



Agenda

Audit and Risk Management Committee

Wednesday 15 June 2022 5.30pm



Notice of an Audit and Risk Management Committee meeting

Elected Members

An Audit and Risk Management Committee meeting of the City of Fremantle will be held on **Wednesday 15 June 2022** in the Reception Room at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 5.30 pm.

A handwritten signature in black ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

10 June 2022



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1. Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

2. Attendance, apologies and leave of absence

There are no previously received apologies or approved leave of absence.

3. Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

4. Deputations

4.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

4.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

5. Confirmation of minutes

OFFICER'S RECOMMENDATION

The Audit and Risk Management Committee confirm the minutes of the Audit and Risk Management Committee meeting dated 20 April 2022.

6. Elected member communication

Elected members may ask questions or make personal explanations on matters not included on the agenda.



7. Reports and recommendations

ARMC2206-1 WALYALUP CIVIC CENTRE – UPDATE

Meeting date:	15 June 2022
Responsible officer:	Director Infrastructure
Decision making authority:	Council
Attachments:	1. Risk Register Summary (June)
Additional information:	Nil

SUMMARY

This report provides a summary update in respect to the construction contract works for the Walyalup Civic Centre.

The report includes an overview of risks or issues and provides a summary of costs as they relate to the building construction contract, this also includes costs and works associated with the Liquidation of Pindan Pty Ltd and the City's subsequent self-delivery of works.

This report recommends that Council note the update and the progress, management of any outstanding works and costs.

BACKGROUND

The building reached Practical Completion in late October 2021, it subsequently opened to the public and commenced service delivery on 22 November 2021.

On 25 November a flooding incident occurred in the lower ground plant room area. The implications of this were significant and the building was subsequently closed to staff and the public until 6 December 2021. Rectification works were completed and the building reopened (back to its designed function) on 20 December 2021.

The building is still within the 12 months defect liability period.

FINANCIAL IMPLICATIONS

The City continues to manage costs associated with the delivery and reconciliation of the construction works via a 'Work Breakdown Structure' (WBS), within its financial system (Technology One).

Works relating to the flooding event are currently being finalised and are subject to an insurance claim. The value of works and remediation is now estimated at approximately \$166,789.

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In terms of the construction contract, officers are still progressing through the final account / retention release process with contractors and suppliers.

The vast majority of contractors have had their final account and their first 2.5% retention release, the second 2.5% release is activated at the end of the subsequent 12 months defects liability stage.

The total value of contracted works spend is currently \$46,812,343, this is inclusive of adjustments and other additional works which are funded from separate budgets as per the breakdown below:

Available Construction Budget (Building) <i>(Financials as at 7 June 2022)</i>	Budget	Actuals / Spend	Remaining	
			Outstanding	Retentions (to be paid from PBA)
Initial Contract	\$ 41,461,128			
Contingency - 5% (\$600k Ddt'd - moved to Town Hall works)	\$ 1,500,000			
Changing Places (Grant)	\$ 150,000			
Total	\$ 43,111,128	\$43,148,943	-\$37,815	\$ 652,332
Liquidation / Insurance Bonds	\$3,600,000	\$3,321,510	\$278,490	
Other bond (Street trees etc)	\$96,000			
Construction Works Budget	\$ 46,807,128	\$ 46,470,453	\$336,675	
Other Costs - (delivered by Contractors)				
Tenancy Fit out Works	\$219,194	\$ 263,850	-\$44,656	
Town Hall Basement waterproofing (blg maint')	\$47,487	\$ 47,487	\$0	
Kings sq paving inc William St link - (Eng Maint')	\$30,553	\$30,553	\$0	
Overall Payments	\$ 47,104,362	\$ 46,812,343		

The City has paid no further retentions since the last summary report and currently holds \$652,332 in remaining retentions.

There is currently a \$336,675 positive balance against the building construction works budget.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

The project team have continued to actively engage with key stakeholders through the delivery stage of the project.



OFFICER COMMENT

Tenancies

Visitor Centre:

- The facility opened to the public at the end of January 2022.

Newman Court (x2):

- Fit out works to the walls and floors complete – Officers are now procuring works for heating and cooling.

Level 3 / other areas:

- Officers have agreed essential terms for the prospective tenants for a portion of level 3; discussions are underway with prospective tenants for the level 2 area of the triangle and opportunities are being investigated for the remaining areas.
- Officers have submitted a funding request for works to these areas. This is proposed to turn the current 'cold shells' (no services or finishes) in to 'warm shells' (to include heating/cooling, lighting and floor finishes).

Defects

Officers are finalising the last remaining defects; these are expected to be raised and reviewed through to the end of the defects period. The few outstanding defects are minor issues that do not affect building function, occupation, or use.

Officers also have some furniture replacements and improvements to address (mainly chairs and tables) with the suppliers – this is a separate contract from the construction works.

It should be noted that there are continuing challenges in addressing the above defects as a result of COVID (labour, travel, and supply chain implications).

Final payments and retention monies are being withheld until works are completed to both the Architect and City's satisfaction.

Flooding Incident

Further to the flooding event of 25 November 2021, officers have completed the rectification works.

The adjuster has authorised an interim payment of \$47,604.63, further information has been requested detailing consultants and sub-contractor activities and contracts. This information has been provided and the City anticipates an update in respect to a date for the balance of payment shortly.



Officers have programmed the mitigation works to better manage the risk of another failure and subsequent flood.

The above improvement works are being progressed, unfortunately COVID and supply chain issues have delayed immediate completion of some of the works.

Green Mark Engineering have reviewed and are satisfied with the proposed mitigation strategies and proposed improvements. It is currently anticipated that Green Mark Engineering will return to carry out an overflow stress test and provide a final close out report around the end of July.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council note the status as of 15 June 2022 for the Walyalup Civic Centre construction contract, as detailed in this update report provided to the Audit and Risk Management Committee.



ARMC2206-2 PURCHASING POLICY EXEMPTIONS MARCH TO APRIL 2022

Meeting date: 15 June 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: 1. Purchasing Policy Exemption Details
March 2022 to April 2022
Additional information: Nil.

SUMMARY

The purpose of this report is to inform Council of purchases made by the City that were exempt from the requirements of the Purchasing Policy, during the period March to April 2022.

This report recommends that Council receive the Purchasing Policy Exemptions report for March to April 2022.

BACKGROUND

At the Ordinary Meeting of Council of 25 November 2020, Council adopted a new Purchasing Policy. The policy contains a list of tender exemptions (exempt under Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996*) and policy exemptions.

Under this policy all exemptions used by the City are to be reported to the Audit and Risk Management Committee.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

Nil.



OFFICER COMMENT

March 2022

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$57,679.00 for the month of March 2022.

The value of exemptions by category is:

Exemption Category	Value
Artists Exemptions	\$9,100.00
Sole Source of Supply Exemption	\$48,579.00
Total	\$57,679.00

Details regarding individual exemptions can be found in attachment 1.

April 2022

The total value of spending exempt from the City of Fremantle Purchasing Policy was \$70,163.05 for the month of April 2022.

The value of exemptions by category is:

Exemption Category	Value
Specialist Consultant Advice	\$9,850.00
Original Equipment Manufacturer	\$19,645.00
Sole Source of Supply Exemption	\$40,668.05
Total	\$70,163.05

Details regarding individual exemptions can be found in attachment 1.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required



OFFICER'S RECOMMENDATION

Council receive the information report on Purchasing Policy exemptions for March to April 2022.



ARMC2206-3 OVERDUE DEBTORS REPORT AS AT 30 APRIL 2022

Meeting date:	15 June 2022
Responsible officer:	Manager Financial Services
Decision making authority:	Council
Attachments:	1. Summary of Overdue Debts above Threshold (Confidential attachment under separate cover)
Additional information:	Nil

SUMMARY

This Overdue Debtors Report, with confidential attachment, is provided to the Audit and Risk Management Committee to report details of overdue debts, as at 30 April 2022, and identify those where the amount owing over 90 days exceeds \$10,000.

This report recommends that Council receive the Overdue Debtors Report and acknowledge the overdue debts exceeding 90 days that have a combined value greater than \$10,000 as at 30 April 2022.

BACKGROUND

This report provides the Audit and Risk Management Committee the following information in relation to overdue debtors:

- The amount of total debt outstanding for the period aged from current to over 90 days overdue with a comparison to the same period for the previous year.
- All records of the uses of delegated authority, to waive or write off debts valued at \$1,000 or above.
- A confidential report containing the individual debtor information in relation to the outstanding debts exceeding 90 days with a combined value of debt, by debtor, exceeding \$10,000.
- The Debtor Day Ratio, being the average number of days taken for the City to receive payment from its customers for invoices issued to them.

FINANCIAL IMPLICATIONS

It is a requirement that annual financial statements include an allowance for impairment of receivables owed to the local government to be recognised as a cost to the budget in the year in which the impairment is made.

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As at the year ending 30 June 2021 an amount of \$170,969 was held as an allowance for impairment of receivables. As at 30 April 2022, the current allowance held as impairment is \$168,935 with one debt being written off to date in the 2021/22 financial year.

During this financial year the following reportable write-offs and waivers have been processed against this account:

Total Write-offs	\$ 2,034
Total Waivers	<u>nil</u>
Total	\$2,034

Since the last report, no further waivers or write-offs by officers for debts valued at \$1,000 or above have occurred.

Summary of Sundry Debtors

Debts Written-off year to date:

Debtor No.	Name	Amount	Business Unit	Delegated Officer or Council
2019393	City Tours Pty Ltd	2,034	Community Development	Manager Community Development
	TOTAL	2,034		

Debts Waived year to date:

Nil

Summary of Rates Debtors:

Debts Written-off year to date:

Nil

Debts Waived year to date:

Nil



LEGAL IMPLICATIONS

Section 6.12 (1) (c) of the *Local Government Act 1995* provides authority for the Council to write off outstanding monies.

In accordance with section 5.42 and 5.44 of the *Local Government Act 1995* the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$50,000 per account where, in the opinion of the Chief Executive Officer, all other reasonable avenues of recovery have been exhausted.
- Directors and Managers have various sub-delegated authority to write off debts (not including rates or infringement) considered unrecoverable up to \$20,000 per account where, in the opinion of the Director or Manager, all other reasonable avenues of recovery have been exhausted.

All records of the uses of this delegated authority, to waive or write off debts valued at \$1,000 or above, per debtor, must be reported to the Audit and Risk Management Committee.

Any amount more than \$50,000 is to be written off by Council resolution. A Council resolution authorising the write-off of any bad debt does not prevent Council from reinstating the debt if the future circumstances change and the debt becomes collectable.

CONSULTATION

Nil.

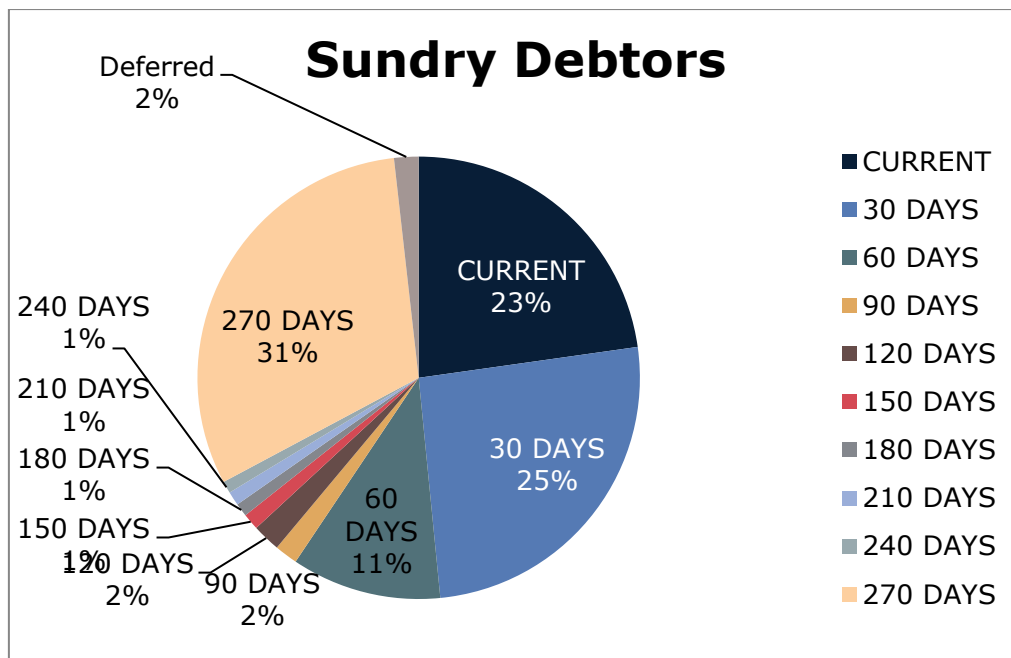
OFFICER COMMENT

The total of debts outstanding as at 30 April 2022 was \$1,172,048. A breakdown of aged debt for the current period compared to prior year is tabled below.

Period	Current (<30 Days)	30-59 Days	60-89 Days	90+ Days	Total
July 21 – April 22	23%	25%	11%	41%	100%
	266,854	300,868	128,374	475,952	1,172,048
July 21 – April 22 Excl. Commercial Properties	22%	13%	21%	44%	100%
	120,694	71,185	110,177	234,694	536,750
July 20 – April 21	533,949	109,113	55,456	613,720	1,312,238



The graph below shows the aged debt balances as at 30 April 2022:



Compared to the report of overdue debtors as at 28 February 2022, presented to Audit and Risk Management Committee at the 20 April 2022 meeting, the total value of outstanding debtors has increased by \$169k. However, the total debt of \$1,172k at 30 April 2022 is \$140k lower than at the same time last year.

Outstanding debt over 90 days has increased from \$456k at the end of the previous reporting date to \$475k. Officers continue to work with debtors to explore options for improving rates of repayment.

The number of overdue debtors over 90 days, and above the total debt reporting threshold of \$10,000, has reduced from 8 to 7. These debtors have a total value owing of \$427k, of which \$396k is over 90 days. The confidential attachment contains details of debtors comprising this balance. Of the total outstanding, \$20,937 is deferred and subject to an agreed payment arrangement to secure payment in full by 30 June 2023.



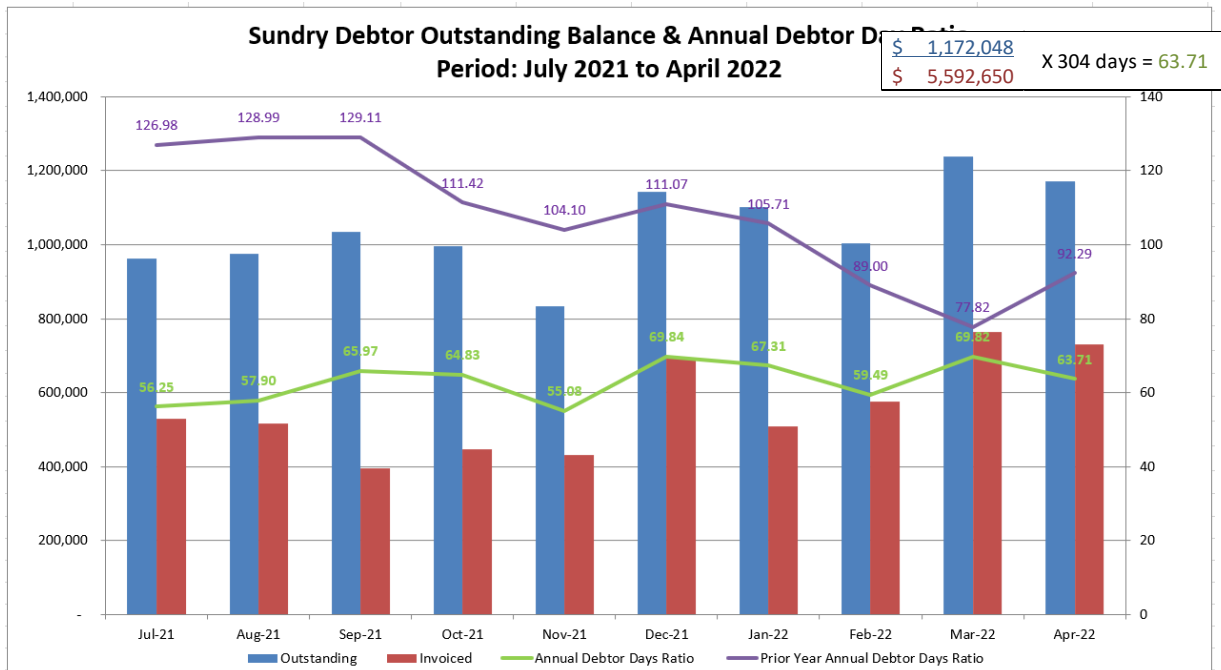
Debtors Outstanding

The Debtor Day Ratio measures how quickly cash is being collected from debtors. The longer it takes for an organisation to collect, the greater the number of debtor days.

The calculation of the ratio considers the total amount outstanding at the end of the period over the total amount invoiced to that period for the financial year by the total number of days from 1 July to the end of the period. See calculation in the graph below.

Prior financial year information is presented together with the current financial year as a comparative to demonstrate the City’s ability to collect funds owed to the City when due.

At 1st July 2021, \$892,055 of invoices raised prior to 2021/22 were outstanding resulting in outstanding debt exceeding the amount invoiced during July 2021.



As at 30 April 2022, the Debtor Day Ratio was 63.71 – being a slight increase from the prior reporting period two months ago. Of outstanding debt, 23% related to current invoices that were not yet due.










Key Performance Indicators

The Audit and Risk Management Committee recommended performance measures be developed to show a reporting date ‘snapshot’ of debt collection performance.

Internal debt management procedures have been reviewed resulting in officers engaging with debtors earlier where an amount is considered to have an increased risk of default. Upon review of debt levels over prior financial years, officers recommend the following key performance targets to show the distribution of aged debtors that the City is aiming for:

Key Performance Targets					
Age of Debt	Current	30-59 Days	60-89 Days	90 Days or more	Total
Target	80% or more	no more than 10%	no more than 5%	no more than 5%	100%

The following table reports the City’s debtor portfolio against these key performance targets as at April 2022:

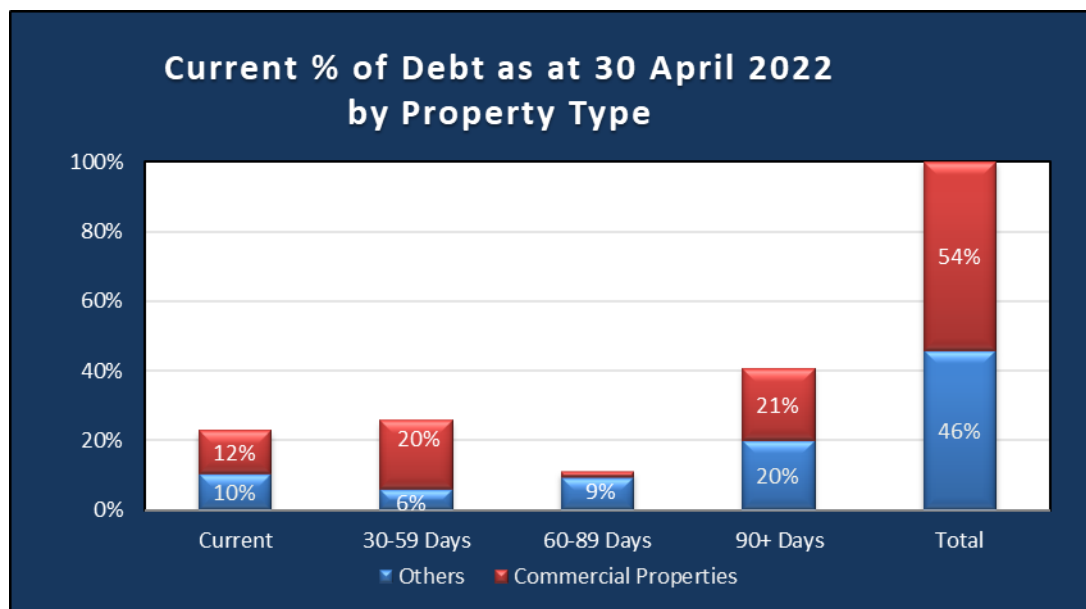
As at 30th April 2022					
Aged Debt Category	Current	30-59 Days	60-89 Days	90+ Days	Total
Target % of Dbt	80%	10%	5%	5%	100%
Current Value of Debt	266,854	300,868	128,374	475,952	1,172,048
Current % of Debt	22.77%	25.67%	10.95%	40.61%	100.00%
Target Met  / Not Met 					

For the last two reporting periods, the percentage of debt that was ‘current’ held steady at around 40%. However, this reporting period has seen a sharp decrease of debt in this bracket to just 23%, with the overall debt portfolio concentrating in the 30-59 days bracket.

Meanwhile, we have seen the percentage of debt that is outstanding 90 days or more slightly decline – down from 45% in the last reporting period to 41% at the end of April 2022. This debt bracket is slowly shifting up to the 60-89 days bracket, which stands at 11% at the end of April, compared to just 4% in the last reporting period.



The Current Value of Debt by Age category is shown in the graph below, split between Commercial Properties and Other (non-Commercial) Property Types:



Of total overdue debt, Commercial Properties account for 54% (\$635k), and account for 21% of the debt owing 90 days or more (\$241k). Deferred payment arrangements are currently in place for \$20,937 of total overdue Commercial Property debts.

City officers continue to liaise with all commercial tenants to provide assistance, including payment arrangements, where appropriate.

Impact of COVID on Commercial Property

In response to COVID-19, the State Government created legislation and guidelines aimed at protecting commercial tenants who may have been subject to financial duress as a result of the pandemic.

The City adhered to the legislation and guidelines in order to support its commercial tenants and opted to provide rent waivers in cases where tenants could demonstrate financial loss as a result of COVID-19.

During the emergency period (April 2020 – September 2020) landlords were required to provide waivers of up to 100%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.



During the recovery period (October 2020 – March 2021) landlords were required to provide waivers up to 50%. The waivers during this period were to be provided commensurate with any loss that could be demonstrated by the business as a result to COVID-19.

As at 1 April 2021 all COVID-19 waiver arrangements came to an end and 100% of normal rent is now payable.

The total amount waived for commercial properties relating to COVID-19 during both the emergency period and recovery period was **\$656,975**.

After waivers the City invoiced a total of **\$492,579** for commercial properties.

To date, of the \$492,579 only **\$20,937** remains outstanding a reduction, since the prior reporting period, of \$1,258 (0.26%), with all debtors currently successfully paying this back via direct debit arrangements.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council receive the Overdue Debtors Report as at 30 April 2022, and the confidential attachment listing overdue debts exceeding 90 days with the combined value, by debtor, exceeding \$10,000 as at 30 April 2022.



ARMC2206-4 TENDERS AWARDED UNDER DELEGATION MARCH TO APRIL 2022

Meeting date: 15 June 2022
Responsible officer: Manager Financial Services
Decision making authority: Council
Attachments: Nil
Additional information: Nil

SUMMARY

The purpose of this report is to summarise tenders awarded under delegation by various delegated officers and committees during the period March to April 2022.

This report recommends that Council acknowledge that no tenders were awarded under delegation for March to April 2022.

BACKGROUND

Tenders awarded by the City are awarded under the following delegations, approved at Council on 8 July 2021:

Delegated Authority	Amount of Delegation
Finance, Policy Operations and Legislation Committee	\$500,000+ (if within budget)
CEO	Up to \$500,000
Directors	Up to \$500,000

Items identified under 'Officer Comment' of this report detail tenders awarded under delegation.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

All tenders awarded met the requirements of Regulations 11A – 24AJ of the *Local Government (Functions and General) Regulations 1996* and S3.57 of the *Local Government Act 1995*.

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Under delegation 2.11 Expressions of interest and tenders or the City's Delegated Authority Register, the Chief Executive Officer is required to report the use of this delegation to the Audit and Risk Management Committee.

CONSULTATION

Nil.

OFFICER COMMENT

No tenders were awarded under delegation during this reporting period.

March 2022

Nil.

April 2022

Nil.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority required

OFFICER'S RECOMMENDATION

Council acknowledge that no tenders were awarded under delegation from March to April 2022.



ARMC2206-5 INFORMATION REPORT – JUNE 2022

STATUS REPORT OF COUNCIL MOTIONS – 1 DECEMBER 2021 TO 31 MAY 2022

Responsible officer:	Manager Governance
Attachments:	1. Status Report of Council motions – 1 December 2021 to 31 May 2022
Additional information:	Nil

Best practice principles support the recording and reporting of actions taken on Council decisions to ensure they are implemented, and that the actions are completed in a timely manner.

Where possible, Council decisions are actioned as soon as practicable after a Council meeting; however, there are projects or circumstances that mean some decisions take longer to implement than others. The City keeps a register of all final decisions made at Council and Committee meetings.

The City's motions register does not capture ongoing progress of projects and related activities, only how the initial decision has been, or will be, actioned. For instance, the register will record the adoption of a plan and the actions needed to disseminate and publish that plan, however the register will not include how the actions included in the plan are implemented, only that the plan was adopted appropriately.

The attached register excerpt provides the status of the actions taken by responsible officers in response to all final decisions of council. It has been organised into separate parts for ease of understanding and reference, as attached:

Part 1. Motions incomplete and ongoing in reporting period

The motions included in this section are those decisions that have not yet been fully actioned. Progress comments or explanations are provided.

Part 2. Development Application motions completed in reporting period

The motions included in this section are those decisions about Development Applications (DA's) that have been completed. They have been grouped for ease of reference only.

Part 3. Motions other than DA's completed in reporting period

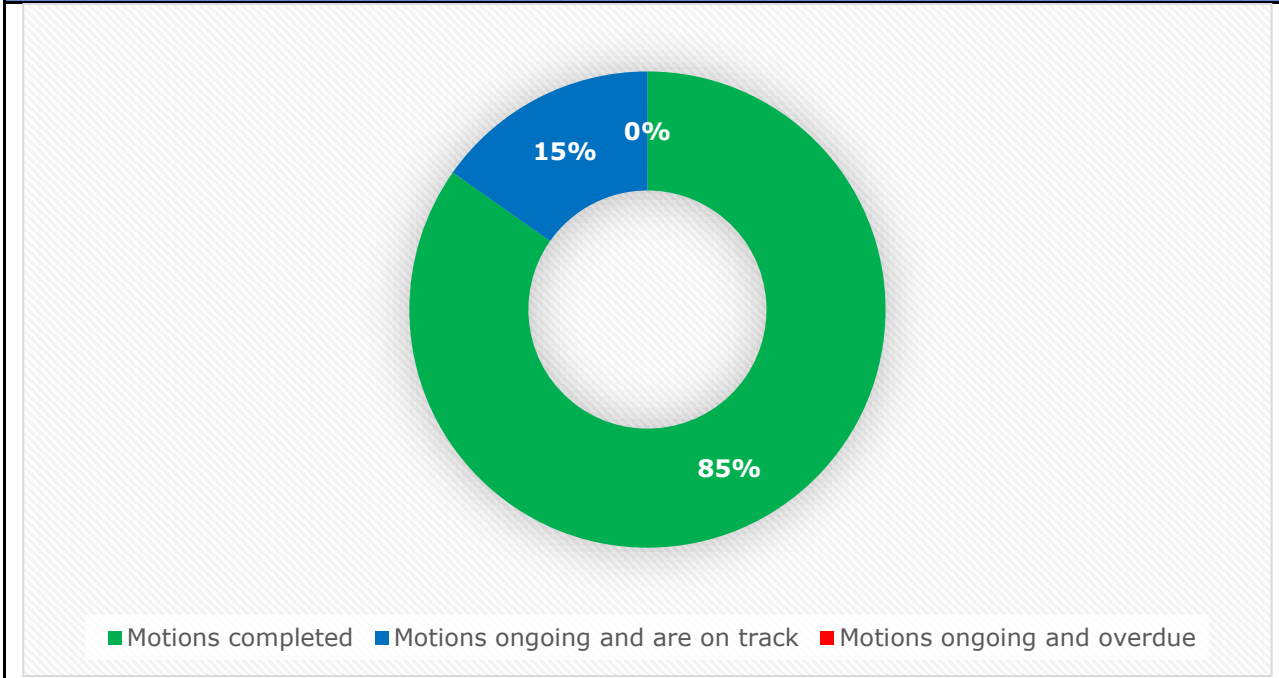
The motions included in this section are all other decisions made by Council (except DA's that have been completed, captured above at part 2).

Part 4. Motions where no action was required in reporting period

The motions included in this section are from those reports that were provided to Council for information only.



Motion activity since last report



Reporting period from 1 December 2021 to 31 May 2022
 (Previous report 16 February 2022)

Motions	Number
Number of motions brought forward from previous report	57
Number of motions added to the register since the previous report	153
Motions that have been completed in this reporting period	178
Motions that are ongoing, and are on track	32
Motions that are ongoing, and have exceeded estimated completion date	0
Motions with estimated completion dates amended since last report	9
Motions where no update has been received	1
Total motions in this report	210



STATUS REPORT OF AUDIT ACTIONS TO 31 MAY 2022

Responsible officer:	Manager Governance
Attachments:	<ol style="list-style-type: none">1. Audit actions progress report to 31 May 20222. Information systems audit actions progress report to 31 May 2022 <i>(Confidential attachment under separate cover)</i>
Additional information:	Nil

This report presents the City’s central register that captures the progress of all recommended actions agreed to be undertaken by the City as suggested or recommended in an audit or review report.

Information from an audit or review report is inputted into the Audit Actions Register (the register) including recommendations/suggested actions, the responsible officer and the initial comment provided by the responsible Manager/Director to the auditor/reviewer.

When an item is given a rating (as agreed by the City) of “high’ or “extreme”, the item will be added to the Corporate Risk Register.

The attached report provides a summary of the progress the City has made in response to the recommendations/suggested actions in an audit or review findings report.

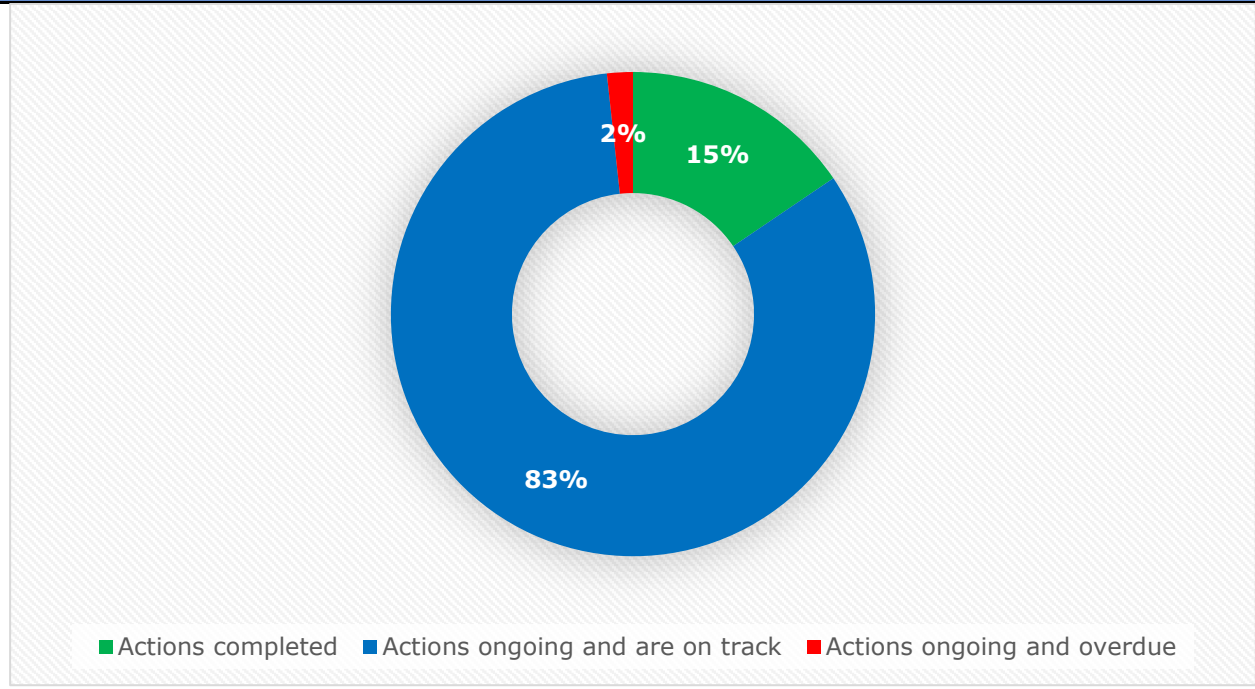
Information Technology Systems audit actions are presented in the confidential attachments under separate cover.

The audits or reviews in this progress report are:

- Systems and Procedures Review
 - Internal Control
 - Risk Management
 - Legislative Compliance
- Regulation of Consumer Food Safety
- Financial Management Review
- Interim Audit – Finance
- Interim Audit – Information Systems
- Annual Financial Statements



Audit action activity since last report



**Reporting period from 1 December 2021 to 31 May 2022
(Previous report 16 February 2022)**

Actions	Number
Number of actions brought forward from previous report	48
Number of actions added to the register since the previous report	10
Actions that have been completed in this reporting period	9
Actions that are ongoing, and are on track	48
Actions that are ongoing, and have exceeded estimated completion date	1
Actions with estimated completion dates amended since last report	37
Actions where no update has been provided	26
Total actions in this report	58

OFFICER'S RECOMMENDATION

Council receive the following information reports for February 2022:

- 1. Status report of Council motions – 1 December 2021 to 31 May 2022.**
- 2. Status report of audit actions to 31 May 2022.**



8. Motions of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

9. Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

10. Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

11. Confidential business

ARMC2206-6 EMERGING ISSUES REPORT - JUNE 2022

Meeting date:	15 June 2022
Responsible officer:	Director City Business
Decision making authority:	Council
Attachments:	Nil
Additional information:	Nil

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 5.23(2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

12. Closure