



Meeting attachments

Audit and Risk

Management Committee

Monday 18 March 2024 6pm



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AMRC2403-1 ADOPTION OF THE 2023 COMPLIANCE AUDIT RETURN

Attachment 1 – Quantum Assurance Report and Appendix

Attachment 2 – 2023 Compliance Audit Return – Draft



City of Fremantle

Compliance Audit Return 2023

Quality Assurance Review Report – February 2024

Reference	
Version	1.0
Date of Final Report	23 February 2024
Circulation	

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

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1.1 Introduction

The City of Fremantle ('the City') engaged Quantum Assurance to assist with the completion of the 2023 Compliance Audit Return ('CAR').

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*, 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 (CEO) and submitted to DLGSC by 31 March 2024.

1.2 Objective and Scope

The objective was to respond to the audit areas raised by the DLGSC in the CAR for 2023 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 2023 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 2023, being 1 January 2023 to 31 December 2023.

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 2023;
- 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 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 2023 responses were provided by the responsible officers and recorded in the various CAR sections (refer Appendix 1);
- b) The responses are supported by appropriate evidence that has been sighted during the review; and
- c) The City reported one non-compliance out of the 94 questions, as follows:

Reference	Question	Exception (noted in CAR by the City)
Disclosure of Interest	<u>Question 5 - Section 5.76 Admin Regulation 23, Form 3</u> <i>Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?</i>	The City notes: <i>'One form was submitted late (22/09/2023) in the Attain (financial disclosures) system that the City uses due to an administrative error. This resulted in the officer (employee) not being prompted to submit the Annual Return form.</i> <i>The error has been rectified and processes have been updated to ensure a manual check occurs prior to 31 August.</i> <i>The breach was reported to CCC and DLGSC, with no action taken.'</i>

1.7 Overall Conclusion

In our opinion, based on the procedures performed as outlined in section 1.3 above, the Compliance Audit Return 2023 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 myself or Karen Bateman, Senior Manager.

QUANTUM ASSURANCE



GEOFF WHITE
DIRECTOR

24 February 2023

Appendix 1 – Compliance Audit Return 2023



City of Fremantle - Compliance Audit Return 2023

Commercial Enterprises by Local Governments						
No	Reference	Question	Response	Comments	Respondent	Evidence
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 2023?	NA	No major trading undertaking in 2023	Director City Business	Reviewer: Noted.
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 2023?	Yes		Director City Business	Respondent: The business plan for the Fremantle Markets Lease was advertised and approved by Council in 2023. The Lease was not signed in 2023. FPOL2305-3 Attachment Reviewer: Minutes and attachment sighted.
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 2023?	Yes		Director City Business	Respondent: The business plan for the Fremantle Markets Lease was advertised and approved by Council in 2023. The Lease was not signed in 2023. FPOL2305-3 Attachment FPOL2308-2 Attachment Reviewer: Minutes and attachments sighted.
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 2023?	Yes		Director City Business	Respondent: The business plan for the Fremantle Markets Lease was advertised and approved by Council in 2023. The Lease was not signed in 2023 Evidence in Folder Reviewer: Minutes and supporting attachments sighted.
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes		Director City Business	FPOL2308-2 Approved Council at Item11.2 on 23 Aug 23 - sighted Reviewer: Minutes sighted.



Delegation of Power/Duty

No	Reference	Question	Response	Comments	Respondent	Evidence
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	Yes		Manager Governance	Respondent: FPOL2306-4 28 June 2023 Minutes Attachment Reviewer: Minutes and attachment sighted.
2	s5.16 (2)	Were all delegations to committees in writing?	Yes		Manager Governance	Respondent: Doc ID 5901685 Register of Delegated Authority Reviewer: Register of Delegated Authority sighted.
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ?	Yes		Manager Governance	Respondent: Doc ID 5901685 Register of Delegated Authority Reviewer: Register of Delegated Authority sighted.
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes		Manager Governance	Respondent: Doc ID 5901685 Register of Delegated Authority Reviewer: Register of Delegated Authority sighted.
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	Yes		Manager Governance	Respondent: FPOL2306-4 28 June 2023 Doc ID 5901685 Register of Delegated Authority Reviewer: Minutes and Register of Delegated Authority sighted.
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 <i>Local Government Act 1995</i> ?	Yes		Manager Governance	Respondent: Doc ID 5901685 Register of Delegated Authority Reviewer: Minutes and Register of Delegated Authority sighted.
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Manager Governance	Respondent: FPOL2306-4 28 June 2023 Minutes Attachment Reviewer:



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					Minutes, attachment and Register of Delegated Authority sighted.
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Manager Governance	<p>Respondent: Doc ID 5901685 Register of Delegated Authority</p> <p>Reviewer: Register of Delegated Authority sighted.</p>
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Manager Governance	<p>Respondent: Doc ID 5901685 Register of Delegated Authority (sub-delegations) Notification of Delegations to employees also in M Files collection 114 and associated subjects</p> <p>Reviewer: Register of Delegated Authority sighted</p>
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	Manager Governance	<p>Respondent: FPOL2306-4 28 June 2023 Minutes Attachment</p> <p>Reviewer: Minutes, attachment and Register of Delegated Authority sighted.</p>
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	Manager Governance	<p>Respondent: Doc ID 5901685 Register of Delegated Authority (sub-delegations)</p> <p>Reviewer: Register of Delegated Authority sighted.</p>
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes	Manager Governance	<p>Respondent: 30 June 2023 Doc ID 5643176 Doc ID 5901685 Register of Delegated Authority (sub-delegations)</p> <p>Reviewer: Documents supporting the review and Register of Delegated Authority sighted.</p>
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 Local Government (Administration) Regulations 1996, regulation 19?	Yes	Manager Governance	<p>Respondent: Confirmation received from relevant persons.</p> <p>Reviewer: Supporting examples sighted.</p>



Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent	Evidence
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 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest + Associated Minutes</p> <p>Reviewer: Register of Disclosures of Interest and supporting minutes of June 23, September 23 and November 23 sighted.</p>
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 the <i>Local Government (Administration) Regulations 1996</i> regulation 21A, recorded in the minutes of the relevant council or committee meeting?	NA	No participation approvals granted (or sought).	Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest + Associated Minutes</p> <p>Reviewer: Register of Disclosures of Interest and supporting minutes of and supporting minutes of June 23, September 23 and November 23 sighted.</p>
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made?	Yes		Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest + Associated Minutes</p> <p>Reviewer: Register of Disclosures of Interest and supporting minutes of and supporting minutes of June 23, September 23 and November 23 sighted.</p>
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		Manager Governance	<p>Respondent: Doc ID 5012804 Register – Annual and Primary Returns</p> <p>Reviewer: Register – Annual and Primary Returns and sample of returns sighted.</p>
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	No	1 x form was submitted late (22/09/2023) in the Attain (financial disclosures) system that the City uses due to admin error, resulting in the officer not being prompted to	Manager Governance	<p>Respondent: Misconduct: Doc ID 5883352 + 5893127 Annual Return: Doc ID 5875268</p> <p>Reviewer: Exception noted and supporting documentation sighted.</p>



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					submit the Annual Return form. The error has been rectified and processes have been updated to ensure a manual check occurs prior to 31 August. The breach was reported to CCC and DLGSC, with no action taken.
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	Manager Governance	<p>Respondent: Doc ID 5012804 Register – Annual and Primary Returns</p> <p>Reviewer: Register – Annual and Primary Returns sighted.</p>
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 of <i>the Local Government Act 1995</i> ?	Yes	Manager Governance	<p>Respondent: Internal: Doc ID 5012804 Register – Annual and Primary Returns External: Doc ID 5530201 + 5925448</p> <p>Reviewer: Register – Annual and Primary Returns sighted.</p>
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 of <i>the Local Government Act 1995</i> , in the form prescribed in the <i>Local Government Act (Administration) Regulation 1996</i> , regulation 28?	Yes	Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest Doc ID 5012804 Register – Annual and Primary Returns</p> <p>Reviewer: Register – Annual and Primary Returns and Register -Disclosures of Interest sighted.</p>
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of <i>the Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person?	Yes	Manager Governance	<p>Respondent: Internal: Doc ID 5012804 Register – Annual and Primary Returns External: Doc ID 5530201 + 5925448</p> <p>Reviewer: Register – Annual and Primary Returns and Register -Disclosures of Interest sighted</p>



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10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> 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		Manager Governance	<p>Respondent: Internal: Doc ID 5012804 Register – Annual and Primary Returns M Files Subjects: 235/002 + 235/005</p> <p>Reviewer: Register – Annual and Primary Returns sighted.</p>
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 of the <i>Local Government Act 1995</i> , in the form prescribed in <i>The Local Government (Administration) Regulations 1995</i> , regulation 28A?	Yes		Manager Governance	<p>Respondent: Internal: Doc ID 5660641 Register – Gift and Travel Contribution Disclosure External: Doc ID 4386471</p> <p>Reviewer: Register – Gift and Travel Contribution Disclosure sighted.</p>
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		Manager Governance	<p>Respondent: Doc ID 4386471 + 4386568 Publicly available registers See table of amendments</p> <p>Reviewer: Register sighted on City's website.</p>
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 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all records relating to that person?	Yes		Manager Governance	<p>Respondent: Doc ID 4386471 Publicly available registers See table of amendments</p> <p>Reviewer: Register and table of amendments sighted.</p>
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Manager Governance	<p>Respondent: Doc ID 5660641 Register – Gift and Travel Contribution Disclosure Kept on Attain system + in M Files Subject 235/003</p> <p>Reviewer: Register – Gift and Travel Contribution Disclosure sighted.</p>
15	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?	NA	No interests reported.	Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest</p> <p>Reviewer: Register – Disclosures of Interest sighted.</p>
16	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) of the <i>Local Government Act 1995</i> relates, did the application include	NA	No applications made.	Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest</p> <p>Reviewer:</p>



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		details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?				Register – Disclosures of Interest sighted.
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) of the <i>Local Government Act 1995</i> recorded in the minutes of the council meeting at which the decision was considered?	NA	No applications made.	Manager Governance	<p>Respondent: Doc ID 4365566 Register – Disclosures of Interest</p> <p>Reviewer: Register – Disclosures of Interest sighted</p>
18	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 that incorporates the model code of conduct?	Yes		Manager Governance	<p>Respondent: FPOL2104-8 Adopted 28 April 2021 Minutes Amendment Minutes Policy Doc ID 5144673</p> <p>Reviewer: Minutes sighted.</p>
19	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) of the <i>Local Government Act 1995</i> ?	Yes		Manager Governance	<p>Respondent: FPOL2104-8 Adopted 28 April 2021 (10A is an addition) Minutes Amendment Minutes Policy Doc ID 5144673</p> <p>Reviewer: Minutes and amendment sighted.</p>
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes		Manager Governance	<p>Respondent: Policy</p> <p>Reviewer: Sighted on City's website.</p>
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes		Manager Governance	<p>Respondent: 30 May 2023 Policy Doc ID 5892337</p> <p>(Previous Doc ID 5131867)</p> <p>Reviewer: Sighted on City's website.</p>



Disposal of Property

No	Reference	Question	Response	Comments	Respondent	Evidence
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) of the <i>Local Government Act 1995</i> (unless section 3.58(5) applies)?	Yes		Director City Business	Respondent: Evidence in folder Reviewer: Evidence in folder sighted, noting expert valuation obtained.
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the <i>Local Government Act 1995</i> , did it provide details, as prescribed by section 3.58(4) in the required local public notice for each disposal of property?	Yes		Director City Business	Respondent: Evidence in folder Reviewer: Evidence in folder sighted.

Elections

No	Reference	Question	Response	Comments	Respondent	Evidence
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 in accordance with regulations 30G(1) and 30G(2) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes		Manager Governance	Respondent: Internal: Doc ID 5789132 Register – Electoral Gift Register External: Doc ID 5789127 Reviewer: Register – Electoral Gift Register sighted.
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, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes		Manager Governance	Respondent: Internal: Doc ID 5789132 Register – Electoral Gift Register External: Doc ID 5789127 Registers online M Files Subject 099/011 Regulation 30G changed in gazette 85 (2023). Reviewer: Register – Electoral Gift Register sighted.
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 regulation 30G(5) of the <i>Local Government (Elections) Regulations 1997</i> ?	Yes		Manager Governance	Respondent: Internal: Doc ID 5789132 Register – Electoral Gift Register External: Doc ID 5789127 Registers online Reviewer: Register – Electoral Gift Register sighted.



Finance

No	Reference	Question	Response	Comments	Respondent	Evidence
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 <i>Local Government Act 1995</i> ?	Yes		Manager Governance	Respondent: C2311-10 8 November 2023 Minutes ARMC2312-2 20 December 2023 Minutes Reviewer: Minutes sighted.
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority?	NA	The Audit and Risk Management Committee does not have delegation.	Manager Governance	Respondent: FPOL2306-4 28 June 2023 Minutes Attachment Reviewer: Minutes and attachment sighted.
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes		Director City Business	Respondent: ARMC2312-1 Attachment Reviewer: Minutes and attachment sighted.
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	NA	No matters raised in the Audit Opinion.	Director City Business	Reviewer: Noted.
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?	NA	No matters raised in the Audit Opinion.	Director City Business	Reviewer: Noted.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website?	NA	No matters raised in the Audit Opinion.	Director City Business	Reviewer: Noted.
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes		Director City Business	Respondent: Email proof in folder. Reviewer: Noted, confirmed as per Council minutes of 20 December 2023.



Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent	Evidence
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	Review: 26 June 2019	Manager Governance	Respondent: FPOL1906-12 26 June 2019 Minutes Plan - on Website Reviewer: Minutes and attachment sighted.
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	Adopted: 26 June 2019	Director City Business	Respondent: FPOL1906-12 26 June 2019 Minutes Plan - on Website Reviewer: Minutes and attachment sighted.
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of <i>the Local Government (Administration) Regulations 1996</i> regulation 19DA(2) & (3)?	Yes		Director City Business	Respondent: Plan - on Website Reviewer: Plan sighted.

Local Government Employees

No	Reference	Question	Response	Comments	Respondent	Evidence
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with <i>the Local Government (Administration) Regulations 1996</i> , regulation 18A?	NA	No CEO recruitment was completed in 2023.	Manager People and Culture	Reviewer: Noted.
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	NA	No CEO recruitment was completed in 2023.	Manager People and Culture	Reviewer: Noted.
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of <i>the Local Government Act 1995</i> ?	NA	No CEO recruitment was completed in 2023.	Manager People and Culture	Reviewer: Noted.
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	NA	Only the CEO is designated as a senior employee. Therefore no proposals were made.	Manager People and Culture	Reviewer: Noted.
5	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?	NA	There were no recommendations made to Council.	Manager People and Culture	Reviewer: Noted.



Official Conduct

No	Reference	Question	Response	Comments	Respondent	Evidence
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes		Manager Governance	Respondent: CEO and Manager Governance Doc ID 5643490 + 5658636 Reviewer: Documentation sighted.
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) of the <i>Local Government Act 1995</i> ?	Yes		Manager Governance	Respondent: Doc ID 3539763 Register – Complaints Register on website Reviewer: Register sighted.
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ?	Yes		Manager Governance	Respondent: Doc ID 3539763 Register – Complaints Register on website Reviewer: Register sighted.
4	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		Manager Governance	Respondent: Doc ID 3539763 Register – Complaints Register on website Reviewer: Register sighted on City's website.



Optional Questions

No	Reference	Question	Response	Comments	Respondent	Evidence
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 the <i>Local Government (Financial Management) Regulations 1996</i> regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	Yes	22 February 2023	Director City Business	Respondent: Reg 5 reported to Audit and Risk Management Committee. 22 February 2023 ARMC 2302-2 Reviewer: Supporting minutes sighted.
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 <i>Local Government (Audit) Regulations 1996</i> regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Yes	22 February 2023	Manager Governance	Respondent: 22 February 2023 ARMC2302-3 Minutes Reviewer: Supporting minutes sighted.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes		Manager Governance	Respondent: Internal: Doc ID 5660641 Register – Gift and Travel Contribution Disclosure Examples on Attain + in M Files subject 235/003 Cr Doug Thompson Reported a gift 10 months late, however gift is excluded as it is from WALGA. A gift declaration from Mayor Fitzhardinge was received on 2 November 2023 and not submitted until 13 November 2023, 1 day outside of the prescribed 10-day limit. Reason recorded. Under \$300. A gift declaration from Mayor Fitzhardinge was received on the 11 November 2023 and not submitted until 22 November 2023, 1 day outside of the prescribed 10-day limit. Reason not recorded. Under \$300. Gifts are under threshold. Reviewer: Supporting documents sighted, noting amounts recorded are under the threshold value.



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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	Manager Governance	<p>Respondent: FPOL2009-7 23 September 2020 Minutes +Amended FPOL2205-6 25 May 2022 Minutes Policy Council policies webpage</p> <p>Reviewer: Minutes and attachment sighted. Policy sighted on City's website.</p>
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) of the <i>Local Government Act 1995</i> ?	Yes	Manager Governance	<p>Respondent: 5.96A(1) a. Ward Boundary Maps b. Local Laws c. Annual Budget d. List of fees and charges e. Plans for future of the districts f. confirmed minutes g. Electors meeting minutes h. Notice & Agendas for meetings</p> <p>Reviewer: City's website sighted.</p>
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	Manager Governance	<p>Respondent: FPOL2009-8 23 September 2020 Minutes + Amended FPOL2205-6 25 May 2022 Minutes Policy Council policies webpage</p> <p>Reviewer: Minutes and attachments sighted.</p>
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	Manager Governance	<p>Respondent: Report on Elected Member Training 2022-2023 Uploaded November 2022.</p> <p>No training occurred in 2023 to be further updated.</p> <p>Reviewer: Register sighted on City's website.</p>
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	Director City Business	<p>Respondent: Email proof in folder.</p> <p>Reviewer: Documentation sighted.</p>



9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	Director City Business	<p>Respondent: See budget adoption on website; agrees to financial system data.</p> <p>Reviewer: Adopted budget sighted on City's website.</p>
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Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent	Evidence
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the <i>Local Government (Functions and General) Regulations 1996</i> , regulations 11A(1) and (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?	Yes		Procure to Pay Team Leader	<p>Respondent: Purchasing Policy</p> <p>Reviewer: City advises this has been a key area of focus, with the following processes in place for compliance:</p> <ul style="list-style-type: none"> • All tenders listed comply. • All team leaders review and audit their expenditures. • Management Accountant meets with managers to analyse payments due and consider trends. • Policy and training rolled out across the organisation. • Closer working relationship between Infrastructure Team and Procurement has strengthened knowledge of and practices of ensuring compliance.
2	s3.57 F&G Reg 11	Subject to <i>Local Government (Functions and General) Regulations 1996</i> , regulation 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 regulation 11(1) of the Regulations?	Yes		Procure to Pay Team Leader	<p>Respondent: The City advertises their tenders and EOIs on Tender Link E-Tendering (tenderlink.com) Noted</p> <p>Reviewer: Refer also City's feedback to Reviewer as provided under 1 above.</p>
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the <i>Local Government (Functions and General) Regulations 1996</i> , required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes		Procure to Pay Team Leader	<p>Respondent: Evidence provided in Procurement – CAR Audit folder.</p> <p>Reviewer: Noted.</p>
4	F&G Reg 12	Did the local government comply with <i>Local Government (Functions</i>	Yes		Procure to Pay Team Leader	<p>Respondent:</p>



		<i>and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?</i>				Evidence provided in Procurement – CAR Audit folder. Reviewer: Noted the Purchasing Policy states there is to be no anti – avoidance.
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		Procure to Pay Team Leader	Respondent: M Files Doc ID 5594943 Reviewer: Examples sighted.
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of <i>Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?</i>	Yes		Procure to Pay Team Leader	Respondent: Evidence provided in Procurement – CAR Audit folder. Reviewer: Compliant Register sighted City's website.
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996, Regulation 17</i> and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Procure to Pay Team Leader	Respondent: Tender Spreadsheet Reviewer: Sighted the Tender Register, which evidences compliance.
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?	NA	No Tenders had their submissions rejected	Procure to Pay Team Leader	Respondent: Evidence- Tender Register Reviewer: Noted: statement supported by Tender Register.
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		Procure to Pay Team Leader	Respondent: Evidence provided in Procurement – CAR Audit folder. Reviewer: Samples tender sighted evidencing compliance.
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		Procure to Pay Team Leader	Respondent: Evidence provided in Procurement – CAR Audit folder. Reviewer: Samples tender sighted evidencing compliance.
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the <i>Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?</i>	Yes		Procure to Pay Team Leader	Respondent: Evidence provided in Procurement – CAR Audit folder. Reviewer: Noted, no EOI decision for procurement of goods and



						services with outcomes decided within 2023.
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?	NA	No EOI submissions have been rejected.	Procure to Pay Team Leader	Reviewer: Noted, no EOI decision for procurement of goods and services with outcomes decided within 2023.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	NA	No EOIs for the procurement of goods and services have been finalised/awarded in 2023.	Procure to Pay Team Leader	Reviewer: Noted, no EOI decision for procurement of goods and services with outcomes decided within 2023.
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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24?	NA	No EOIs for the procurement of goods and services have been finalised/awarded in 2023.	Procure to Pay Team Leader	Reviewer: Noted, no EOI decision for procurement of goods and services with outcomes decided within 2023.
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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulations 24AD(4) and 24AE?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
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?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
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 <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24AG?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.



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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?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
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?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	NA	The City of Fremantle does not use a panel of vendors for any service, good or city works.	Procure to Pay Team Leader	Reviewer: Noted.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 24E and 24F?	NA	The City of Fremantle is not regional, and has no documented procedure for this.	Procure to Pay Team Leader	Reviewer: Noted



Fremantle – Compliance Audit Return

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
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 2023?	N/A	No major trading undertaking in 2023.
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 2023?	Yes	
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 2023?	Yes	
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 2023?	Yes	
5	s3.59(5)	During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	Yes	
2	s5.16 (2)	Were all delegations to committees in writing?	Yes	
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	Yes	
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	Yes	
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 Local Government Act 1995?	Yes	



7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	
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	
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	
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes	
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 Local Government (Administration) Regulations 1996, regulation 19?	Yes	

Disclosure of Interest

No	Reference	Question	Response	Comments
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 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	
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 the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	No participation approvals granted (or sought).
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes	
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	
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022?	No	1 x form was submitted late (22/09/2023) in the Attain (financial disclosures) system that the City uses due to admin error, resulting in the officer not being prompted to submit the Annual Return form. The error has been



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				rectified and processes have been updated to ensure a manual check occurs prior to 31 August. The breach was reported to CCC and DLGSC, with no action taken.
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	
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 of the Local Government Act 1995?	Yes	
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 of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 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	
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 of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes	
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	
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	Yes	
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	



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15	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?	N/A	No interests reported.
16	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 section 5.71A(1) of the Local Government Act 1995 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?	N/A	No applications made.
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	No applications made.
18	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 candidates that incorporates the model code of conduct?	Yes	
19	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) of the Local Government Act 1995?	Yes	
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	

Disposal of Property

No	Reference	Question	Response	Comments
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) of the Local Government Act 1995 (unless section 3.58(5) applies)?	Yes	



2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	
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Elections

No	Reference	Question	Response	Comments
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 in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	Yes	
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, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	Yes	
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 regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Yes	

Finance

No	Reference	Question	Response	Comments
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 Local Government Act 1995?	Yes	
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	The Audit and Risk Management Committee does not have delegation.
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes	



4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A	No matters raised in the Audit Opinion.
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?	N/A	No matters raised in the Audit Opinion.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	No matters raised in the Audit Opinion.
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	

Local Government Employees

No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	N/A	No CEO recruitment was completed in 2023.
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	No CEO recruitment was completed in 2023.
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	N/A	No CEO recruitment was completed in 2023.
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	Only the CEO is designated as a senior employee. Therefore no proposals were made.
5	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?	N/A	There were no recommendations made to Council.



Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	
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) of the Local Government Act 1995?	Yes	
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	Yes	
4	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	

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (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?	Yes	
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 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 regulation 11(1) of the Regulations?	Yes	
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes	



4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	
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	
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Yes	
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	
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?	N/A	No Tenders had their submissions rejected.
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	
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	
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	Yes	
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?	N/A	No EOI submissions have been rejected.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	No EOIs for the procurement of goods and services have been finalised/awarded in 2023.



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 Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	No EOIs for the procurement of goods and services have been finalised/awarded in 2023.
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 Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
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?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
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 Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
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 Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
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?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
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?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	The City of Fremantle does not use a panel of vendors for any service, good or city works.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	N/A	The City of Fremantle is not regional, and has no documented procedure for this.



Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
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	26/06/2019
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	26/06/2019
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes	

Optional Questions				
No	Reference	Question	Response	Comments
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 the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	Yes	22/02/2023
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 Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Yes	22/02/2023
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?	Yes	



Department of
**Local Government, Sport
and Cultural Industries**

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	
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) of the Local Government Act 1995?	Yes	
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	
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	

Chief Executive Officer, Glen Dougall

Date

Mayor, Hannah Fitzhardinge

Date



**AMRC2403-2 PURCHASING POLICY EXEMPTIONS DECEMBER 2023 TO
FEBRUARY 2024**

**Attachment 1 – Purchasing Policy Exemption Detail – December 2023 to
February 2024**

PURCHASING POLICY EXEMPTIONS

POLICY EXEMPTION	TYPE OF EXEMPTION	SUPPLIER	REASON FOR EXEMPTION	LENGTH OF CONTRACT	TOTAL VALUE	DATE APPROVED	APPROVING AUTHORITY
\$2,000-\$9,999 Request 2 Quotes Min. 1 written quote rec'd	Request for Artist	Sharyn Egan	Creating the Walyalup Christmas Balga installation in Walyalup Koort and provide community weaving workshops for people to make leaves for the tree. This is to replace the annual hire of a plastic Christmas tree. The Balga base will stay with the City of Fremantle to use again next Christmas.	One-Off	\$ 9,999.00	19-Dec-23	Director- Community Development
\$2,000-\$9,999 Request 2 Quotes Min. 1 written quote rec'd	Request for Artist	Adam Sabire	The artist listed is presenting work as part of the Fremantle Art Centre exhibition program - Polarity: Fire & Ice - as part of the Perth Festival in February 2024. The work will be presented February to April 2024.	One-Off	\$ 4,000.00	19-Dec-23	Director- Community Development
\$2,000-\$9,999 Request 2 Quotes Min. 1 written quote rec'd	Request for Artist	Yabini Kickett	The artist listed is presenting work as part of the Fremantle Art Centre exhibition program - Polarity: Fire & Ice - as part of the Perth Festival in February 2024. The work will be presented February to April 2024.	One-Off	\$ 3,000.00	8-Jan-24	Director- Community Development
\$2,000-\$9,999 Request 2 Quotes Min. 1 written quote rec'd	Request for Artist	Australian Wildlife Conservancy, Terrence Abbot , Nigel Andy`	The individuals have been commissioned to produce a new video artwork in collaboration with artist Tim Georgeson for presentation as part of an exhibition at Fremantle Art Centre in partnership with the Perth Festival	One-Off	\$ 3,000.00	1-Feb-24	Director- Community Development
\$2,000-\$9,999 Request 2 Quotes Min. 1 written quote rec'd	Sole Source of Supply	Cappfinity Pty Ltd	Purchase of online leadership strengths profiles and associated toolkits for the Leadership program. Cappfinity are the only provider of this particular strengths profile model.	One-Off	\$ 5,036.90	8-Jan-24	CEO

Total Exemptions: **\$2,000-\$9,999**

\$ 25,035.90

POLICY EXEMPTION	TYPE OF EXEMPTION	SUPPLIER	REASON FOR EXEMPTION	LENGTH OF CONTRACT	TOTAL VALUE	DATE APPROVED	APPROVING AUTHORITY
\$10,000-\$49,999 Request 3 Quotes Min. 2 written quotes rec'd	Specialist Consultant Advice	WIT Solutions	WIT Solutions were engaged by the City to complete a previous external penetration test on some of the City's systems. In order to address some of the recommendations following that test WIT was reengaged due to existing knowledge of the recommendations and ability to address any potential vulnerability in a timely manner. Going to market for additional quotes would have resulted in delay in any potential vulnerabilities being resolved, and potential for costly rework.	One-Off	\$ 10,300.00	19-Jan-24	Director- City Business
\$10,000-\$49,999 Request 3 Quotes Min. 2 written quotes rec'd	Sole Source of Supply	EFTSURE Pty Ltd	Eftsure's unique cloud-based solution helps reduce payment fraud and errors by ensuring that electronic funds transfers go to the right payees. Their extensive, crowd-sourced supplier database provides real-time matching of payee names to bank account numbers at the point of payment. They also provide streamlined, secure and convenient vendor management and onboarding. They are the only provider of this particular product.	12 Months	\$ 28,296.00	22-Jan-24	CEO

Total Exemptions: **\$10,000-\$49,999**

\$ 38,596.00

POLICY EXEMPTION	TYPE OF EXEMPTION	SUPPLIER	REASON FOR EXEMPTION	LENGTH OF CONTRACT	TOTAL VALUE	DATE APPROVED	APPROVING AUTHORITY
\$50,000-\$249,999 Formal RFQ Min. 3 written quotes rec'd	Specialist Consultant Advice	City Collective	The Fremantle Oval Precinct Redevelopment is at a critical stage in the preparation of a masterplan and business case to ensure its funding and delivery. The current consultant, City Collective, has performed exceptionally well in the first phase of works that have renewed the masterplan and established significant momentum, particularly with Federal Government stakeholders and potential funding partners. The project has tight timeframes dictated by Federal and State Government funding/decision making milestones. At the recent Project Working Group, members authorised that the City Collective be invited to provide a fee proposal for the next phase of work. City Collective are viewed by the Project Working Group as having a very precise skill set and unique knowledge of the project to be able to execute this next phase of work cost effectively, within the timeframes required. Seeking alternative suppliers through a new procurement process at this time is likely to add more cost to the project and risk missing critical deadlines. A new supplier is to add cost to the project as more resources and time will be needed to develop an understanding of the project and relationships with key stakeholders, within already tight timeframes, ahead of preparing deliverables.	One-Off	\$ 95,200.00	19-Feb-24	Director- Planning Planning and Urban Development

Total Exemptions: \$50,000-\$149,999

\$ 95,200.00

POLICY EXEMPTION	TYPE OF EXEMPTION	SUPPLIER	REASON FOR EXEMPTION	LENGTH OF CONTRACT	TOTAL VALUE	DATE APPROVED	APPROVING AUTHORITY

Total Exemptions: \$50,000-\$149,999

\$ -

TOTAL EXEMPTIONS

\$ 158,831.90