



CITY OF VINCENT

# SPECIAL COUNCIL MEETING

**28 MARCH 2017**

## Notice of Meeting and Agenda

Notice is hereby given that a Special Council Meeting of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 28 March 2017** at 6.00pm.

The purpose of the meeting is to adopt the Local Government Statutory Compliance Audit Return 2016.

The Council Briefing scheduled for Tuesday, 28 March 2017 is still proceeding and will commence immediately after the Special Council Meeting.

Len Kosova

**Chief Executive Officer**

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## PROCEDURE FOR PUBLIC SPEAKING TIME

The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 – Council Meetings – Recording and Access to Recorded Information.

## **SPECIAL COUNCIL MEETING**

### **ORDER OF BUSINESS**

1. (a) **Declaration of Opening**

(b) **Acknowledgement of Country Statement**

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.

2. **Apologies/Members on Approved Leave of Absence**

3. **Public Question Time and Receiving of Public Statements**

*Under Section 7(4)(b) of the Local Government (Administration) Regulations 1996, Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting.*

4. **Declaration of Interests**

5. **Reports**

5.1 Local Government Statutory Compliance Audit Return 2016.

6. **Closure**

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## 5.1 Local Government Statutory Compliance Audit Return 2016

<b>Ward:</b>	-	<b>Date:</b>	28 February 2017
<b>Precinct:</b>	-	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">1</a> – 2016 Compliance Audit Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	E Simmons, Governance and Council Support Officer		
<b>Responsible Officer:</b>	L Kosova, Chief Executive Officer		

### RECOMMENDATION:

#### That Council:

- ADOPTS the Local Government Statutory Compliance Audit Return for the period 1 January 2016 to 31 December 2016 noting the single area of non-compliance reported is minor in nature and Administration has updated relevant procedures;**
- AUTHORISES the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.**

### BACKGROUND:

Section 7.13(1)(i) of the *Local Government Act 1995* (the Act) requires local governments to undertake an audit of compliance, “in the prescribed manner and in a form approved by the Minister”. The compliance audit is to be undertaken for the period 1 January to 31 December each year, with the completed Compliance Audit Return (CAR) submitted to the Department of Local Government and Communities (the Department) by 31 March 2017.

The 2016 CAR deals with the period 1 January 2016 to 31 December 2016 and focuses on those areas considered high risk in accordance with the Act and associated regulations.

In accordance with Regulation 14 (3A) of the *Local Government (Audit) Regulations 1996*, the Audit Committee reviewed the (CAR) at its meeting held on 21 March 2017 and resolved:

*“That the Audit Committee recommends that Council:*

- ADOPTS the Local Government Statutory Compliance Audit Return for the period 1 January 2016 to 31 December 2016 noting the single area of non-compliance reported is minor in nature and Administration has updated relevant procedures; and*
- AUTHORISES the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.”*

### DETAILS:

The 2016 CAR contains the following compliance categories:-

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Local Government Employees;
- Official Conduct; and

- Tenders for Providing Goods and Services.

The Department advised the City by Circular No 03-2017, published on 3 January 2017, that the CAR was available on the Department's website for completion. The Department advised:

*'The 2016 CAR continues in a reduced format, with the areas of compliance included restricted to those considered high risk. The questions relate to regulation 13 of the Local Government (Audit) Regulations 1996.*

*Please note that the audit committee is required to review the completed CAR and report the results to the council, prior to the CAR's adoption by council and **submission to DLGC by 31 March 2017**.'*

The CAR shows one area of non-compliance as follows:

No	Reference	Question	Response	Comments	Respondent
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	No	Tenders 514/16 and 515/16 were advertised for 14 days including the day that the notice was published rather than 14 days after the notice is first published. Administration has noted this shortfall.	Geoff Garside - Manager Financial Services

The extent of the non-compliance was that both tenders were advertised for a period of one day less than that statutory minimum.

The tenders that were identified as non-compliant were:

Tender: 514/16 Supply and Delivery of 22/23m3 Side Loading Automatic Bin Lifter Refuse Truck

Advertised: 24/02/16

Closed: 09/03/2016

Awarded: Truck Centre for \$358,000

Tender: 515/16 Supply and Delivery of Front End Loader

Advertised: 24/02/16

Closed: 09/03/2016

Awarded: Komatsu Australia for \$122,574

Section 15(1) of the *Local Government (Functions and General) Regulations 1996* states:

*"(1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State."*

In the case of the tenders above, the officer included the date that the tender commenced advertising in the calculation of 14 days. However, section 61(g) of the Interpretation Act 1984 (W.A.) states:

*"(g) where there is a reference to a number of days not expressed to be clear days or at least" or "not less than" a number of days between 2 events, in calculating the number of days there shall be excluded the day on which the first event happens and there shall be included the day on which the second event happens;"*

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Consequently, the City was in breach of s15(1) of the *Local Government (Functions and General) Regulations 1996*, as the closing date should not have been included in the count of the number of days.

This non-compliance was identified by Administration in May 2016 following examination by the Governance team. The City's procedures were updated at that time and all subsequent tenders were compliant. It is Administration's view that the non-compliance is minor in nature, did not advantage or disadvantage any tenderer at the expense of another, and did not impact on the assessment or awarding of the Tenders in question.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* the Audit Committee must review the completed 2016 Compliance Audit Return and report the results to Council. Following Council's adoption, the 2016 Compliance Audit Return must be submitted to the Department of Local Government and Communities by 31 March 2017.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Regulation 13 of the *Local Government (Audit) Regulations* requires each Council to Adopt the Compliance Audit Return. Failure to do so would be a breach of the regulations.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Four:

"Leadership, Governance and Management" and, in particular, 4.1.2 - "Manage the organisation in a responsible, efficient and accountable manner".

**COMMENTS:**

The Compliance Audit Return was reviewed and endorsed by the Audit Committee at its meeting held 21 March 2017.

The return is complete and is now required to be adopted by Council prior to being submitted to the Department of Local Government and Communities by 31 March 2017.

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