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Shire of Kalamunda  
**Audit Committee**

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Agenda for 14 March 2011







## **NOTICE OF MEETING AUDIT COMMITTEE**

Councillors,

Notice is hereby given that the next meeting of the Audit Committee will be held in the Committee Room 1, Administration Centre, 2 Railway Road, Kalamunda on:

**Monday 14 March 2011 commencing at 5.00pm.**

For the benefit of Committee Members, staff and members of the public, attention is drawn to the following requirements as adopted by Council.

### **Meeting – Procedure**

1. Audit Committee is not open to the public.
2. Audit Committee has a membership of six (6) Councillors.
3. Unless otherwise advised a Committee makes recommendations only to Full Council (Held on the third Monday of each month at 7.00pm).
4. All other arrangements are in general accordance with Council's Audit Committee Terms of Reference October 2007.

A handwritten signature in black ink that reads "J. Trail".

James Trail  
**Chief Executive Officer**

9 March 2011

**\*\* Dinner will be served at 5.30pm \*\***



# AGENDA

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## 1.0 OFFICIAL OPENING

## 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

## 3.0 CONFIRMATION OF PREVIOUS MINUTES

- 3.1 That the Minutes of the Audit Committee Meeting held on 8 December 2010 is confirmed as a true and correct record of the proceedings.

Statement by Presiding Member

**"On the basis of the above motion I now sign the minutes as a true and accurate record of the meeting of 8 December 2010."**

## 4.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

## 5.0 DISCLOSURE OF INTERESTS

Disclosure of Financial and Proximity Interests

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (*Local Government Act 1995* Sections 5.60B and 5.65).
- (b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (*Local Government Act 1995* Sections 5.70 and 5.71)



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Disclosure of Interest Affecting Impartiality

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

**6.0 REPORT TO COUNCIL**

Please Note:

Declaration of financial/conflict of interests to be recorded prior to dealing with each item.

**Report  
Number**

**Page Number**

01	2010 Compliance Audit Return	3
02	Investment Report	7
03	Sundry Debtors write-off	9
04	Overdraft Facility	11





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## REPORTS

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

### 01            2010 Compliance Audit Return

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Governance
File Reference	FI-AUD-004
Applicant	N/A
Owner	N/A
 Attachment 1	 2010 Compliance Audit Return

### PURPOSE

1. To consider the 2010 Compliance Audit Return.

### BACKGROUND

2. Every local government in Western Australia is required, under Section 7.13(1)(i) of the *Local Government Act 1995*, to complete a Compliance Audit Return ("CAR") each year.
3. The CAR is produced by the Department of Local Government and, once presented to Council and adopted, is to be submitted to the Department by 31 March.
4. The CAR is designed to be a tool for local government, allowing it to identify those areas where legislative requirements have not been met and then implement processes to ensure that such instances of non-compliance do not continue.

### DETAILS

5. The Terms of Reference of the Audit Committee require the Audit Committee to review and make recommendations to Council on the completed Compliance Audit Return.
6. The Terms of Reference state that "*the report presented to the Audit Committee should specifically highlight those cases of non-compliance which have reoccurred*". All areas of non-compliance identified in the 2010 CAR were areas of non-compliance in 2009.
7. The completed CAR for the year ending 31 December 2010 is presented as Attachment 1. Those questions where non-compliance have been identified are:

**a. Review of Local Laws – Page 17, Question 6**

Section 3.16 of the *Local Government Act 1995* provides that all local governments are required to carry out a review of their local laws within a period of eight years from when the local law commenced or a previous review had been completed. A review required for eight of the Shire's local laws commenced in July 2009, however the review was not completed. Any review process commenced is required to be completed within 12 months. Consequently the Shire is in breach of this requirement of the *Local Government Act 1995*.

Action has been initiated by the Chief Executive Officer through EMT to have the reviews of these local laws completed by the end of 2011.

**b. Meeting Process – Page 21, Question 39**

*Local Government (Administration) Regulations 1996* Regulation 11(e) requires that the minutes of Council and Committee meetings record a summary of questions asked and answers provided during Public Question Time. If a question is taken on notice and an answer is provided at a later time, there is still a requirement to comply with the provisions of this regulation.

This did not happen with respect to questions taken on notice at the following meetings:-

- OCM – 15 February 2010
- PSC – 12 July and 1 November 2010

**STATUTORY AND LEGAL IMPLICATIONS**

8. Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* provide for the completion, adoption by Council and certification by the Shire President and CEO of the Compliance Audit Return. Additionally, the regulations require the certified return to be submitted to the Department of Local Government by 31 March.

**POLICY IMPLICATIONS**

9. There are no policy implications related to the Compliance Audit Return.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Public consultation is not required with respect to the Compliance Audit Return.

**FINANCIAL IMPLICATIONS**

11. There are no final implications arising from the Compliance Audit Return

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**STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

12. Ensuring compliance with all relevant legislative requirements is a key performance indicator.

**Sustainability Implications**Social implications

13. Nil.

Economic Implications

14. Nil.

Environmental Implications

15. Nil.

**OFFICER COMMENT**

16. Results from the 2010 Compliance Audit Return indicate that there is a general improvement in the Shire's compliance with the various legislative requirements (two issues requiring attention as compared to 14 in 2009).
17. Nevertheless, it should be recognised that the CAR does not cover all of the same issues each year. As complete follow up compliance checks have not been undertaken on some of the issues identified in 2009 and not covered in 2010, it is not possible to be absolutely certain that there has been full compliance in those areas.
18. It is of concern that there has been an increase in the number of local laws identified as not having been reviewed within the statutory timeframe. This is now being addressed urgently through EMT to complete the required reviews by 31 December 2011.
19. With the formal establishment of a Governance Unit and recruitment of a Manger Governance during 2010, there should be a continuing improvement in the Shire's level of statutory compliance.

**OFFICER RECOMMENDATION (AC 01/2011)**

1. That Council adopts the Compliance Audit Return for the year ending 31 December 2010.

Moved:

Seconded:

Vote:



### Kalamunda - Compliance Audit Return 2010

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2009 to 30 June 2010.	Yes		Darrell Forrest
2	s14(1) of the Caravans and Camping Grounds Act 1995	Did you keep a register of caravan park licences. (For the return period)	Yes		Darrell Forrest

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial. (For the return period)	N/A	No Cemeteries within the Shire of Kalamunda	Darrell Forrest
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants. (For the return period)	N/A		Darrell Forrest
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in as above.	N/A		Darrell Forrest

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2010.	N/A		Darrell Forrest
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2010.	N/A		Darrell Forrest
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	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 2010.	Yes		Darrell Forrest
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2010.	Yes		Darrell Forrest
5	s3.59(5)	Did the Council, during 2010, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	Yes		Darrell Forrest



<b>Delegation of Power / Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		Darrell Forrest
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Darrell Forrest
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Darrell Forrest
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Darrell Forrest
5	s5.18	Has Council reviewed delegations to its committees in the 2009/2010 financial year.	N/A		Darrell Forrest
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Darrell Forrest
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Darrell Forrest
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Darrell Forrest
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Darrell Forrest
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Darrell Forrest
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Darrell Forrest
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2009/2010 financial year.	Yes		Darrell Forrest
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Darrell Forrest

**Disclosure of Interest**

<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Darrell Forrest
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Darrell Forrest
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Darrell Forrest
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Darrell Forrest
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2010.	Yes		Darrell Forrest
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2010.	Yes		Darrell Forrest
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Darrell Forrest
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Darrell Forrest
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Darrell Forrest
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Darrell Forrest
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Darrell Forrest
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Darrell Forrest
14	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
15	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	N/A		Darrell Forrest
16	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	N/A		Darrell Forrest
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Darrell Forrest
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Darrell Forrest
19	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Darrell Forrest
20	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	N/A	No incidents where employees had an interest	Darrell Forrest

### Disposal of Property

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

### Elections

No	Reference	Question	Response	Comments	Respondent
1	s4.17(3)	Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b).	N/A		Darrell Forrest





No	Reference	Question	Response	Comments	Respondent
2	s4.20(2)	Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner.	N/A		Darrell Forrest
3	s4.20(4)	Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the Electoral Commissioner.	Yes	Electoral Commissioner appointed to conduct all Local Government elections for the Shire from 1 Jan 2011 for a 5 year period- OCM 18 October 2010	Darrell Forrest
4	s4.20(5)	Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day.	N/A		Darrell Forrest
5	s4.32(4)	Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.	N/A	no applications received	Darrell Forrest
6	s4.32(6) Elect Reg 13	Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol.	N/A	no applications received	Darrell Forrest
7	s4.35(2)	Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.	N/A	no applications received	Darrell Forrest
8	s4.35(3)	Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person.	N/A	no decisions made	Darrell Forrest
9	s4.35(5)	Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision.	N/A	no appeals	Darrell Forrest
10	s4.35(6)	Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.	N/A	no submissions	Darrell Forrest
11	s4.35(7)	Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).	N/A	no decisions required	Darrell Forrest
12	s4.39(2)	Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments.	N/A	no elections during 2010	Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
13	s4.41(1)	Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day.	N/A	no elections in 2010	Darrell Forrest
14	s4.41(2)	Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments.	N/A	no elections in 2010	Darrell Forrest
15	s4.43(1)	Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day.	N/A	CEO not RO	Darrell Forrest
16	s4.47(1)	Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day.	N/A	no elections in 2010	Darrell Forrest
17	s4.47(2)(a)	Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled.	N/A	no elections in 2010	Darrell Forrest
18	s4.47(2)(b)	Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent.	N/A	no elections in 2010	Darrell Forrest
19	s4.47(2)(c)	Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent.	N/A	no elections in 2010	Darrell Forrest
20	s4.47(2)(d)	Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations.	N/A		Darrell Forrest
21	s4.61(2)	Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority.	Yes	Decision to appoint Electoral Commissioner for 5 years in October 2010 also included decision for all elections to be postal elections	Darrell Forrest
22	s4.61(3)	Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day.	N/A		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
23	s4.64	Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates.	N/A		Darrell Forrest
24	Elect Reg 7	Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7.	N/A		Darrell Forrest
25	Elect Reg 8(2)	Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2010 Extraordinary Elections.	N/A		Darrell Forrest
26	Elect Reg 8(3)	Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2010 Extraordinary Elections.	N/A		Darrell Forrest
27	Elect Reg 13(1)	Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register.	Yes		Darrell Forrest
28	Elect Reg 13(4)	Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate.	Yes		Darrell Forrest
29	Elect Reg 17	Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected.	Yes		Darrell Forrest
30	Elect Reg 26(4)	Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government.	N/A		Darrell Forrest
31	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A		Darrell Forrest
32	Elect Reg 30G(3)	Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years.	N/A		Darrell Forrest
33	Elect Reg 30H	Has the electoral gift register been kept at the appropriate local government offices.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
34	Elect Reg 40	Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered.	N/A		Darrell Forrest
35	Elect Reg 81	Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election.	N/A		Darrell Forrest

Executive Functions					
No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes		Darrell Forrest
2	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	Yes		Darrell Forrest
3	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	Yes		Darrell Forrest
4	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Darrell Forrest
5	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Darrell Forrest
6	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Darrell Forrest
7	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes		Darrell Forrest
8	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
9	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	N/A		Darrell Forrest
10	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection.	Yes		Darrell Forrest
11	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	Yes		Darrell Forrest
12	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	Yes		Darrell Forrest

#### Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2010 that contained the prescribed information under the Act and Regulations.	Yes		Darrell Forrest
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2010.	Yes		Darrell Forrest
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	N/A		Darrell Forrest
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Darrell Forrest
5	s5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	N/A	Plan was adopted in 2009 and will be reviewed in 2011	Darrell Forrest
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	N/A		Darrell Forrest
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes		Darrell Forrest
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	N/A	Annual Fee paid	Darrell Forrest
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Darrell Forrest
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Darrell Forrest
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	Yes		Darrell Forrest
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		Darrell Forrest
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		Darrell Forrest
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		Darrell Forrest
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		Darrell Forrest
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member.	N/A		Darrell Forrest
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
19	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Darrell Forrest
20	s6.8(1)(c)	Did the Mayor or President authorise expenditure from the municipal fund in an emergency. (Please indicate circumstances in the "Comments" column)	N/A		Darrell Forrest
21	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	N/A		Darrell Forrest
22	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Darrell Forrest
23	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Darrell Forrest
24	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		Darrell Forrest
25	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Darrell Forrest
26	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Darrell Forrest
27	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	Yes		Darrell Forrest
28	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
29	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	Yes		Darrell Forrest
30	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes		Darrell Forrest
31	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes		Darrell Forrest
32	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	N/A	Audit Committee has been established for some time and most recent appointments were made following the 2009 Local Government elections	Darrell Forrest
33	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Darrell Forrest
34	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	N/A	No appointment of an Auditor was required in 2010	Darrell Forrest
35	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	N/A	no action required in 2010	Darrell Forrest
36	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A	no action required in 2010	Darrell Forrest
37	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No action required to be undertaken	Darrell Forrest
38	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	no action required in 2010	Darrell Forrest





No	Reference	Question	Response	Comments	Respondent
39	s7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	no action required in 2010	Darrell Forrest
40	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	N/A	no action required in 2010	Darrell Forrest
41	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	N/A	no action required in 2010	Darrell Forrest
42	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	N/A	no action required in 2010	Darrell Forrest
43	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	N/A	no action required in 2010	Darrell Forrest
44	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	N/A	no action required in 2010	Darrell Forrest

### Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	N/A	No appointments of CEO or designated Senior Employees made in 2010	Darrell Forrest
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Darrell Forrest
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Darrell Forrest
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes		Darrell Forrest
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Darrell Forrest
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Darrell Forrest
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	Yes		Darrell Forrest
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	Yes		Darrell Forrest
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	Yes		Darrell Forrest
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Darrell Forrest
19	s5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		Darrell Forrest
20	s5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		Darrell Forrest
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	No appointment of new CEO in 2010	Darrell Forrest
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	No appointment of new CEO in 2010	Darrell Forrest
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Darrell Forrest

Local Laws					
No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	Yes		Darrell Forrest
2	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	Yes		Darrell Forrest
3	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	Yes		Darrell Forrest
4	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
5	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	Yes		Darrell Forrest
6	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	No	The Shire commenced a review of 9 local laws in June 2009, however the review process was completed with respect to only 1 of those within the 12 month time frame provided by the Act. Consequently there are 8 local laws which have exceeded the 8 year period in which a review was required to be completed by the Act. Action has commenced to complete the required review.	Darrell Forrest
7	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	Yes		Darrell Forrest
8	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	Yes		Darrell Forrest
9	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	Yes		Darrell Forrest
10	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	Yes		Darrell Forrest
11	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	Yes		Darrell Forrest

Meeting Process					
No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Darrell Forrest
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Darrell Forrest
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		Darrell Forrest
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Darrell Forrest
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A		Darrell Forrest
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Darrell Forrest
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Darrell Forrest
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		Darrell Forrest
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		Darrell Forrest
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	N/A		Darrell Forrest
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	N/A		Darrell Forrest
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	N/A		Darrell Forrest
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	N/A		Darrell Forrest
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		Darrell Forrest
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	N/A		Darrell Forrest
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Darrell Forrest
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Darrell Forrest
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		Darrell Forrest
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Darrell Forrest
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	N/A		Darrell Forrest
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Darrell Forrest
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Darrell Forrest
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Darrell Forrest
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	N/A		Darrell Forrest
28	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A		Darrell Forrest
29	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Darrell Forrest
30	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	N/A		Darrell Forrest
31	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	N/A		Darrell Forrest
32	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	N/A		Darrell Forrest
33	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	N/A		Darrell Forrest
34	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Darrell Forrest
35	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
36	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Darrell Forrest
37	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Darrell Forrest
38	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	N/A		Darrell Forrest
39	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	No	<p>The answers to questions taken on notice were not included in subsequent minutes on the following occasions:-</p> <p>(1) Ordinary Council meeting of 15 February 2010</p> <p>(2) Planning Services Committee meetings of 12 July and 1 November 2010</p> <p>[Note : whilst this committee is not required by the Local Government Act 1995 to be open to the public the Council has a process in place for the committee to be open and provides a Public Question Time. In view of this it is considered that the committee should comply with the requirements of the legislation with respect to Public Question Time.</p> <p>New processes being introduced by the Shire will ensure this situation does not occur in the future.</p>	Darrell Forrest
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Darrell Forrest
41	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Darrell Forrest





No	Reference	Question	Response	Comments	Respondent
42	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	N/A		Darrell Forrest
43	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	Yes		Darrell Forrest
44	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Darrell Forrest
45	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Darrell Forrest
46	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		Darrell Forrest
47	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	Yes		Darrell Forrest
48	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	Yes		Darrell Forrest
49	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		Darrell Forrest
50	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		Darrell Forrest
51	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
52	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Darrell Forrest
53	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Darrell Forrest
54	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	Yes		Darrell Forrest
55	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	Yes		Darrell Forrest
56	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Darrell Forrest

**Miscellaneous Provisions**

No	Reference	Question	Response	Comments	Respondent
1	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	N/A		Darrell Forrest
2	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	Yes		Darrell Forrest
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	N/A		Darrell Forrest



Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Darrell Forrest
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Darrell Forrest
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Darrell Forrest
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Darrell Forrest
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Darrell Forrest
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Darrell Forrest

Swimming Pools					
No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		Darrell Forrest

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
2	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	Yes		Darrell Forrest
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Darrell Forrest
4	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Darrell Forrest
5	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Darrell Forrest
6	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Darrell Forrest
7	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Darrell Forrest
8	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Darrell Forrest
9	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	N/A		Darrell Forrest
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Darrell Forrest
11	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Darrell Forrest
12	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		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Darrell Forrest
14	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Darrell Forrest
15	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Darrell Forrest
16	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Darrell Forrest
17	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Darrell Forrest
18	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Darrell Forrest
19	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Darrell Forrest
20	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Darrell Forrest
21	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Darrell Forrest
22	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Darrell Forrest
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		Darrell Forrest
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	Yes		Darrell Forrest
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Darrell Forrest
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Darrell Forrest
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Darrell Forrest
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		Darrell Forrest
30	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Darrell Forrest
31	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes		Darrell Forrest
32	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	Yes		Darrell Forrest
33	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	Yes		Darrell Forrest
34	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	Yes		Darrell Forrest
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	Yes		Darrell Forrest
36	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	Yes		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
37	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Darrell Forrest
38	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Darrell Forrest
39	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Darrell Forrest
40	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Darrell Forrest
41	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		Darrell Forrest
42	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Darrell Forrest
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		Darrell Forrest
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Darrell Forrest



No	Reference	Question	Response	Comments	Respondent
45	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	N/A		Darrell Forrest
46	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	N/A		Darrell Forrest
47	F&G Reg 11A (3) (b)	Did the purchasing policy that was prepared and adopted make provision in respect to the recording and retention of written information, or documents for all quotations received and all purchases made.	N/A		Darrell Forrest

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.****02 Investment Report**

Previous Items	N/A
Responsible Officer	Acting Director Corporate Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A

Attachment 1

**PURPOSE**

1. To receive a report on the Shire of Kalamunda's investments.

**BACKGROUND**

2. At the Audit Committee Meeting of 9 June 2008 it was proposed to provide the Audit Committee meetings with a report detailing the Shire of Kalamunda's Investment Portfolio.

**DETAILS**

3. The Shire of Kalamunda's investment portfolio continues to be in accordance with the policy, and is restricted to the placement of funds with licensed banks.
4. Details of the Shire of Kalamunda's Short Term Investments are provided as (Attachment 1).

**STATUTORY AND LEGAL IMPLICATIONS**

5. Nil.

**POLICY IMPLICATIONS**

6. Policy Fin 7, short term investments.

**PUBLIC CONSULTATION/COMMUNICATION**

7. Nil.

**FINANCIAL IMPLICATIONS**

8. Nil.

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## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

9. Nil.

### **Sustainability Implications**

#### Social implications

10. Nil.

#### Economic Implications

11. Nil.

#### Environmental Implications

12. Nil.

### **OFFICER COMMENT**

13. Cash at bank balances as at 28 December 2010 were \$2,462,942 of which \$1,726,919 are municipal funds. Monies not required to meet unpresented cheques are held in interest bearing accounts.
14. Interest bearing term deposits represent the bulk of all monies currently held, with \$15,912,458 currently spread across ten banks.
15. Funds received for Cash in Lieu of Public Open Space are being treated as Trust in accordance with s.154 of the *Planning and Development Act 2005*.

### **OFFICER RECOMMENDATION (AC 02/2011)**

1. That the report on Investments held by the Shire of Kalamunda be received.

Moved:

Seconded:

Vote:

Invest # Bank

Term

Interest Rate % Weighted Int Rate

Maturity

Fund

Amount

**Cash Backed Reserves**

Invest #	Bank	Term	Interest Rate %	Weighted Int Rate	Maturity	Fund	Amount
9000	Commonwealth	At Call					\$10,928.97
9039	Citibank	180	6.20%	0.43%	At Call 9/5/11	Reserve	\$1,115,746.40
9057	ANZ	90	5.85%	0.3924%	10/4/11	Reserve	\$1,067,406.97
9058	ANZ	90	6.00%	0.4019%	5/4/11	Reserve	\$1,065,882.60
9063	ING	59	5.78%	0.3700%	18/3/11	Reserve	\$1,018,615.60
9065	Bankwest	31	5.45%	0.3425%	8/4/11	Municipal	\$1,000,000.00
9066	Westpac	90	5.84%	0.3724%	10/4/11	Municipal	\$1,014,679.45
							<b>\$6,293,259.99</b>

**Cash Investments**

Invest #	Bank	Term	Interest Rate %	Weighted Int Rate	Maturity	Fund	Amount
9067	Westpac	90	5.84%	0.3724%	10/4/11	Municipal	\$1,014,679.45
9071	NAB	180	6.10%	0.3633%	16/4/11	Municipal	\$1,000,000.00
9072	Commonwealth	91	5.87%	0.3740%	18/4/11	Municipal	\$1,013,961.64
							<b>\$3,028,641.09</b>

**Cell 9 Scheme Contributions**

Invest #	Bank	Term	Interest Rate %	Weighted Int Rate	Maturity	Fund	Amount
CELL9 TD2	NAB	90	5.73%	0.3651%	6/4/11	Trust	\$1,013,906.85
CELL9 TD3	ING	150	6.01%	0.3795%	7/4/11	Trust	\$1,004,671.23
CELL9 TD4	St George	91	5.75%	0.1696%	9/5/11	Trust	\$469,232.55
CELL9 TD5	Westpac	120	5.50%	0.3521%	8/6/11	Trust	\$1,018,620.12
CELL9 TD6	Bendigo	90	5.90%	0.3708%	12/5/11	Trust	\$1,000,000.00
CELL9 TD7	Bendigo	90	5.90%	0.3708%	12/5/11	Trust	\$1,000,000.00
							<b>\$5,506,430.75</b>

**Municipal Cash at Bank**

MOW	ANZ-Meals on Wheels	\$28,521.89
KHACC	Bank West-Home and Community Care	\$67,972.98
	Commonwealth Chequing Account	\$68,912.25
	Commonwealth Savings Account	\$1,572,984.38
	Commonwealth CIP	\$27,049.78
		<b>\$1,726,919.39</b>

**Trust Funds**

	KCC Home and Community Care	\$0.00
	Shire of Kalamunda-BC/ITF/BRB/Unclaimed Monies	\$54,728.54
		<b>\$54,728.54</b>

**Public Open Space Funds**

POS	Bankwest	90	5.80%	0.3952%	4/5/11	Trust	\$1,084,126.37
POS	Commonwealth Cash at Bank	At Call					\$681,294.08
							<b>\$1,765,420.45</b>

**Total Funds**

							<b>\$18,375,400.21</b>
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**Term Deposit Summary**

Weighted Interest	Total Invested	Institution	Total Funds
0.00%	12.57%	Bendigo	\$2,000,000.00
0.37%	6.44%	Commonwealth	\$1,024,890.61
0.00%	2.95%	St George	\$469,232.55
0.79%	13.41%	ANZ	\$2,133,289.57
0.00%	0.00%	HSEC	\$0.00
0.37%	12.72%	ING	\$2,023,286.83
0.00%	0.00%	Rabobank	\$0.00
0.74%	13.10%	BankWest	\$2,084,126.37
0.38%	12.66%	NAB	\$2,013,906.85
0.74%	19.15%	Westpac	\$3,047,979.02
0.43%	7.01%	Citibank	\$1,115,746.40
<b>3.84%</b>	<b>100.00%</b>		<b>\$15,912,458.20</b>



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**03 Sundry Debtors write-off**

Previous Items	N/A
Responsible Officer	Acting Director Corporate Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A

Attachment 1

Attachment 2

**PURPOSE**

1. To consider further write off of identified outstanding uncollectable debtors and advise of current legal recovery in action.
2. At the meeting of the Audit Committee of 21 September 2009 it was decided that information would be provided to each subsequent Audit Committee Meeting details of additional sundry debt write offs which have been identified, and current legal recovery in action.

**BACKGROUND**

3. The Shire has in place a debt collection procedure for sundry debtors, involving follow up reminders, phone calls and ultimately referral to Dun and Bradstreet for an initial free reminder service before commencing formal proceedings.

**DETAILS**

4. The current provision for doubtful debts is \$24,855.77.
5. Sundry debtors totalling \$459 are requested to be written off (Attachment 1). No Library and Kalamunda Home and Community Care (including Meals on Wheels) debts are currently considered non-recoverable.
6. Formal legal proceedings are currently in progress against two debtor, details of which are contained in (Attachment 2).

**STATUTORY AND LEGAL IMPLICATIONS**

7. Nil.

**POLICY IMPLICATIONS**

8. Nil.

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**PUBLIC CONSULTATION/COMMUNICATION**

9. Nil.

**FINANCIAL IMPLICATIONS**

10. Nil.

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

11. As these debtors are not related to rates or service charges the provisions section 6.47 of the *Local Government Act 1995* requiring Council's adoption by Absolute Majority do not apply.

**Sustainability Implications**Social implications

12. Nil.

Economic Implications

13. Nil.

Environmental Implications

14. Nil.

**OFFICER COMMENT**

15. The Shire of Kalamunda's available provision for such doubtful debts is \$24,855.77. As this is a balance sheet provision no impact on operating expenditure would result from the writing off sundry debt.

**OFFICER RECOMMENDATION (AC 03/2011)**

1. That the Audit Committee receives details on formal recovery proceedings in progress.

Moved:

Seconded:

Vote:

Debtor Number	Debtor Name	Invoice Date	Invoice Number	Invoice Description	Invoice Total	Memo Date	Memo
95423	Ben Miller	8/09/2010	12129	Ranger Attendance - 30 August 2010. Euthanasia of unclaimed dog.	\$146.00	12/10/2010	Posted Reminder Invoice 12129. KW
						09/11/2010	Tried calling Ben twice on mobile regarding outstanding Invoice 12129. No answer. Posted 7 Day Payment letter with copy of Invoice 12129. Must pay by cob 18/11/2010. KW
						03/12/2010	Tried to call Ben regarding outstanding Invoice 12129. The phone is not connecting. I sent an email to Renee to see if she has any other contact numbers. KW
						11/01/2011	Tried contacting Ben again on his mobile regarding outstanding Invoice 12129. Phone does not connect. Rates department said the owners of the property are Mr & Mrs Delfante who live at 8 Platinum Way, Forrestfield. They are not listed in White Pages. Contacted Water Corporation for further information. They do not have any information for the tenant or the owners. KW
95848	Dawn Riley	7/10/2010	12441	Euthanasia of unclaimed dog - 24 September 2010. Outstanding Poundage Fees.	\$313.00	11/10/2010	Posted Reminder Invoice 12441. KW
						20/10/2010	Tried to contact Dawn regarding outstanding Invoice 12441. The phone has been disconnected. Searched on White Pages. Not Able to find contact number.
						11/11/2010	Posted Final Notice letter requesting payment within seven days.
						16/11/2010	Spoke to Ken Morris at Cannington State Housing Commission (9350 3244). He does not have any information.
						9/12/2010	Spoke to Dianne at Water Corporation regarding contact details for Dawn Riley. She said she is not able to forward on that type of information.
				<b>TOTAL</b>	<b>\$459.00</b>		

Current Formal Recovery Proceedings - March 2011

Debtor	Amount	Nature of Debt	Details of Recovery	Legal Fees to Date
Kalamunda Youth Theatre Company	\$1,561.25	Hall Hire	<p>01/12/2010 - Debtor was served the summons . Advised by Austral Mercantile on 31 December 2010 that Debtor will defend the matter. Arrangements made with CS Legal for pre trial conference to be held at Magistrates Court on Tuesday, 22 March 2011.</p> <p>31/12/2010 - Austral Mercantile advised that Debtor will defend the matter.</p>	\$244.15
Townend	\$45,996.36	Public Open Space Contributions	<p>24/01/2011 - Arrangements made with CS Legal for pre trial conference to be held at Magistrates Court on Tuesday, 22 March 2011. All documentation in order.</p> <p>Settlement of offer proposed.</p>	\$8,340.81

Audit Committee  
Item 03/2011

14 March 2011  
Attachment 2



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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**04 Overdraft Facility**

Previous Items	N/A
Responsible Officer	Chief Executive Officer
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A
Attachment 1	Nil

**PURPOSE**

1. To consider the establishment of an overdraft facility for funding land asset development projects.

**BACKGROUND**

2. The use of land assets assists Council in addressing its strategic goal to effectively plan for future community needs.
3. Business plans are required for the development or sale of Council held land, addressing funding requirements.

**DETAILS**

4. The proposed overdraft is to cashflow land asset development projects. An overdraft facility of \$1.5 million is proposed. Establishing the overdraft as part of a Group Limit Facility (GLF) will reduce interest expense. Interest costs attributable to borrowed funds from the overdraft facility, would be in accordance with business plans.

**STATUTORY AND LEGAL IMPLICATIONS**

5. A Local Government has the power to borrow under s6.20(1)(a) of the *Local Government Act 1995*.
6. If details of the proposed borrowings are not included within the annual budget for the financial year, one month's local public notice must be given under s6.20(2)(a) of the *Local Government Act 1995*.
7. Details of any overdrafts are to be included within the annual budget - *Local Government Act (Financial Management) Regulations* s6.29.
8. Details of any overdrafts are to be included within the annual financial report - *Local Government Act (Financial Management) Regulations* s6.48.

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**POLICY IMPLICATIONS**

9. Nil.

**PUBLIC CONSULTATION/COMMUNICATION**

10. Nil.

**FINANCIAL IMPLICATIONS**

11. Using the Shire's existing banking services provider, Commonwealth Bank of Australia Limited, interest expenses can be minimised by offsetting an overdraft against other accounts, under a Group Limit Facility (GLF).

**Group limit facility fees:**

Setup fee: waived  
Monthly maintenance fee: \$100

The current rates negotiated with the Commonwealth Bank of Australia Limited are:

**Overdraft fees:**

Annual line fee: 0.25% (charged Quarterly).  
\$937.50 per quarter for \$1.5 million  
overdraft.  
Debit interest rate: 10.14% (balances within overdraft)  
O/D Excess Rate: 15.74 (balances in excess of overdraft)

**STRATEGIC AND SUSTAINABILITY IMPLICATIONS****Strategic Planning Implications**

12. Nil.

**Sustainability Implications**Social implications

13. Nil.

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Economic Implications

14. The funds drawn down from the overdraft will assist Council in addressing the Strategic Plan:

Goal 2: "Built Environment – Sustainably manage the built environment and to effectively plan for future community needs and population growth."

Goal 5: Objective "diversifying revenue and funding sources."

Environmental Implications

15. Nil.

**OFFICER COMMENT**

16. Undertaking land asset development projects requires capital funding, identified within individual business plans, ahead of the realisation of returns. Due to the short-term time frame for development projects, which require cashflow funding, fixed term loans would not be suitable.
17. The operation of the overdraft will be maintained in such a manner that it clearly identifies any amount drawn down, with all costs attributable to the drawn down funds being charged to the applicable development project.

**OFFICER RECOMMENDATION (AC 04/2011)**

1. That Council establish an overdraft facility of \$1.5 million with the Commonwealth Bank of Australia Limited.
2. That pursuant to s6.20(2)(a) of the Local Government Act 1995 one month's public notice of the intention to enter into an overdraft facility be given locally.

Moved:

Seconded:

Vote:



**7.0 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.0 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**9.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY  
DECISION**

**10.0 CLOSURE**