the meeting or when the Chief Executive Officer calls for them when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.

Key Result Area 4 – Good Governance

- 4.6 To provide responsible and accountable Governance and Management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. A blank nomination form for the Office of Chairman of the AC, nominate oneself (Ref: Committees-13616)
2. A blank nomination form for the Office of Chairman of the AC, nominate another (Ref: Committees-13616)
3. Ballot Paper – Election of AC Chairman (Ref: Committees-13640)



Item 4.1 continued

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

That the members of the Audit Committee elect a Chairman by secret ballot.

The Chief Executive Officer advised that he had received one (1) nomination for the Office of Chairman of the AC prior to the meeting and called for further nominations.

No further nominations were received.

ANNOUNCEMENT: OF THE OFFICE OF CHAIRMAN

There being no further nominations, the CEO declared Cr Janet Powell Chairman of the Audit Committee unopposed for the term commencing 8 March 2012 until 2013.

The CEO congratulated Cr Powell and vacated the Chair at 6.34pm.

At 6.34pm, Cr Powell took the Chair.



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____ Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee.

Signed: _____ Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
AC Thursday 8 March 2012**

**BALLOT PAPER FOR THE
ELECTION OF THE AC CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

Lastname, Firstname

Lastname, Firstname

Lastname, Firstname



4.2 ELECTION OF A DEPUTY CHAIRMAN OF THE AUDIT COMMITTEE (AC)

REFERENCE: COMMITTEES-13623

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Deputy Chairman of the Audit Committee (AC).

KEY ISSUES AND RECOMMENDATION(S)

- In accordance with section 5.12 (2) of the Local Government Act 1995, the members of a committee may elect a deputy presiding member from amongst themselves.

Recommendation(s)

That the members of the Audit Committee elect a Deputy Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

An Ordinary Meeting of Council was held on Thursday 3 November 2011, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

AC MEMBERS 2011-2013

The following AC members were appointed to the AC at the Ordinary Meeting of Council held on 3 November 2011:

EMRC Member	Cr Gerry Pule	Town of Bassendean
EMRC Member	Cr Graham Pittaway	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Frank Lindsey	Shire of Kalamunda
EMRC Member	Cr Alan Pilgrim	Shire of Mundaring
EMRC Member	Cr David Färdig	City of Swan

In accordance with section 5.12 (2) of the Local Government Act 1995, (the Act) the members of a committee may elect a deputy presiding member from amongst themselves.

It is a requirement of Schedule 2.3 of the Local Government Act 1995, (the Act) that the election is conducted by the Chairman and the nominations for the Office are to be given to the Chairman in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member, the Chairman is not to accept the nomination unless the nominee has advised the Chairman, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 4.2 continued

REPORT

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Deputy Chairman of the AC.

1. A blank nomination form for the Office of Deputy Chairman of the AC, nominate oneself
2. A blank nomination form for the Office of Deputy Chairman of the AC, nominate another
3. A blank ballot paper for Election of Deputy Chairman of the AC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the Chairman before the meeting or when the Chairman calls for them when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.

Key Result Area 4 – Good Governance

- 4.6 To provide responsible and accountable Governance and Management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. A blank nomination form for the Office of Deputy Chairman of the AC, nominate oneself (Ref: Committees-13617)
2. A blank nomination form for the Office of Deputy Chairman of the AC, nominate another (Ref: Committees-13617)
3. Ballot Paper – Election of AC Deputy Chairman (Ref: Committees-13641)

VOTING REQUIREMENT

Secret Ballot



Item 4.2 continued

RECOMMENDATION(S)

That the members of the Audit Committee elect a Deputy Chairman by secret ballot.

The Chairman advised that she had received one (1) nomination for the Office of Deputy Chairman of the AC prior to the meeting and called for further nominations.

No further nominations were received.

ANNOUNCEMENT: OF THE OFFICE OF DEPUTY CHAIRMAN

There being no other nominations, Cr David Färdig was declared Deputy Chairman of the Audit Committee for the term commencing 8 March 2012 until 2013.

The Chairman congratulated Cr Färdig.



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____ Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee.

Signed: _____ Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
AC Thursday 8 March 2012**

**BALLOT PAPER FOR THE
ELECTION OF THE AC DEPUTY CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

Lastname, Firstname

Lastname, Firstname

Lastname, Firstname



5 APPLICATION FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 22 SEPTEMBER 2011

That the Minutes of the Audit Committee meeting held 22 September 2011, which have been distributed, be confirmed.

AC RESOLUTION(S)

MOVED CR PULE

SECONDED CR PILGRIM

THAT THE MINUTES OF THE AUDIT COMMITTEE HELD ON 22 SEPTEMBER 2011, WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY

8 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

9 QUESTIONS WITHOUT NOTICE

Nil

10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



12 REPORTS OF OFFICERS/AUDITORS

12.1 COMPLIANCE AUDIT RETURN 2011

REFERENCE: COMMITTEES-13684

PURPOSE OF REPORT

To present to Council for adoption the Compliance Audit Return (CAR) for the year ended 31 December 2011.

KEY ISSUES AND RECOMMENDATION(S)

- Each local government is required to complete a compliance audit at the end of each calendar year.
- A change to Regulation 14 of the Local Government (Audit) Regulations 1996 now requires the Audit Committee to review the CAR and to report the results of the review to Council prior to adoption by Council.
- The CAR is required to be adopted by Council, certified by the Chairman and Chief Executive Officer (CEO) and submitted to the Director General of the Department of Local Government, by 31 March 2012.

Recommendation(s)

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

The audit and applicable return is completed in accordance with the requirements of regulation 14 and 15 of the *Local Government (Audit) Regulations 1996*. It is a compliance audit for the period 1 January to 31 December 2011 against the requirements included in the Compliance Audit Return for that period.

REPORT

The Compliance Audit Return, as required by the Local Government Act 1995 (the Act) and relevant Regulations, was received from the Director General of the Department of Local Government with Departmental Circular No 35-2011 (the circular) in December 2011.

The CAR sought advice on the extent of compliance by the EMRC to a range of sections of the Act and the local government regulations.

The details and explanations applicable to the completion of the return appear in the relevant comment sections of the CAR.

While the structure of the 2011 CAR is generally similar to that of previous years, areas of compliance covered by the 2011 CAR have been restricted to those considered high risk, resulting in a CAR that contains substantially fewer questions. Consequently the size of the CAR has been reduced for 2011.

Additionally, a change to regulation 14 of the *Local Government (Audit) Regulations 1996* now requires that the local government's Audit Committee reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March 2012 submission to the Department of Local Government.



Item 12.1 continued

After the Compliance Audit Return has been presented to Council a certified copy of the Return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Local Government by 31 March 2012.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 – Good Governance

4.6 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Local Government Compliance Audit Return for 1 January 2011 to 31 December 2011
(Ref: Committees-13780)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.



Item 12.1 continued

Discussion ensued

Cr Pule complimented EMRC officers on the results of the CAR.

AC RECOMMENDATION(S)

MOVED CR FÄRDIG

SECONDED CR PULE

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.

CARRIED UNANIMOUSLY



Eastern Metropolitan Regional Council - Compliance Audit Return Regional Local Government 2011

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government 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) Functions & General Regulation 7,9	Has the local government prepared a business plan for each major trading undertaking in 2011.	N/A		Terri-Ann Ashton	
2	s3.59(2)(a)(b)(c) Functions & General Regulation 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2011.	N/A		Terri-Ann Ashton	
3	s3.59(2)(a)(b)(c) Functions & General Regulation 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.	N/A		Terri-Ann Ashton	
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.	N/A		Terri-Ann Ashton	
5	s3.59(5)	Did the Council, during 2011, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Terri-Ann Ashton	



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		Terri-Ann Ashton	
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Terri-Ann Ashton	
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Terri-Ann Ashton	
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Terri-Ann Ashton	
5	s5.18	Has Council reviewed delegations to its committees in the 2010/2011 financial year.	Yes		Terri-Ann Ashton	
6	s5.42(1),5.43 Administration Regulation 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		Terri-Ann Ashton	
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Terri-Ann Ashton	
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Terri-Ann Ashton	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	N/A		Terri-Ann Ashton	
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A		Terri-Ann Ashton	
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Terri-Ann Ashton	
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 2009/2010 financial year.	Yes		Terri-Ann Ashton	
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		Terri-Ann Ashton	

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		Terri-Ann Ashton	
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		Terri-Ann Ashton	



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		Terri-Ann Ashton
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Terri-Ann Ashton
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.	N/A		Terri-Ann Ashton
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2011.	Yes		Terri-Ann Ashton
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2011.	Yes		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
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		Terri-Ann Ashton
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Terri-Ann Ashton

Disposal of Property

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

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		Terri-Ann Ashton
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		Terri-Ann Ashton
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Terri-Ann Ashton
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Terri-Ann Ashton
5	S7.3, s7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Terri-Ann Ashton
6	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.	N/A		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
7	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.	N/A		Terri-Ann Ashton
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 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		Terri-Ann Ashton
9	A Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Terri-Ann Ashton
10	A Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Terri-Ann Ashton
11	A Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Terri-Ann Ashton
12	A 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		Terri-Ann Ashton
13	A 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		Terri-Ann Ashton
14	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		Terri-Ann Ashton
15	s7.9(1)	Was the Auditor's report for 2010/2011 received by the local government by 31 December 2011.	Yes		Terri-Ann Ashton



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 was advertised.	N/A		Terri-Ann Ashton
2	s5.36(4), 5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s5.36(4), s5.37(3) and Admin Reg 18A.	N/A		Terri-Ann Ashton
3	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Terri-Ann Ashton
4	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		Terri-Ann Ashton
5	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		Terri-Ann Ashton



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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton

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		Terri-Ann Ashton
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		Terri-Ann Ashton
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Terri-Ann Ashton
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		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
5	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		Terri-Ann Ashton
6	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		Terri-Ann Ashton
7	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		Terri-Ann Ashton
8	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Terri-Ann Ashton
9	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		Terri-Ann Ashton
10	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		Terri-Ann Ashton
11	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.	N/A		Terri-Ann Ashton
12	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.	N/A		Terri-Ann Ashton
13	F&G Reg 24E	Where the local government gave regional price preference in relation to a tender process, did the local government comply with 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		Terri-Ann Ashton
14	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		Terri-Ann Ashton
15	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		Terri-Ann Ashton



Government of Western Australia
Department of Local Government

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

22nd March 2012

A handwritten signature in black ink, appearing to read "Alan T. Pilger", written over a horizontal line.

Signed Mayor / President, Eastern Metropolitan
Regional Council

A handwritten signature in black ink, appearing to be a stylized name, written over a horizontal line.

Signed CEO, Eastern Metropolitan Regional
Council



13 REPORTS OF DELEGATES

Nil

14 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

15 GENERAL BUSINESS

Nil

16 FUTURE MEETINGS OF THE AUDIT COMMITTEE

Meetings of the Audit Committee are covered under the Audit Committee Terms of Reference as follows.

“2.3 Meetings

The Committee meet as required at the discretion of the Chairman of the Committee at least three (3) times per year to coincide with approval of strategic and annual plans, the annual budget and the auditor’s report on the annual financial report.

Additional meetings shall be convened at the discretion of the Chairman or at the written request of any member of the Committee or external auditor.”

Future Meetings 2012

Thursday	5	April (if required)	at	EMRC Administration Office
Thursday	7	June (if required)	at	EMRC Administration Office
Thursday	5	July (if required)	at	EMRC Administration Office
Thursday	2	August (if required)	at	EMRC Administration Office
Thursday	6	September (if required)	at	EMRC Administration Office
Thursday	4	October (if required)	at	EMRC Administration Office

17 DECLARATION OF CLOSURE OF MEETING

There being no further business the meeting was closed at 6.38pm.

AUDIT COMMITTEE

MINUTES

8 March 2012

(REF: COMMITTEES-13602)

A meeting of the Audit Committee was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 8 March 2012**. The meeting commenced at **6.32pm**.

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1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The CEO opened the meeting at 6.32pm.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

Councillor Attendance

Cr Janet Powell (Chairman)	EMRC Member	City of Belmont
Cr Gerry Pule	EMRC Member	Town of Bassendean
Cr Alan Radford (Deputising for Cr Pittaway)	EMRC Member	City of Bayswater
Cr Alan Pilgrim	EMRC Member	Shire of Mundaring
Cr David Färdig (Deputy Chairman)	EMRC Member	City of Swan

Apologies

Cr Graham Pittaway

EMRC Officers

Mr Peter Schneider	Chief Executive Officer
Mr Hua Jer Liew	Director Corporate Services
Mr David Ameduri	Manager Financial Services
Ms Terri-Ann Ashton	Manager Administration and Compliance
Ms Mary-Ann Winnett	Personal Assistant to Director Corporate Services (Minutes)

3 DISCLOSURE OF INTERESTS

Nil



4 ANNOUNCEMENT BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION ELECTION OF A CHAIRMAN AND DEPUTY CHAIRMAN OF THE AUDIT COMMITTEE (AC)

4.1 ELECTION OF A CHAIRMAN OF THE AUDIT COMMITTEE (AC)

REFERENCE: COMMITTEES-13622

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Chairman of the Audit Committee (AC).

KEY ISSUES AND RECOMMENDATION(S)

- It is a statutory requirement that a Committee elects a Chairman at the first meeting of the AC after an Ordinary Council elections day.

Recommendation(s)

That the members of the Audit Committee elect a Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

An Ordinary Meeting of Council was held on Thursday 3 November 2011, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

AC MEMBERS 2011-2013

The following AC members were appointed to the AC at the Ordinary Meeting of Council held on 3 November 2011:

EMRC Member	Cr Gerry Pule	Town of Bassendean
EMRC Member	Cr Graham Pittaway	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Frank Lindsey	Shire of Kalamunda
EMRC Member	Cr Alan Pilgrim	Shire of Mundaring
EMRC Member	Cr David Färdig	City of Swan

In accordance with section 5.12(1) of the Local Government Act 1995, (the Act) the members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1.

It is a requirement of Schedule 2.3 of the Local Government Act 1995, (the Act) that the election is conducted by the Chief Executive Officer and the nominations for the Office are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member the Chief Executive Officer is not to accept the nomination unless the nominee has advised the Chief Executive Officer, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 4.1 continued

REPORT

The Chief Executive Officer will preside at the meeting until the office of Chairman is filled.

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Chairman of the AC.

1. A blank nomination form for the Office of Chairman of the AC, nominate oneself
2. A blank nomination form for the Office of Chairman of the AC, nominate another
3. A blank ballot paper for Election of Chairman of the AC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the Chief Executive Officer before the meeting or when the Chief Executive Officer calls for them when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.

Key Result Area 4 – Good Governance

- 4.6 To provide responsible and accountable Governance and Management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. A blank nomination form for the Office of Chairman of the AC, nominate oneself (Ref: Committees-13616)
2. A blank nomination form for the Office of Chairman of the AC, nominate another (Ref: Committees-13616)
3. Ballot Paper – Election of AC Chairman (Ref: Committees-13640)



Item 4.1 continued

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

That the members of the Audit Committee elect a Chairman by secret ballot.

The Chief Executive Officer advised that he had received one (1) nomination for the Office of Chairman of the AC prior to the meeting and called for further nominations.

No further nominations were received.

ANNOUNCEMENT: OF THE OFFICE OF CHAIRMAN

There being no further nominations, the CEO declared Cr Janet Powell Chairman of the Audit Committee unopposed for the term commencing 8 March 2012 until 2013.

The CEO congratulated Cr Powell and vacated the Chair at 6.34pm.

At 6.34pm, Cr Powell took the Chair.



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____ Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Chairman of the Eastern Metropolitan Regional Council Audit Committee.

Signed: _____ Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
AC Thursday 8 March 2012**

**BALLOT PAPER FOR THE
ELECTION OF THE AC CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

Lastname, Firstname

Lastname, Firstname

Lastname, Firstname



4.2 ELECTION OF A DEPUTY CHAIRMAN OF THE AUDIT COMMITTEE (AC)

REFERENCE: COMMITTEES-13623

PURPOSE OF REPORT

To provide for an election to be conducted for the office of Deputy Chairman of the Audit Committee (AC).

KEY ISSUES AND RECOMMENDATION(S)

- In accordance with section 5.12 (2) of the Local Government Act 1995, the members of a committee may elect a deputy presiding member from amongst themselves.

Recommendation(s)

That the members of the Audit Committee elect a Deputy Chairman by secret ballot.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

An Ordinary Meeting of Council was held on Thursday 3 November 2011, the EMRC Chairman and Deputy Chairman were elected and members to the EMRC Committees were appointed.

AC MEMBERS 2011-2013

The following AC members were appointed to the AC at the Ordinary Meeting of Council held on 3 November 2012:

EMRC Member	Cr Gerry Pule	Town of Bassendean
EMRC Member	Cr Graham Pittaway	City of Bayswater
EMRC Member	Cr Janet Powell	City of Belmont
EMRC Member	Cr Frank Lindsey	Shire of Kalamunda
EMRC Member	Cr Alan Pilgrim	Shire of Mundaring
EMRC Member	Cr David Färdig	City of Swan

In accordance with section 5.12 (2) of the Local Government Act 1995, (the Act) the members of a committee may elect a deputy presiding member from amongst themselves.

It is a requirement of Schedule 2.3 of the Local Government Act 1995, (the Act) that the election is conducted by the Chairman and the nominations for the Office are to be given to the Chairman in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member, the Chairman is not to accept the nomination unless the nominee has advised the Chairman, orally or in writing, that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

The procedure outlined in Schedule 2.3 of the Act will be followed if there is an equality of votes.



Item 4.2 continued

REPORT

The following material accompanies the agenda for this meeting as a means of assisting members of the Committee to nominate themselves or another member for the Office of Deputy Chairman of the AC.

1. A blank nomination form for the Office of Deputy Chairman of the AC, nominate oneself
2. A blank nomination form for the Office of Deputy Chairman of the AC, nominate another
3. A blank ballot paper for Election of Deputy Chairman of the AC

Ballot papers will be made available prior to voting.

The completed nomination forms are to be given to the Chairman before the meeting or when the Chairman calls for them when dealing with this item at the meeting.

STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.

Key Result Area 4 – Good Governance

- 4.6 To provide responsible and accountable Governance and Management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. A blank nomination form for the Office of Deputy Chairman of the AC, nominate oneself (Ref: Committees-13617)
2. A blank nomination form for the Office of Deputy Chairman of the AC, nominate another (Ref: Committees-13617)
3. Ballot Paper – Election of AC Deputy Chairman (Ref: Committees-13641)

VOTING REQUIREMENT

Secret Ballot



Item 4.2 continued

RECOMMENDATION(S)

That the members of the Audit Committee elect a Deputy Chairman by secret ballot.

The Chairman advised that she had received one (1) nomination for the Office of Deputy Chairman of the AC prior to the meeting and called for further nominations.

No further nominations were received.

ANNOUNCEMENT: OF THE OFFICE OF DEPUTY CHAIRMAN

There being no other nominations, Cr David Färdig was declared Deputy Chairman of the Audit Committee for the term commencing 8 March 2012 until 2013.

The Chairman congratulated Cr Färdig.



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate myself, _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____



Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate _____ for the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

Signed: _____

Date: _____

*I _____ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council Audit Committee.

Signed: _____

Date: _____

*This certificate is to be completed when a Representative is nominated by another Representative.



**Eastern Metropolitan Regional Council
AC Thursday 8 March 2012**

**BALLOT PAPER FOR THE
ELECTION OF THE AC DEPUTY CHAIRMAN**

HOW TO VOTE

**Place a tick in the box next to the candidate you want to elect.
Do not make any other marks on the ballot paper.**

Lastname, Firstname

Lastname, Firstname

Lastname, Firstname



5 APPLICATION FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 22 SEPTEMBER 2011

That the Minutes of the Audit Committee meeting held 22 September 2011, which have been distributed, be confirmed.

AC RESOLUTION(S)

MOVED CR PULE

SECONDED CR PILGRIM

THAT THE MINUTES OF THE AUDIT COMMITTEE HELD ON 22 SEPTEMBER 2011, WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY

8 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

9 QUESTIONS WITHOUT NOTICE

Nil

10 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

11 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING

Nil



12 REPORTS OF OFFICERS/AUDITORS

12.1 COMPLIANCE AUDIT RETURN 2011

REFERENCE: COMMITTEES-13684

PURPOSE OF REPORT

To present to Council for adoption the Compliance Audit Return (CAR) for the year ended 31 December 2011.

KEY ISSUES AND RECOMMENDATION(S)

- Each local government is required to complete a compliance audit at the end of each calendar year.
- A change to Regulation 14 of the Local Government (Audit) Regulations 1996 now requires the Audit Committee to review the CAR and to report the results of the review to Council prior to adoption by Council.
- The CAR is required to be adopted by Council, certified by the Chairman and Chief Executive Officer (CEO) and submitted to the Director General of the Department of Local Government, by 31 March 2012.

Recommendation(s)

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.

SOURCE OF REPORT

Director Corporate Services
Manager Administration & Compliance

BACKGROUND

The audit and applicable return is completed in accordance with the requirements of regulation 14 and 15 of the *Local Government (Audit) Regulations 1996*. It is a compliance audit for the period 1 January to 31 December 2011 against the requirements included in the Compliance Audit Return for that period.

REPORT

The Compliance Audit Return, as required by the Local Government Act 1995 (the Act) and relevant Regulations, was received from the Director General of the Department of Local Government with Departmental Circular No 35-2011 (the circular) in December 2011.

The CAR sought advice on the extent of compliance by the EMRC to a range of sections of the Act and the local government regulations.

The details and explanations applicable to the completion of the return appear in the relevant comment sections of the CAR.

While the structure of the 2011 CAR is generally similar to that of previous years, areas of compliance covered by the 2011 CAR have been restricted to those considered high risk, resulting in a CAR that contains substantially fewer questions. Consequently the size of the CAR has been reduced for 2011.

Additionally, a change to regulation 14 of the *Local Government (Audit) Regulations 1996* now requires that the local government's Audit Committee reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March 2012 submission to the Department of Local Government.



Item 12.1 continued

After the Compliance Audit Return has been presented to Council a certified copy of the Return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General of the Department of Local Government by 31 March 2012.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 4 – Good Governance

- 4.6 To provide responsible and accountable governance and management of the EMRC

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Local Government Compliance Audit Return for 1 January 2011 to 31 December 2011
(Ref: Committees-13780)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.



Item 12.1 continued

Discussion ensued

Cr Pule complimented EMRC officers on the results of the CAR.

AC RECOMMENDATION(S)

MOVED CR FÄRDIG

SECONDED CR PULE

That the draft Compliance Audit Return 2011 be adopted by Council and certified by the Chairman and Chief Executive Officer and submitted to the Director General, Department of Local Government by 31 March 2012.

CARRIED UNANIMOUSLY



Eastern Metropolitan Regional Council - Compliance Audit Return Regional Local Government 2011

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government 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) Functions & General Regulation 7,9	Has the local government prepared a business plan for each major trading undertaking in 2011.	N/A		Terri-Ann Ashton	
2	s3.59(2)(a)(b)(c) Functions & General Regulation 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2011.	N/A		Terri-Ann Ashton	
3	s3.59(2)(a)(b)(c) Functions & General Regulation 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.	N/A		Terri-Ann Ashton	
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.	N/A		Terri-Ann Ashton	
5	s3.59(5)	Did the Council, during 2011, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Terri-Ann Ashton	



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		Terri-Ann Ashton	
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	Yes		Terri-Ann Ashton	
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Terri-Ann Ashton	
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Terri-Ann Ashton	
5	s5.18	Has Council reviewed delegations to its committees in the 2010/2011 financial year.	Yes		Terri-Ann Ashton	
6	s5.42(1),5.43 Administration Regulation 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		Terri-Ann Ashton	
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Terri-Ann Ashton	
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Terri-Ann Ashton	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	N/A		Terri-Ann Ashton	
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	N/A		Terri-Ann Ashton	
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Terri-Ann Ashton	
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 2009/2010 financial year.	Yes		Terri-Ann Ashton	
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		Terri-Ann Ashton	

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		Terri-Ann Ashton	
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		Terri-Ann Ashton	



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		Terri-Ann Ashton
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Terri-Ann Ashton
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.	N/A		Terri-Ann Ashton
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2011.	Yes		Terri-Ann Ashton
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2011.	Yes		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
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		Terri-Ann Ashton
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Terri-Ann Ashton

Disposal of Property

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

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		Terri-Ann Ashton
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		Terri-Ann Ashton
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Terri-Ann Ashton
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Terri-Ann Ashton
5	S7.3, s7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Terri-Ann Ashton
6	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.	N/A		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
7	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.	N/A		Terri-Ann Ashton
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 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		Terri-Ann Ashton
9	A Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Terri-Ann Ashton
10	A Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Terri-Ann Ashton
11	A Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Terri-Ann Ashton
12	A 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		Terri-Ann Ashton
13	A 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		Terri-Ann Ashton
14	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		Terri-Ann Ashton
15	s7.9(1)	Was the Auditor's report for 2010/2011 received by the local government by 31 December 2011.	Yes		Terri-Ann Ashton



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 was advertised.	N/A		Terri-Ann Ashton
2	s5.36(4), 5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s5.36(4), s5.37(3) and Admin Reg 18A.	N/A		Terri-Ann Ashton
3	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Terri-Ann Ashton
4	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		Terri-Ann Ashton
5	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		Terri-Ann Ashton



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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton
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		Terri-Ann Ashton

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		Terri-Ann Ashton
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		Terri-Ann Ashton
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Terri-Ann Ashton
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		Terri-Ann Ashton



No	Reference	Question	Response	Comments	Respondent
5	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		Terri-Ann Ashton
6	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		Terri-Ann Ashton
7	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		Terri-Ann Ashton
8	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Terri-Ann Ashton
9	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		Terri-Ann Ashton
10	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		Terri-Ann Ashton
11	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.	N/A		Terri-Ann Ashton
12	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.	N/A		Terri-Ann Ashton
13	F&G Reg 24E	Where the local government gave regional price preference in relation to a tender process, did the local government comply with 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		Terri-Ann Ashton
14	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		Terri-Ann Ashton
15	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		Terri-Ann Ashton



Government of Western Australia
Department of Local Government

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

22nd March 2012

A handwritten signature in black ink, appearing to read "Alan T. Pilger", written over a horizontal line.

Signed Mayor / President, Eastern Metropolitan
Regional Council

A handwritten signature in black ink, appearing to read "Mark", written over a horizontal line.

Signed CEO, Eastern Metropolitan Regional
Council



13 REPORTS OF DELEGATES

Nil

14 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil

15 GENERAL BUSINESS

Nil

16 FUTURE MEETINGS OF THE AUDIT COMMITTEE

Meetings of the Audit Committee are covered under the Audit Committee Terms of Reference as follows.

“2.3 Meetings

The Committee meet as required at the discretion of the Chairman of the Committee at least three (3) times per year to coincide with approval of strategic and annual plans, the annual budget and the auditor’s report on the annual financial report.

Additional meetings shall be convened at the discretion of the Chairman or at the written request of any member of the Committee or external auditor.”

Future Meetings 2012

Thursday	5	April (if required)	at	EMRC Administration Office
Thursday	7	June (if required)	at	EMRC Administration Office
Thursday	5	July (if required)	at	EMRC Administration Office
Thursday	2	August (if required)	at	EMRC Administration Office
Thursday	6	September (if required)	at	EMRC Administration Office
Thursday	4	October (if required)	at	EMRC Administration Office

17 DECLARATION OF CLOSURE OF MEETING

There being no further business the meeting was closed at 6.38pm.