



# **Additional information**

## **Audit and Risk Management Committee**

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Wednesday, 16 February 2022, 5.30 pm

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**ARMC2202-2 ADOPTION OF THE 2021 COMPLIANCE AUDIT RETURN**

**ADDITIONAL INFORMATION 1 - Quantum Assurance – Quality Assurance Review Report**



**City of Fremantle**

**Compliance Audit Return 2021**

Quality Assurance Review Report – February 2022

Reference	
Version	1.0
Date of Final Report	8 February 2022
Circulation	

Conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*



City of Fremantle  
Compliance Audit Return 2021  
Quality Assurance Review Report

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### 1.1 Introduction

The City of Fremantle ('the City') engaged Quantum Assurance to assist with the completion of the 2021 Compliance Audit Return ('CAR').

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* (see below), each Western Australian local government is required to carry out a compliance audit for the period **1 January to 31 December** against the requirements set out in the Department of Local Government, Sport and Cultural Industries ('DLGSC') Smart Hub.

The completed CAR must be submitted to the Audit Committee for endorsement and then Council for their adoption. Once adopted by Council, the CAR must be certified by the Mayor and Chief Executive officer and submitted to DLGSC by 31 March 2022.

### 1.2 Objective and Scope

The objective was to respond to the audit areas raised by the DLGSC in the CAR for 2021 by collecting the data using the City's records and through discussion and advice from officers, provide the City with a report on the findings, including recommending solutions on any issues that may arise.

The CAR 2021 comprises sections on:

- a) Commercial Enterprises by Local Governments.
- b) Delegation of Power / Duty.
- c) Disclosure of Interest.
- d) Disposal of Property.
- e) Elections.
- f) Finance.
- g) Integrated Planning and Reporting.
- h) Local Government Employees.
- i) Official Conduct.
- j) Optional Questions.
- k) Tenders for Providing Goods and Services.

The scope of the review included ensuring:

- a) Responses provided were received from the responsible officers recorded in the various CAR sections; and
- b) Evidence referenced is available, appropriate and supports the responses provided.

The review covered the period of the CAR 2021, being 1 January 2021 to 31 December 2021.

### 1.3 Summary of Procedures

Our review has been conducted in accordance with the Australian Standard on Assurance Engagements *ASAE 3000 Assurance Engagements Other than Audits or Reviews of Historical Financial Information* and *ASAE 3100 – Compliance Engagements*. We believe that the assurance evidence we have obtained is sufficient and appropriate to provide a basis for our conclusion.



Our procedures consisted primarily of:

- a) Review of the completed responses to the CAR 2021;
- b) Email correspondence with relevant City of Fremantle staff;
- c) Interviews with relevant City of Fremantle staff; and
- d) Review of supporting documentation to support the responses.

#### 1.4 Limitations

Because of the inherent limitations of an assurance engagement, together with the internal control structure it is possible that fraud, error, or non-compliance with the compliance requirements may occur and not be detected. The conclusions expressed in this report have been formed on this basis.

A reasonable assurance engagement throughout the specified period does not provide assurance on whether compliance with the compliance requirements will continue in the future.

This report has been prepared for the City of Fremantle for the purpose of assisting them to meet the compliance requirements of Regulation 14 of the *Local Government (Audit) Regulations 1996* and may not be suitable for another purpose. We understand this report will be distributed to the Department of Local Government, Sport and Cultural Industries (DLGSC).

We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than the City of Fremantle and DLGSC, or for any purpose other than that for which it was prepared.

#### 1.5 Independence

We have complied with our independence and other relevant ethical requirements of the *Code of Ethics for Professional Accountants* issued by the Accounting Professional and Ethical Standards Board, and complied with the applicable requirements of *Australian Standard on Quality Control* to maintain a comprehensive system of quality control.

#### 1.6 Summary of Findings

The following findings were identified during the review:

- a) The CAR 2021 responses were provided by the responsible officers recorded in the various CAR sections;
- b) The responses are supported by appropriate evidence that has been sighted during the review (Refer Appendix 1 which summarises the Respondents' and the Reviewer's comments and evidence);
- c) There is one response where Quantum Assurance has a different interpretation to the Respondent:

Reference	Question	Commentary in CAR
Optional Questions	Question 5: s5.96A(1), (2), (3) & (4) Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	<b>Respondent:</b> The Elected Member Allowances & Reimbursements Policy details elected members' allowances and reimbursements entitlements.


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Reference	Question	Commentary in CAR
		<p><b>Reviewer:</b> In relation to LG (Admin) Regulations 29 C (2) (f), the City advises that it discloses the approved position for elected members' allowances and reimbursements in the Elected Member Allowances &amp; Reimbursements Policy. The actual amounts received are not provided in a separate register. This appears to be contrary to the intent of LG (Admin) Regulations 29 C (2) (f):</p> <p><i>Local Government (Administration) Regulations 1996</i> Part 7 Access to information r. 29D</p> <p>(f) the type, and the amount or value, of any fees, expenses or allowances paid to each council member during a financial year beginning on or after 1 July 2020.</p>

d) There were 5 non-compliances out of 97 questions, for the following questions:

Reference	Question	Exception Noted in CAR
Disclosure of Interest	Question 5: Section 5.76 Admin Reg 23, Form 3 Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	One annual return was received post the deadline of the 31 August 2021. It was received on 7/09/2021. The DLGSC and Crime, Corruption and Control Commission were notified on 7/09/2021.
Disclosure of Interest	Question 25: Section 5.51A(1) & (3) Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	The new employee code of conduct is in the process of being finalised since the introduction of the Local Government Regulations Amendment (Employee Code of Conduct Regulations) 2021 and is not yet on the City's website.
Finance	Question 3: Section 7.9(1) Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	The Office of the Auditor General (OAG) is yet to conclude the audit (as at 25 January 2022) and has provided formal advice that this is due to OAG resourcing issues.
Optional Questions	Question 3: Section 5.87C Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	One exception occurred relating to notification within 10 days. The initial gift disclosure was made to the Chief Executive Officer on 23 December 2021 (within 3 days). However, this disclosure was missing some information required by section 5.87C(3). This information was received on 17/01/2022, making the disclosure complete after 28 days.



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Reference	Question	Exception Noted in CAR
Tenders for Providing Goods and Services	Question 1: F&G Reg 11A (1) & (3) Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A (1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	The City advises it is aware of instances when some expenditure is over thresholds and others where the City was not able to get the minimum number of quotes due to market conditions.  The City's procurement function is operated as a blend of centralised and decentralised procedures. The City utilises monthly reports of suppliers' expenditure from TechOne, as a 'detective control' to highlight possible instances of acting outside of the Policy. The Procurement Team run these monthly reports and then, as necessary, send them to the relevant line managers for action.  The City advises these reports have identified some anomalies.

### 1.7 Overall Conclusion

In our opinion, based on the procedures performed as outlined in section 1.3 above, the Compliance Audit Return 2021 as attached in Appendix 1 is supported by appropriate evidence and sign-off of the responses.

We appreciate the assistance of the City's management and staff in completing this review. If you have any queries on this report, or if we can provide any further assistance, please contact me.

QUANTUM ASSURANCE

GEOFF WHITE  
DIRECTOR

8 February 2022



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**Appendix 1 – CAR 2021 with Respondents and Reviewer's Responses**

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
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**Fremantle - Compliance Audit Return 2021**

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	Not applicable		Acting Director City Business Economic Development Officer
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	Not applicable		Acting Director City Business Economic Development Officer
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	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 2021?	Not applicable		Acting Director City Business Economic Development Officer
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	Not applicable		Acting Director City Business Economic Development Officer
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Not applicable		Acting Director City Business Economic Development Officer



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Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	Yes	<b>Respondent:</b> All delegations adopted by absolute majority at Ordinary Council Meeting of 26 May 2021 – FPOL2105-11 <b>Reviewer:</b> Minutes sighted.	Manager Governance
2	s5.16	Were all delegations to committees in writing?	Yes	<b>Respondent:</b> Delegations in writing included in Register of Delegated Authority adopted 26.05.21. <a href="#">Register - Register of Delegated Authority 2021-2022 - 25 November 2021.pdf (fremantle.wa.gov.au)</a> <b>Reviewer:</b> Minutes and attachments sighted and documents observed on City's website.	Manager Governance
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	Yes	<b>Respondent:</b> See Register of Delegated Authority <b>Reviewer:</b> Refer Q2 above.	Manager Governance
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	<b>Respondent:</b> See Register of Delegated Authority <b>Reviewer:</b> Refer Q2 above.	Manager Governance
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	Yes	<b>Respondent:</b> All delegations reviewed on 26 May 2021 – FPOL2105-11 <b>Reviewer:</b> Minutes evidencing review sighted.	Manager Governance
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes	<b>Respondent:</b> See Register of Delegated Authority	Manager Governance
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	<b>Respondent:</b> All delegations adopted by absolute majority at Ordinary Council Meeting of 26 May 2021 – FPOL2105-11 <b>Reviewer:</b> Minutes evidencing resolution sighted.	Manager Governance
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	<b>Respondent:</b> See Register of Delegated Authority <b>Reviewer:</b>	Manager Governance

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				Register with appropriate delegations sighted.	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	<b>Respondent:</b> See Register of Delegated Authority <b>Reviewer:</b> Register with appropriate delegation sighted (Ref 518161)	Manager Governance
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes	<b>Respondent:</b> See Ordinary Council Meeting of 26 May 2021 – FPOL2105-1 and 23 June 2021 ARMC2106-3 <b>Reviewer:</b> Minutes evidencing compliance sighted.	Manager Governance
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	<b>Respondent:</b> See Register of Delegated Authority <b>Reviewer:</b> Refer Q1 above.	Manager Governance
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	Yes	<b>Respondent:</b> Delegations by Council reviewed 26 May 2021 – FPOL2105-11 Delegations by CEO reviewed 14 June 2021 <b>Reviewer:</b> Refer Q9 above.	Manager Governance
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 in accordance with Admin Reg 19?	Yes	<b>Respondent:</b> See register of use of CEO delegation, Manager Governance delegation <b>Reviewer:</b> Sighted: <ul style="list-style-type: none"> <li>Register of use of CEO delegation, Manager Governance delegation (Ref 843997)</li> <li>Sample of various 'written' uses of delegation (E.g.: professional development re-imbursements, Committee minutes, Building permits, fee waivers etc.)</li> </ul>	Manager Governance



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<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	<b>Reviewer:</b> Disclosure of interest register sighted (815566). Sample of minutes sighted (May & August 2021) noted with disclosures and appropriate actions.	Manager Governance
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Not applicable		Manager Governance
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes	<b>Reviewer:</b> Sample of minutes sighted (May & August 2021) noted with disclosures.	Manager Governance
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	<b>Reviewer:</b> Sighted timely primary returns for new elected members & key appointments.	Manager Governance
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	No	<b>Respondent:</b> 1 return was received 7/09/2021. DLGSC and CCC were notified 7/09/2021. <b>Reviewer:</b> Correspondence sighted for exception.	Manager Governance
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes	<b>Reviewer:</b> Sighted on a sample basis.	Manager Governance
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes	<b>Reviewer:</b> Refer Q1 above.	Manager Governance
8	s5.88(1) & (2)(b) 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, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes	<b>Reviewer:</b> Refer Q1 above.	Manager Governance
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes	<b>Reviewer:</b> Sighted appropriate adjustments in the Register.	Manager Governance
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	<b>Reviewer:</b> Yes, sighted transfer of obsolete documents from Register to 'vault folders' for archiving.	Manager Governance

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11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes	<b>Reviewer:</b> Sighted Register (Ref 4386471).	Manager Governance
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	<b>Reviewer:</b> Sighted on City's website.	Manager Governance
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes	<b>Reviewer:</b> Sighted updates to the Register.	Manager Governance
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	<b>Reviewer:</b> Refer Q10 above.	Manager Governance
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*	Yes	<b>Reviewer:</b> Sighted Register.	Manager Governance
		*Question not applicable after 2 Feb 2021			
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	Yes	<b>Reviewer:</b> Sighted minuted reference in the Register.	Manager Governance
		*Question not applicable after 2 Feb 2021			
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Not applicable		Manager Governance
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	Not applicable		Manager Governance
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	Not applicable		Manager Governance
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees? **Question not applicable after 2 Feb 2021	Yes	<b>Reviewer:</b> Sighted 'vaulted' Code of Conduct.	Manager Governance
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes	<b>Reviewer:</b> Maintained for period required.	Manager Governance

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**Question not applicable after 2 Feb 2021					
22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	Yes	<b>Respondent:</b> Adopted by absolute majority at Ordinary Council Meeting of 28 April 2021 – FPOL2104-8 <b>Reviewer:</b> Sighted appropriate minutes.	Manager Governance
23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	Yes	<b>Respondent:</b> See FPOL2104-8 <b>Reviewer:</b> Sighted appropriate minutes.	Manager Governance
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	Yes	<b>Reviewer:</b> Sighted on the City's website.	Manager Governance
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	No	<b>Respondent:</b> New employee code of conduct in the process of being finalised since the introduction of the Local Government Regulations Amendment (Employee Code of Conduct Regulations) 2021.	Manager Governance

#### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes	<b>Reviewer:</b> Public notices sighted as compliant.	Economic Development Officer
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	<b>Reviewer:</b> Public notices sighted as compliant.	Economic Development Officer

#### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors 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 forms relating to each candidate?	Yes	<b>Reviewer:</b> Sighted Register, maintaining notices as disclosed.	Manager Governance
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office,	Yes	<b>Reviewer:</b> Sighted Register with notices as disclosed.	Manager Governance

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		from the electoral gift register, and retain those forms separately for a period of at least two years?			
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes	<b>Respondent:</b> <a href="#">2021 Electoral Gift Register - 16 October 2021 - ALL CANDIDATES - Governance (ID 5203220).pdf (fremantle.wa.gov.au)</a> <b>Reviewer:</b> Sighted Register on the City's website.	Manager Governance

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	<b>Reviewer:</b> Sighted minutes.	Manager People and Culture
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Not applicable	<b>Respondent:</b> Audit committee has no delegated authority.	Manager Governance
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	No	<b>Respondent:</b> The Office of the Auditor General (OAG) is yet to conclude the audit (as at 25 January 2021). <b>Reviewer:</b> Advice from OAG sighted.	Acting Manager Finance
4	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, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	<b>Respondent:</b> Actions recorded and report progress. Some items are ongoing.	Acting Manager Finance
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Not applicable	<b>Respondent:</b> Refer Q3 above.	Acting Manager Finance
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Not applicable	<b>Respondent:</b> Refer Q3 above.	Acting Manager Finance
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes	<b>Respondent:</b> For the reporting period 2019-20.	Acting Manager Finance

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Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	<b>Respondent:</b> On 26 June 2019 (FPOL 1906-12). Noting in March 2021 Council endorsed the approach in progress to update the Strategic Community Plan. <b>Reviewer:</b> Minutes sighted and also noted on the City's website.	Manager Strategic Planning
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	<b>Respondent:</b> The Corporate Business Plan 2019 - 2023 was adopted on 26 June 2019. <b>Reviewer:</b> Minutes sighted.	Manager Strategic Planning
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes	<b>Reviewer:</b> The Corporate Business Plan 2019 - 2023 contains the information referenced in Admin Reg 19 D A (2) & (3).	Manager Strategic Planning

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	Not applicable	CEO recruitment process commenced January 2022.	Manager People and Culture
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Not applicable		Manager People and Culture
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Not applicable		Manager People and Culture
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 under section 5.36(4)?	Not applicable		Manager People and Culture
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Not applicable		Manager People and Culture
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	Not applicable		Manager People and Culture

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Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?  <i>Note" The Act was amended in 2019 to state: "5.120. Complaints officer  (1) The CEO may designate an employee of the local government to be its complaints officer.  (2) If an employee is not designated under subsection (1), the CEO is the local government's complaints officer."</i>	N/A	<b>Respondent:</b>  The CEO designated the Manager Governance to be the City's complaints officer under s.5.120.  The current legislation does not require the complaints officer to be a senior employee.	Manager Governance
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121(2)?	Yes	<b>Respondent:</b> See website <b>Reviewer:</b> Register sighted on the City's website.	Manager Governance
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	<b>Respondent:</b> <a href="#">Register - Complaints Register - Local Government Act 1995 s5.121 - 23 August 2021.pdf</a> (fremantle.wa.gov.au) <b>Reviewer:</b> Compliant Register sighted on the City's website.	Manager Governance

Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	Yes	<b>Respondent:</b> Presented to Council's Audit Committee on 11 August 2020 item ARMC2008-1. <b>Reviewer:</b> Minutes sighted.	Acting Manager Finance
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	Yes	<b>Respondent:</b> <ul style="list-style-type: none"> <li>Internal Control accepted 26 February 2020 – ARMC2002-1.</li> <li>Risk Management accepted 25 November 2020 – ARMC2011-4.</li> <li>Legislative compliance upcoming (Feb. 2022)</li> </ul>	Manager Governance

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				<ul style="list-style-type: none"> <li>Previous review of all areas accepted 22 May 2019 – ARMC1905-4.</li> </ul> <p><b>Reviewer:</b> All Minutes sighted</p>	
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	No	<p><b>Respondent:</b> One exception occurred. The initial gift disclosure was made to the Chief Executive Officer on 23 December 2021 (within 3 days). However, this disclosure was missing some information required by section 5.87C(3). This information was received on 17/01/2022, making the disclosure complete after 28 days.</p> <p><b>Reviewer:</b> Correspondence evidencing this was sighted.</p>	Manager Governance
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	<p><b>Reviewer:</b> Sighted minutes of adoption (September 2020)</p>	Manager Governance
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes	<p><b>Respondent:</b> The Elected Member Allowances &amp; Reimbursements Policy details elected members' allowances and reimbursements entitlements</p> <p><b>Reviewer:</b> In relation to LG (Admin) Regulations 29 C (2) (f), the City advises that it only discloses the approved position for elected members' allowances and reimbursements in the Elected Member Allowances &amp; Reimbursements Policy. The actual amounts received are not provided in a separate register. This appears to be contrary to the intent of LG (Admin) Regulations 29 C (2) (f):</p>	Manager Governance

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6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	<b>Reviewer:</b> Sighted minutes of adoption (September 2020).	Manager Governance
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	Yes	<b>Reviewer:</b> Sighted complaint report on the City's website.	Manager Governance
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	YES	<b>Respondent:</b> Draft financial statements provided to OAG on 29.09.2021.	Acting Manager Finance
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	YES	<b>Respondent:</b> Budget adopted by Council June 2021 – provide to the Department on 10.09.2021. <b>Reviewer:</b> Sighted approval and required supporting documents.	Acting Manager Finance

#### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	<b>Respondent:</b> We are aware of instances when some expenditure is over thresholds and others where we were not able to get the minimum number of quotes due to market conditions.  <b>Reviewer:</b> Confirmed in discussion that monthly reports of suppliers' expenditure, used as a 'detective control' highlight possible instances of acting outside of the Policy. The City's procurement function is operated as a blend of centralised and decentralised procedures. The Procurement Team run these monthly reports and then,	Manager Asset Management



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				as necessary, send to the relevant line managers for action.	
2	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all 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 F&G Reg 11(1)?	Yes	<b>Reviewer:</b> Sample tenders sighted.	Manager Asset Management
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes	<b>Reviewer:</b> Sample tenders sighted.	Manager Asset Management
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	<b>Reviewer:</b> Sighted Purchasing Policy which references the City's commitment to satisfy this 'anti-avoidance' obligation.	Manager Asset Management
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	<b>Respondent:</b> Via Tenderlink <b>Reviewer:</b> Tenderlink has this capability. The City's Purchasing Policy sets the requirement for compliance.	Manager Asset Management
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes	<b>Reviewer:</b> Sighted the Tender Register on the City's website, which evidences compliance.	Manager Asset Management
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 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	<b>Reviewer:</b> Compliant Register sighted on the City's website.	Manager Asset Management
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	Yes	<b>Reviewer:</b> Sighted sample tender documentation where this is stated. The City confirmed it adheres to this requirement.	Manager Asset Management
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	<b>Reviewer:</b> Sample tender sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	<b>Reviewer:</b> Sample tenders sighted evidenced compliance and noted as recorded in Tender Register. The City confirmed it adheres to this requirement.	Manager Asset Management

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11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes	<b>Reviewer:</b> Sample expression of interest sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	Yes	<b>Reviewer:</b> Sighted sample EOI documentation where this is stated. The City confirmed it adheres to this requirement.	Manager Asset Management
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Yes	<b>Reviewer:</b> Sample EOI sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Yes	<b>Reviewer:</b> Sample EOI sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	Not applicable	<b>Respondent:</b> No panels are in place	Manager Asset Management
16	F&G Reg 24AD(6)	If the local government 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?	Not applicable		Manager Asset Management
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 pre-qualified supplier panel application?	Not applicable		Manager Asset Management
18	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?	Not applicable		Manager Asset Management
19	F&G Reg 24AH(1)	Did the local government reject any 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?	Not applicable		Manager Asset Management
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	Not applicable		Manager Asset Management
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	Not applicable		Manager Asset Management

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22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Not applicable	Manager Asset Management
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