

AGENDA.

Ordinary Council Meeting

13 December 2022

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 13 December 2022 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

9 December 2022

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

Our Guiding Values



Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

- Councillor André Brender-A-Brandis for the period 5 December 2022 to 31 December 2022 inclusive.
- Councillor Mary Choy for the period 8 December 2022 to 18 December 2022 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Impartiality Interest in Item 12.1 as ‘I am a co-patron of the WASP Hockey Club.’
- Councillor Glenn Cridland - Impartiality Interest in Item 12.1 as ‘My children have played Hockey for the WASP Hockey Club and the proposed hockey facility site is where I walk my dog each day.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 13 DECEMBER 2022

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 November 2022

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 22 November 2022 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

Officers of the City/Consultants and invited third party guests provided Council with an overview of the following matters at Concept Briefings and Workshops:

| Date | Subject | Attendees |
|------------------|--|---|
| 24 November 2022 | Councillor Roles and responsibilities Workshop 2 | Mayor Greg Milner and Councillors Glenn Cridland, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas. |
| 30 November 2022 | Community Safety Plan Briefing | Mayor Greg Milner and Councillors, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas. |
| 30 November 2022 | Draft Local Planning Scheme No 7 (LPS7) Briefing 1 | Mayor Greg Milner and Councillors, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas. |
| 5 December 2022 | Governance Matters - DLGSC | Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, André Brender-A-Brandis, Blake D'Souza, Jennifer Nevard, Stephen Russell, Ken Manolas, Mary Choy. |

Attachments

Nil.

7.2.2 Council Agenda Briefing - 6 December 2022

Officers of the City presented background information and answered questions on Items to be considered at the December Ordinary Council Meeting at the Council Agenda Briefing held 6 December 2022.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 6 December 2022

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 LPS7 - Preservation of Large Trees Over 8m in Height on Private Property

The following petition was received from Ms Kathy Lees of Hensman Street, South Perth together with 77 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request:

The City of South Perth supports planning controls in the new Local Planning Scheme No. 7 to help preserve large trees over 8m in height on private property.'

8.1.2 Proposed LPS7 - Areas 4 and 7

The following petition was received from Ms Carolyn Burnett of Sulman Avenue, Salter Point together with 356 unverified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request:

The proposed higher density increases under LPS 7 for Growth Area 7 'Welwyn Street Neighbourhood Centre are to be reviewed as the current Welwyn Hub does not support access (pedestrian and vehicular traffic and parking) for the current number of users of the precinct. Proposed increased R codes for Area 4 " Manning Road Urban Corridor" are to be reduced to restrict the height to 2 storey dwellings to maintain the streetscape of Manning, mitigate the impact of street parking, traffic flow to these areas, access to Manning Road for Manning and Salter Point residents and to their current lifestyles.

For the following reasons:

Area 7 - Traffic flow and parking at Welwyn precinct already exceeds capacity. The shopping strip and basement carparks are woefully inadequate for the volume of traffic and overflows onto nearby streets. Potential customers cannot park so simply take their business elsewhere. Higher density living will only exacerbate parking requirements at the hub precinct and street parking in the areas of proposed increased R codes.

Area 4 - Three storey buildings under the proposed R50 and R60 codes are not compatible with the Manning /Salter Point lifestyle. The buildings would negatively impact the ambience and streetscapes. Higher density living inevitably brings an increase in street parking. The residents of Manning and Salter Point wish to avoid the traffic flow problems and congested streets caused by street parking clearly evident in streets throughout the City of South Perth with higher density living currently. Challenger Ave would become a busy feeder street and likely the proposed solution would be another set of traffic lights at this intersection with Manning Road. Residents of Manning and Salter Point do not want more traffic lights to enter/exit south of Manning Road to access their homes. Accessing Manning Rd at traffic lights at Welwyn Ave/Manning Rd and Ley St/Manning Rd intersections takes several changes of lights at present particularly during peak periods. Traffic flow along Manning Road is very stop/start as it is and would simply become another "Canning Highway". The current character of Manning and Salter Point is to be maintained.'

8.1.3 Requested amendment to Draft LPS7 Canning Highway Places 3, 4 and 5

The following petition was received from Ms Joanne Ord of Gardner Street, Como together with 141 unverified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request:

- *Amendments to the proposed LPS7 zoning and density changes in the area designated Canning Highway Places 3,4 and 5 (growth area 2*
- *Reduce 4 storey zones.*
- *Reduce the numbers of proposed new R25, R30, R40, R50 and R100 zones in the area.*
- *Limit heights in residential streets to two storey dwellings and for residential purposes only.*

For the following reasons:

- *Increased traffic congestion on Canning Highway, its junctions and feeder streets. No more traffic lights wanted.*
- *Increased traffic and parking on feeder streets, residential streets already choked with street parking.*
- *No information on Canning Highway upgrades to accommodate LPS7 and timing of highway upgrades.*
- *To reduce impacts on residents of growth corridor and maintain standard of lifestyle and tree canopy.'*

Officer Recommendation

That Council notes the following petitions will be forwarded to the relevant Director for consideration as per clause 6.9 (2) of the City of South Perth Standing Orders Local Law:

- LPS7 – Preservation of Large Trees Over 8m in Height on Private Property
- Proposed LPS7 – Areas 4 and 7
- Requested amendment to Draft LPS7 Canning Highway Places 3, 4 and 5

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 6 December 2022.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Response to Councillor Mary Choy Notice of Motion

File Ref: D-22-58187
Author(s): Rebecca de Boer, Advisor - RAF
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report provides an update to Council in response to Council Resolution Number 0922/154, Item 12.1 Notice of Motion – Councillor Mary Choy – RAF from its meeting held 27 September 2022.

Officer Recommendation

That Council notes the update as provided by the City in the body of the report.

Background

At its meeting held 27 September 2022 Council resolved as follows:

“That, acknowledging the Chief Executive Officer’s meeting with the Hon. David Templeman MLA on 28th September 2022 to discuss the City’s Recreation & Aquatic Facility (RAF) project and in the event a funding commitment is not resolved at that time, Council request the Chief Executive Officer to:

1. *Write a formal letter to the Minister for Culture and the Arts; Sport and Recreation; International Education; and Heritage, the Hon. David Templeman MLA, to respectfully seek:*
 - (a) *Reasons for not providing a formal response to the Council of the City of South Perth on the Treasury Business Case, submitted in October 2021, for the City’s RAF project;*
 - (b) *Feedback on the RAF Treasury Business Case as received, with clarification on any issues raised by Treasury, and commentary on anything else the City of South Perth needs to do or provide the State Government to receive the requisite funding commitment, so that the RAF project as contemplated under the Business Case may proceed;*
 - (c) *Support for the RAF project, including funding support of at least \$20 million, preferably at the upcoming State Government Mid-year Financial Review, to match the Federal Government and Local Government funding commitment (noting funding in the 2022-23 State Budget was not forthcoming as anticipated); and*
 - (d) *A response be given within one month from receipt of letter.*

10.1.1 Response to Councillor Mary Choy Notice of Motion

2. *Write a letter to the Member for South Perth, Mr Geoffrey Baker MLA, to respectfully seek:*
 - (a) *Reasons as to why no State funding has been forthcoming to date for the RAF project, and to confirm the Member's support for the project for the benefit of the district; and*
 - (b) *A response be given within one month from receipt of letter.*
3. *Write a letter to the W.A. Department of Treasury, to respectfully seek:*
 - (a) *An evaluation and review of costing of the RAF project capital construction cost, operating expenditure and cash flow assumptions and revenue forecasts, and cost benefit analysis, based on the Treasury Business Case submitted in 2021, in light of current market conditions and factors (including, but not limited to, inflation, materials and construction costs escalations, labour shortages etc); and*
 - (b) *A response be given within one month from receipt of letter.*
4. *Carry out (1)-(3) within one calendar month; and*
5. *Upon receipt of responses (1)-(3), if any received, include the responses along with a copy of the Chief Executive Officer's letters, for noting before or at the December 2022 Ordinary Council Meeting.*
6. *Forward any received responses (1)-(3), along with a copy of this motion, to the Federal Member for Swan, Ms Zaneta Mascarenhas MP, for her information."*

Comment

As per Councils Resolution from its meeting held 27 September 2022, the letters can be found at **Attachments (a-c)**. To date, the City has not had a formal response to the letters.

The City has briefed the State Government and the Member for South Perth, Mr Geoffrey Baker MLA on Council's recent decision to commence planning for the staging of the RAF Project and its renewed commitment to the RAF.

The proposed Stage 1 of the RAF (Indoor Aquatics + Recreation) does not require funding from the State Government to proceed.

Upon publication of the Minutes of the December 2022 OCM on the City's website, the City will forward the letters to the Federal Member for Swan, Ms Zaneta Mascarenhas MP, for her information.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

| | |
|-------------------------------|----------------|
| Risk Event Outcome | Not Applicable |
| Risk rating | Not Applicable |
| Mitigation and actions | Not Applicable |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction: Community
Aspiration: Our diverse community is inclusive, safe, connected and engaged
Outcome: 1.2 Community infrastructure
Strategy: 1.2.3 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Attachments

- 10.1.1 (a): Letter to Minister Templeman
- 10.1.1 (b): Letter to Mr Geoff Baker MLA
- 10.1.1 (c): Letter to Under Treasurer, Mr Barnes PSM

10.2 STRATEGIC DIRECTION 2: ECONOMY

10.2.1 Boatshed Café Lease

File Ref: D-22-58747
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides information relating to the proposed expansion of the Boatshed Café on the South Perth foreshore to accommodate alfresco dining and requests Council to enter into a new lease with Millar Holdings Pty Ltd.

Officer Recommendation

That Council:

1. Authorises the Chief Executive Office to enter into an agreement to lease with Millar Holdings Pty Ltd T/A Boatshed Café for Lot 1203 on Plan 28824, and approximately 310 square metres to be excised from Crown land Lot 11835 on Plan 240379, subject to the following conditions –
 - a. Provision of a 21 year lease (subject to Ministerial approval);
 - b. Rent of \$130,000 (plus GST) per annum to be reviewed every three (3) years and increased in accordance with CPI;
 - c. All outgoing costs to be the responsibility of the lessee;
 - d. The grant of the lease is subject to and conditional on –
 - i. All necessary approvals being obtained under relevant legislation for the grant of the lease; and
 - ii. The City obtaining a head lease for Lot 1203 on Plan 28824 and the portion of the excised land from Lot 11835 on Plan 240379 from the Minister for Lands; and
2. Approve the giving of local public notice of the proposed lease of the land identified in (1) to Millar Holdings Pty Ltd T/A Boatshed Café in accordance with section 3.58 of the *Local Government Act 1995*; and
3. Requests the Chief Executive Officer to report to Council on any submissions made during the local public notice period.

Background

Lot 1203 on Plan 28824 is a 1574 m² piece of Crown land on the South Perth foreshore near Coode Street under the care, control and management of the City. Currently, the City has a peppercorn head lease with the Department of Planning, Lands and Heritage (DPLH) over this site, and currently subleases the site to Millar Holdings Pty Ltd, trading as the Boatshed Café for \$115,000 p.a. plus GST.

Millar Holdings Pty Ltd applied to extend the café by 310 m² into Crown land (Lot 11835 on Plan 240379), to provide alfresco dining.

10.2.1 Boatshed Café Lease

This application was submitted to the Department of Biodiversity, Conservation and Attractions (DBCA), the approving authority, who approved the development on 22 May 2019. This approval was extended on 13 October 2022 for a further 12 months to commence works. Works have been delayed due to the Crown land excision of the 310 m² from Lot 11835 on Plan 240379 (DPLH are the approving agency for the land excision).

Comment

As the development proposal expands the lettable square metres to the Boatshed Cafe, and incorporates more land, DPLH have advised the City that a new head lease and sublease will need to be entered into. Therefore, the City engaged a licensed valuer and property consultant to provide a current market lease valuation for the site. The Boatshed Café currently pays \$115,000 per annum (plus GST), and the new valuation for the expanded site to include alfresco dining was \$130,000 per annum (plus GST). Millar Holdings Pty Ltd have agreed to the new market valuation.

The City has been in lengthy negotiations with DPLH over a new head lease for the café and have managed to negotiate a fee of \$33,750 p.a. (subject to Ministerial approval).

It is proposed that the City subleases the site (subject to Ministerial approval), to Millar Holdings Pty Ltd on the same terms and conditions as the previous lease, with a revised market rental of \$130,000 and a new 21-year term.

Consultation

DPLH and Millar Holdings Pty Ltd have been consulted over the lease.

Policy and Legislative Implications

The sublease will be subject to public notification in accordance with section 3.58 of the *Local Government Act 1995*.

The *Land Administration Act 1997* and the *Swan and Canning Rivers Management Act 2006* are applicable to Lot 1203 on Plan 28824 and Lot 11835 on Plan 240379.

Financial Implications

The advertising of the lease is contained within the Governance budget.

Key Risks and Considerations

| | |
|-------------------------------|--|
| Risk Event Outcome | <p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p> |
| Risk rating | Low |
| Mitigation and actions | A market valuation was undertaken and meetings held with Miller Holdings Pty Ltd to keep them up to date with progress. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Economy
 Aspiration: A thriving City activated by attractions and opportunities that encourage investment and economic development
 Outcome: 2.1 Local Business
 Strategy: 2.1.3 Encourage and support local business and employment

Attachments

Nil.

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 RFQ 9/2022 Provision of Waste and Recycling Collection Services

File Reference: D-22-58749
Author(s): Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of RFQ 9/2022 for the Provision of Waste & Recycling Collection Services under the WA Local Government Association (WALGA) Preferred Supplier Panel - Resource Recovery (PSP007-007) and Waste Collection Services (PSP007-006) supplier lists.

This report outlines the assessment process used during evaluation of the eQuotes received and recommends approval of the submission(s) that provides the best value for money and level of service to the City.

Officer Recommendation

That Council:

1. Accepts the submission from Cleanaway Pty Ltd as the recommended respondent for RFQ 9/ 2022 – Provision of Waste and Recycling Collection Services.
2. Authorises the Chief Executive Officer to execute the contract subject to successful negotiations with the recommended respondent on variations and alternatives proposed.

Background

The Provision of Waste & Recycling Collection Services will enable the collection of waste and the processing of recyclable material from all residential properties, including grouped dwellings and any nominated commercial properties within the City's boundaries.

The range of services requested include:

- Collection and transport of waste from all residential and nominated commercial properties.
- Collection and processing of recyclables.
- Public place and event waste and recycling collections; and
- Provision of new bin stock and bin repair services.

Comment

At the close of the eQuote advertising period four submissions had been received and these are listed in the table below:

TABLE A –eQuote Submissions

| eQuote Submission |
|------------------------------------|
| 1. Cleanaway |
| 2. JJ Richards Waste and Recycling |
| 3. Solo Resource Recovery |
| 4. Veolia Recycling and Recovery |

The submissions were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the eQuote, as described in Table B below.

TABLE B - Qualitative Criteria

| Qualitative Criteria | Weighting % |
|--|-------------|
| 1. Demonstrated experience in completing similar projects/supply similar goods | 40% |
| 2. Skills and experience of key personnel and respondent's resources | 20% |
| 3. A demonstrated understanding of the required tasks | 30% |
| 4. Corporate social responsibility & innovation | 10% |
| Total | 100% |

The eQuote made provision for respondents to provide alternative offers. These offers could provide alternatives to that of a Conforming response in respect to the technical requirements of the eQuote, or the time for completion of the Works, or in respect of any other requirements of the eQuote.

Based on the assessment of all submissions received for eQuote 9/2022 Provision of Waste & Recycling Collection Services, it is recommended that:

- The eQuote submission from Cleanaway Pty Ltd be accepted by Council as the preferred respondent.
- Authorises the Chief Executive Officer to execute the contract subject to successful negotiations with Cleanaway Pty Ltd to explore the offerings within their Alternative Responses.

Deferring a decision on proceeding with negotiations and entering into a contract, will impact on the ability of a contractor to meet the City's requirements due to the log lead in times for suppliers to procure new fleet and the need to continue the waste collection service immediately after the expiry of the existing Waste and Recycling Collection Services contract on 30 June 2023.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

(1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

(2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

(1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

(2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

Financial Implications

The supply of waste and recycling collection services is facilitated within the Infrastructure Operations budget. The funding and cost to supply waste and recycling collection services in relation to this contract will be considered as part of the 2023/2024 budget and subsequent future budgets for the life of the contract. The price submission from the recommended respondent is slightly above the budget provisions for 2022/2023 of \$2.7M and is consistent with the pre tender estimate which took account of current market conditions.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | <p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome</p> |
| Risk rating | High |
| Mitigation and actions | Approval of the Officer's recommendation in a timely manner. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Environment (Built and Natural) |
| Aspiration: | Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment |
| Outcome: | 3.4 Resource management and climate change |
| Strategy: | 3.4.1 Actively manage and promote sustainable water, waste, land and energy practices |

Attachments

10.3.1 (a): Recommendation Report (*Confidential*)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments November 2022

File Ref: D-22-58750
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 November 2022 to 31 November 2022 for information. During the reporting period, the City made the following payments:

| | | |
|--|--------------|-----------------------|
| EFT Payments to Creditors | (409) | \$4,545,234.38 |
| Cheque Payment to Creditors | (5) | \$3,686.04 |
| Total Monthly Payments to Creditors | (414) | \$4,548,920.42 |
| EFT Payments to Non-Creditors | (93) | \$108,756.55 |
| Cheque Payments to Non-Creditors | (8) | \$10,775.25 |
| Total EFT & Cheque Payments | (515) | \$4,668,452.22 |
| Credit Card Payments | (6) | \$13,417.32 |
| Total Payments | (521) | \$4,681,869.54 |

Officer Recommendation

That Council receives the Listing of Payments for the month of November 2022 as detailed in **Attachment (a)**.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the CEO is to be prepared each month and presented to the Council at the next Ordinary Meeting of the Council after the list is prepared.

Comment

The payment listing for November 2022 is included at **Attachment (a)**.

The attached report includes a "Description" for each payment. City officers have used best endeavours to redact (in black) information of a private or confidential nature.

10.4.1 Listing of Payments November 2022

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non-Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

Regulations 12 and 13(1) of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Monthly Financial reporting timelines exceeding statutory requirements |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A visionary and influential local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

10.4.1 (a): Listing of Payments November 2022

10.4.2 Monthly Financial Statements November 2022

File Ref: D-22-58869
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 30 November 2022.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2022/23 budget adopted by Council on 28 June 2022, determined the material variance amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia. The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year. The September 2022 Perth CPI of 6% (corresponding quarter of the previous year) confirmed the continued inflationary pressure. At a national level, to curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate, the latest being a further .25% in December. The current cash rate is 3.10%, increases for the last eight months amounted to 3%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. Western Australia's State of Emergency and the Public Health State of Emergency came to an end at 12.01am Friday, 4 November 2022.

Actual income from operating activities for November year-to-date (YTD) is \$64.03m in comparison to budget of \$62.78m, favourable to budget by 1.98% or \$1.25m. Actual expenditure from operating activities for November is \$30.44m in comparison to the budget of \$30.90m, favourable to budget by 1.49% or \$461k. The November Net Operating Position of \$33.58m was \$1.71m favourable in comparison to budget.

Actual Capital Revenue YTD is \$538k compared to a budget of \$519k with a favourable variance of \$19k. Actual Capital Expenditure YTD is \$2.83m in comparison to the budget of \$3.30m, \$474k or 14.34% favourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there is a number of Capital projects that require a Budget adjustment during the midyear review.

Cash and Cash Equivalents amounted \$85.33m, higher than the prior year comparative period. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates are improving, with banks offering average interest rates of 3.68% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of November 2022 the City held 43.32% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Monthly Financial reporting timelines exceeding statutory requirements |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

| | |
|-------------|--------------------------------------|
| 10.4.2 (a): | Statement of Financial Position |
| 10.4.2 (b): | Statement of Change in Equity |
| 10.4.2 (c): | Statement of Financial Activity |
| 10.4.2 (d): | Operating Revenue and Expenditure |
| 10.4.2 (e): | Significant Variance Analysis |
| 10.4.2 (f): | Capital Revenue and Expenditure |
| 10.4.2 (g): | Statement of Council Funds |
| 10.4.2 (h): | Summary of Cash Investments |
| 10.4.2 (i): | Statement of Major Debtor Categories |

10.4.3 City of South Perth Annual Report 2021/22

File Ref: D-22-58754
Author(s): Danielle Cattalini, Manager Customer, Communications and Engagement
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that Council accept the 2021/22 Annual Report and endorses the Electors' General Meeting to be held Tuesday 7 February 2023.

Officer Recommendation

That Council:

1. Accepts the City of South Perth Annual Report for the year 2021/22 as shown at **Attachment (a)**; and
2. Endorses the Electors' General Meeting to be held Tuesday 7 February 2023.

Absolute Majority Required

Background

Each year Council is required to accept the City of South Perth Annual Report. Once accepted by Council, the Annual Report is to be published on the City's official website within 14 days and presented to an Electors' General Meeting within 56 days of Council accepting the report.

Comment

The City of South Perth Annual Report 2021/22 provides a comprehensive account of the City's activities throughout the financial year and showcases the City's progress towards the strategic objectives in the City's Strategic Community Plan 2021 – 2031. The Annual Report also contains information on the City's achievements and challenges and key targets for the year ahead.

The Annual Financial Statements will be presented as a separate report for Council's adoption.

During June 2022, a first tranche of amendments to the Local Government (Financial Management) Regulations 1996 (Finance Regulations) and Local Government (Audit) Regulations 1996 (Audit Regulations) came into effect. The amendment removed, amongst other things, the requirement for local governments to include financial ratios in annual financial reports and as such for the auditor to audit and/or attest the ratios. The State Government has advised that a new set of ratios are currently in development, however as yet, have not been mandated.

For information purposes, the ratios for the 2021/22 Financial Year as calculated by the City are included in the table below. These ratios, together, provide for an estimated overall Financial Health indicator Score of 74 (2020/21 – 71), which compares favourably against the benchmark figure of 70.

| Ratio Name | Benchmark Ratio | High Ratio | 2021/22 | 2020/21 |
|-----------------------|-----------------|------------|---------|---------|
| Current | 1.00 | 1.50 | 1.57 | 1.49 |
| Asset Consumption | 0.50 | 0.75 | 0.64 | 0.65 |
| Asset Renewal Funding | 0.75 | 1.10 | 1.07 | 1.05 |
| Asset Sustainability | 0.90 | 1.20 | 0.88 | 0.81 |
| Debt Service Cover | 2.00 | 5.00 | 11.47 | 6.79 |
| Operating Surplus | 0.01 | 0.15 | -0.01 | -0.05 |
| Own Source Revenue | 0.40 | 0.90 | 0.95 | 0.93 |

Once the Annual Report and Annual Financial Statements are accepted by Council it is proposed to hold the Electors' General Meeting on Tuesday 7 February 2023.

Consultation

There is no legislative requirement for the City to consult on the Annual Report, however, the *Local Government Act 1995* requires the Annual Report to be made available to members of the public prior to the Electors' General Meeting.

Policy and Legislative Implications

Section 5.53 of the *Local Government Act 1995* requires a local government to prepare an Annual Report for each financial year.

Section 5.54 of the *Local Government Act 1995* requires the Annual Report to be accepted by the local government no later than 31 December after that financial year.

Section 5.27 of the *Local Government Act 1995* requires an Electors' General Meeting to be held once every financial year on a day selected by the local government but not more than 56 days after the local government accepts the annual report.

Financial Implications

The costs associated with the Annual Report and holding the Electors' General Meeting are contained within the City's 2022/23 operating budget.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Compliance with the legislative requirements for Annual Reports under the <i>Local Government Act 1995</i> . |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

| | |
|-------------|-----------------------|
| 10.4.3 (a): | Annual Report 2021/22 |
|-------------|-----------------------|

10.4.4 WALGA Best Practice Governance Review

File Ref: D-22-58752
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report is to provide feedback to WALGA on the governance model options put forward in **Attachment (b)** that form part of WALGA's Best Practice Governance Review.

Officer Recommendation

That the City of South Perth not support a preferred governance model option at this time and requests WALGA to undertake workshops with member local governments to better understand the work undertaken by the Steering Committee and the model options.

Background

WALGA has undertaken a Best Practice Governance Review with the objective to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

WALGA is now requesting member local governments to provide a Council endorsed position on the governance model options provided in the consultation paper as contained in **Attachment (b)**.

Comment

WALGA contacted member local governments in late October and provided a background paper as contained in **Attachment (a)** and a consultation paper as contained in **Attachment (b)**. Administration is of the view that a position cannot be recommended to Council until further information is provided in the form of workshops/briefings with member local governments. The workshops would allow WALGA to provide further information on what they are trying to achieve whilst also allowing questions and discussion around how the various models would operate.

If however, Council wishes to put forward a position, the alternate motion could read:

That Council endorses Option ___ as the preferred governance model for WALGA and request the Chief Executive Officer to contact WALGA to inform them of this resolution.

The mover would be required to insert one of the following options into the motion:

- Option 1: Two tier model, existing zones
- Option 2: Board, regional bodies
- Option 3: Board, amalgamated zones
- Option 4: Member elected board, regional groups
- Option 5: Current model

Consultation

WALGA is consulting with member local governments for a position on the model options and in the coming weeks will send out a link to commence an independent consultation process in the form of a survey of all Elected Members and CEO's.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

| | |
|-------------------------------|----------------|
| Risk Event Outcome | Not Applicable |
| Risk rating | Not Applicable |
| Mitigation and actions | Not Applicable |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

- 10.4.4 (a): WALGA Background paper
- 10.4.4 (b): WALGA Consultation Paper Model Options

10.4.5 Electors' Special Meeting - 8 November 2022

File Ref: D-22-58751
Author(s): Toni Fry, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report allows Council to consider the outcomes of the Electors' Special Meeting held 8 November 2022 in accordance with section 5.33 of the *Local Government Act 1995*.

Officer Recommendation

1. That the minutes of the Electors' Special Meeting held Tuesday 8 November 2022 and contained in **Attachment (a)** be received.
2. That Council notes the decisions made at the Electors' Special Meeting held Tuesday 8 November 2022 as outlined in the body of this report.

Background

On 11 October 2022 the City received a request to hold an Electors' Special Meeting via a Form 1 in accordance with the Local Government (Administration) Regulations 1996. As per the form the details of the matter to be discussed at the meeting is to:

"Allow the community to express that they have no confidence in Deputy Mayor D'Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, Councillor Nevard for:

- a) Setting a disturbing precedent which fundamentally impinges upon the democratic rights of the South Perth community by voting to not accept a community Petition with almost 2,500 signatures.*
- b) Voting to breach the City's funding agreement with the Commonwealth thereby putting at risk \$20million in grants funding and incurring a liability for ratepayers to pay back with interest grand funds already received and potentially increasing rates and*
- c) Failing to implement the City's Strategic Community Plan."*

In accordance with the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996 an Electors' Special Meeting was scheduled for Tuesday 8 November 2022.

Comment

The Electors' Special Meeting was held at 6pm on Tuesday 8 November 2022 in the City of South Perth Community Hall. At the commencement of the meeting there were approximately 210 people in attendance, 160 of those present registered with addresses that would enable them to validly be declared an Elector, however numbers reduced progressively during the meeting.

There were four motions moved by electors as follows:

Motion 1

“Moved: Mr George Watts of Karawara

Seconded: Ms Honey Webb of Kensington

That the Electors of the City of South Perth note:

Public confidence in Deputy Mayor D’Souza, Councillor Choy, Councillor Manolas, Councillor Brender-A-Brandis, and Councillor Nevard has been undermined by their following conduct:

- a) voting to breach the City’s federal \$20 million Recreation and Aquatic Facility (RAF) funding agreement by not appointing a Project Manager, against the advice of City administration that this appointment would not involve any additional risk or cost, but failing to do so would create a high risk to the project, jeopardise RAF funding, severely damage the City’s reputation, endanger future grants to the City, incur further unnecessary costs (such as re-tendering) and cause delay;*
- b) voting not to accept a community petition regarding this breach which had over 2,000 verified signatures, and which was determined to be valid by the City administration; and*
- c) as a result, failing to progress implementation of the City’s Strategic Community Plan.*

However, the community notes the Councillors’ statements of support for the RAF and their acknowledgment of the community’s right to democratically petition Council at the Special Council Meeting on 1 November 2022. We therefore seek the Councillors’ commitment to the following, in order to restore public confidence:

- d) be open and accountable to, and represent all of the community of the district, listening and responding respectfully to the community by answering and returning phone calls and replying to emails in a timely manner, and accepting petitions which are considered valid by the City administration;*
- e) base their decisions on relevant, evidence-based matters, including giving appropriate weight to the expert advice of the City’s administration and experienced specialist consultants; and*
- f) support an approach to RAF development which maximises the potential for all three stages to be delivered in a timely manner, and which avoids further delay costs.*

CARRIED (97/59)”

Motion 2

“Moved: Mr Roger Riachi of Como

Seconded: Mr Matthew Pow of Karawara

To revise current RAF project/proposal to change the location and scope of works.

New location to be at George Burnett Park on Manning Road, Karawara.

Stage 1: Construction of a 50m pool and associated facilities utilizing the pledged Federal Government funding.

Stage 2: Once further government funding is secured, a basketball facilities to be designed and constructed.

LOST (24/45)”

Motion 3

“Moved: Mr Kiely Hodson of Manning

Seconded: Mr Peter Scott of Como

That electors’ do have confidence in the five Councillors, Blake D’Souza, André Brender-A-Brandis, Jennifer Nevard, Ken Manolas and Mary Choy.

CARRIED (40/12)”

Motion 4

“Moved: Dr Paul de Torres of Manning

Seconded: Ms Cecilia Brooke of South Perth

That in all future Electors’ Special Meetings and Electors’ General Meetings that when a motion is proposed, the voting electors have the opportunity to hear the arguments for and against the motion before voting.

CARRIED (35/2)”

There is no action required by Council with regard to these motions. Motion 4 will be taken into account when developing the order of business for any future Electors’ Special Meetings, noting that the order of business will generally depend on the reason the meeting has been called.

Consultation

In accordance with s5.29 of the *Local Government Act 1995* and Regulation 3A of the Local Government (Administration) Regulations 1996, the Electors’ Special Meeting was advertised as follows:

- PerthNow Southern on Thursday 20 October 2022 and Thursday 27 October 2022
- eNews published on Wednesday 19 October 2022
- City of South Perth website
- City of South Perth noticeboards at the administration centre and libraries
- Facebook

Policy and Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Implications

The approximate cost to hold the Electors' Special Meeting was \$10,000 which consisted of advertising in accordance with legislation, audio visual equipment for the Community Hall, security and Officer time.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Officers aware of requirements to hold Electors' Special Meetings in accordance with the Act and Regulations. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

10.4.5 (a): Minutes - 8 November 2022 - Electors' Special Meeting

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 2021/22 Annual Financial Statements (External) - Audit - Interim and Final Reports

File Ref: D-22-57861
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Interim and Final Audit reports, referred to as Management Letters from the Office of the Auditor General relating to the 2021/22 Annual Financial Statements. The Management letters include findings, risk ratings, recommendations and management comments. It is recommended that each issue be accepted, added to the City's Audit Register, with commentary on progress of resolution of issues to be reported at each Committee Meeting.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor Stephen Russell

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes and accepts the Interim Management Letter **Confidential Attachment (a)**;
2. Notes and accepts the Final Audit Management Letter **Confidential Attachment (b)**; and
3. Includes the findings in the Audit Register.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The External Audit, also known as Financial Audits or Audit of the Annual Financial Statements are conducted separately from Internal Audit. Internal Audit focuses on improving systems and processes, from a risk based approach. External Audit focuses on providing an objective independent examination of the financial statements prepared by the City, increasing the value and user confidence in the financial statements.

The *Local Government Amendment (Auditing) Act 2017* made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General. The Act allows the Auditor General to contract out some or all of the financial audits, but all audits will be the responsibility of the Auditor General.

The changes also allow for the Auditor General to undertake performance audits that focus on the economy, efficiency and effectiveness of any aspect of local government operations.

These performance audits are akin to the Internal Audit function undertaken by the City's Internal Auditor (Paxon). Therefore the WA Auditor General may undertake both External and Internal Audits.

Following on from the last four years, the Office of the Auditor General (OAG) performed the City of South Perth 2021/22 Annual Financial Statements external audit. The external audits occur in two steps, the first being an Interim Audit, with the final stage being the Audit work to attest the balances and notes that comprise the Annual Financial Statements.

All Audit recommendations, as well as the progress relating to the implementation of the opportunities for improvement will be incorporated within the City's Business Planning Process, to ensure continuous improvement. Progress will be monitored by management, this Committee and Council.

Comment

In June and July 2022 the Interim Audit was conducted, with the Interim Audit Management Letter **Confidential Attachment (a)** being produced. It includes findings, risk ratings, recommendations and management comments.

In October and November 2022 the Final Audit was conducted, with the Final Audit Management Letter **Confidential Attachment (b)** being produced. It includes findings, risk ratings, recommendations and management comments.

In total there are six findings. Two findings from the Interim Audit and four from the Final Audit. The details are included in the confidential attachments. This report is presented for the Committee's consideration.

Whilst there has been excellent progress to improve systems and processes through implementing both Internal (Paxon) and External Audit findings (OAG), the OAG has identified the above issues, all of which corrective action will be reported on.

Officers recommend the six findings be included in the Audit Register.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995 and Regulations.

Financial Implications

The fee for finalising the External Audit for the 2021/22 Annual Financial Statements is estimated at around \$58,000 (exc GST) and is included in the budget.

Officers' effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Compliance with the <i>Local Government Act 1995</i> . |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.4 Maintain a culture of continuous improvement |

Attachments

| | |
|--------------------|---|
| 10.5.1 (a): | Interim Management Letter City of South Perth 2022 <i>(Confidential)</i> |
| 10.5.1 (b): | Final Management Letter City of South Perth 2022 <i>(Confidential)</i> |

10.5.2 2021/22 City of South Perth Annual Financial Report

File Ref: D-22-58755
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that the Audit, Risk and Governance Committee recommend that Council adopt the 2021/22 Annual Financial Report, accept the Independent Auditor's Report included in the Annual Financial Report and the Office of the Auditor General Exit Brief.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Aswin Kumar

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopt the Annual Financial Report shown at **Attachment (a)**;
2. Accepts the Independent Auditor's Report on the 2021/22 Annual Financial Report presented by the WA Auditor General included in the Annual Financial Report shown at **Attachment (a)**;
3. Accepts the WA Auditor General Annual Financial Audit Exit Brief shown at **Confidential Attachment (b)**.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSCI) Operational Guidelines Number 9 – Audit in Local Government, describe that the CEO is responsible to ensure the external audit (financial) report is provided to the Audit Risk and Governance Committee (ARGC) and recommending the Committee review the Annual Financial Report. This is the fifth year that the City's external audit has been conducted by the WA Auditor General (OAG). The City of South Perth was one of the first Councils where the WA Auditor General conducted the external audit as part of the four year staged transition where all local governments are to be audited by the OAG by the 2020/21 financial year.

The 2021/22 Annual Financial Report shown at **Attachment (a)** provides the community with an open and accountable insight into how the City has performed against the adopted Annual Budget 2021/22 as the short term plan informed by the vision and strategic objectives outlined in the City's Strategic Community Plan 2021-2031.

Included in the Annual Financial Report on pages 2, 3 and 4 in **Attachment (a)**, is the Independent Auditor's Report on the 30 June 2022 Annual Financial Report. The WA Auditor General has presented their findings in the Annual Financial Audit Exit Brief which is provided at **Confidential Attachment (b)**.

Comment

The Annual Financial Audit Exit Brief **Confidential Attachment (b)** at Part 3 titled "Issues Identified during the Audit" references six items under the heading Financial issues, two items relate the Interim Audit and the balance to findings of the Final Audit. Details are reported to the Committee in a separate report forming part of the agenda for this meeting. It also describes and includes a summary of the additional Information Systems Audit, a detailed report of the findings will be communicated in a separate management letter which will be submitted to a future ARGC meeting.

Part 4 of the Exit Brief describes audit outcomes relating to risks identified during audit planning. This section confirms that all risks identified were adequately tested and mitigated, issues identified have been included in Part 3 as detailed above.

The Annual Financial Audit Exit Brief makes reference to an "Information systems Maturity Model" at Part 5. As part of the information systems audit a Capability Maturity Assessment is performed. The capability maturity model is a way of assessing how well developed and capable the established IT controls are.

Part 6 of the Exit Brief describes unadjusted errors and misstatements which are immaterial and do not have an impact on the City's Annual Financial Report. The WA Auditor General has once again issued an unqualified opinion in the Independent Auditor's Report.

Parts 7, 8 and 9 deals with the audit fee, subsequent events and next year's audit consideration respectively.

Officers recommend the ARGC receive the presentation by officers from the Office of the Auditor General and note the 2021/22 Annual Financial Report including the audit opinion and the Annual Financial Audit Exit Brief.

The ARGC may make recommendations to Council, with Council required to accept the Annual Report, including the Annual Financial Report, for presentation to the annual Electors' General Meeting.

The Annual Financial Report and Independent Auditor's Report are complete. There may be minor layout and textual amendments (presentation amendments) to the Annual Financial Report prior to it being presented to the Electors' General Meeting in February 2023.

Consultation

Nil.

Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a local government to prepare an annual report for each financial year. Section 5.53(2) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report and auditor's statement for that financial year.

Financial Implications

Nil.

Key Risks and Considerations

| | |
|-------------------------------|--|
| Risk Event Outcome | <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p> |
| Risk rating | Low |
| Mitigation and actions | Annual Financial Report provided in compliance with the requirements of the <i>Local Government Act 1995</i> . |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.4 Maintain a culture of continuous improvement

Attachments

- 10.5.2 (a): 2021/22 City of South Perth Annual Financial Report
- 10.5.2 (b): Annual Financial Audit Exit Brief (*Confidential*)

10.5.3 Internal Audit Report - Collier Park Village

File Ref: D-22-58756
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Collier Park Village, in accordance with the City’s Strategic Internal Audit Plan 2021/22 to 2025/26. Collier Park Village is a lifestyle village located on Crown Land designated for seniors’ housing and supplementary services. The report contains two detailed audit findings, with a number of notations and observations.

The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the Collier Park Village report contained in **Confidential Attachment (a)**; and
2. Accepts the three recommendations contained in Section 5 of the Internal Audit – Collier Park Village report be added to the Audit Register.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the ARGC and then Council for acceptance of the recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management respond to Paxon’s recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

The Internal Audit Report – Collier Park Village is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City’s continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain many findings. The Collier Park Village report resulted in three findings to be included in the Audit Register.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with the Local Government (Financial Management) Regulations 5 (CEO’s duties as to financial management) and the Local Government (Audit) Regulations 17 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2022/23 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers’ effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

| | |
|-------------------------------|--|
| Risk Event Outcome | <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p> |
| Risk rating | Medium |
| Mitigation and actions | <p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.</p> |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.4 Maintain a culture of continuous improvement |

Attachments

10.5.3 (a): Internal Audit Report - Collier Park Village (*Confidential*)

10.5.4 Audit Register Progress Report Q1

File Ref: D-22-58757
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

The confidential Audit Register lists internal and external audit findings and describes the progress of implementing improvements and the percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action'.

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee, with a recommendation that the Finding be closed.

The Audit Register has been formatted to ensure clarity as detailed below:

1. Each Finding that has more than one Agreed Management Action is represented with double lines around that entire Finding.

Example:

Finding number 65 contains three Agreed Management Actions.

2. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
3. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

The ARGC is requested to recommend that Council note the progress and officer comments. In addition, it is recommended all Findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

Strategic Internal Audit Plan

A review of the Strategic Internal Audit Plan (SIAP) by management and the City's Internal Auditor, Paxon has been undertaken. The new SIAP was presented at the Audit, Risk and Governance Committee Meeting held on 8 March 2022. The Collier Park Village Audit has been completed and has been presented to the Audit, Risk and Governance Committee.

Financial Statement Audit

The Office of the Auditor General has completed its interim work and is in the process of completing the Financial Statement audit for 2021/22.

Consultation

Relevant City officers have been consulted.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2022/23 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers' effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$70,000 for the audit work undertaken during the 2022/23 financial year.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision-making bodies within the collective organisation.</p> |
| Risk rating | Medium |
| Mitigation and actions | <p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.</p> |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

10.5.4 (a): Audit Register (*Confidential*)

10.5.5 Council Delegation DC703 Minor Amendments to Delegations Register and Policies

File Ref: D-22-58759
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report proposes a new Delegation to the CEO to be able to make minor administrative amendments to the Delegations Register and Policies which do not change the intent of the document.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Councillor Mary Choy

That the Audit, Risk and Governance Committee recommends that Council approves Delegation DC703 Minor Amendments to Delegations Register and Policies as contained in **Attachment (a)**.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Comment

Delegations are reviewed once every financial year in accordance with the Act. It has been the City's practice to review all policies (approximately 74) at the same time as the delegations. All documents are subsequently presented to Council for endorsement, which can be a time consuming process to ensure that due diligence has been followed.

Currently all delegations and policies that require administrative amendments are classed as 'minor' amendments in the review process with the document included as an attachment to the report presented to Council. An administrative amendment can be defined as a minor amendment which does not change the intent of document. Examples of administrative amendments are updates to dates of documents, business/unit officer title changes, spelling and grammar.

These changes would be better handled and more efficient if a delegation was in place to allow the CEO to authorise such changes. Administrative changes can subsequently occur as they are realised, resulting in the documents being as current as practicable whilst also taking the burden off the administration preparing for the annual review and Councillors when the item is being considered. It is important to note that even though the Delegation Register or a Policy may have been updated administratively and will be classed as having had 'no changes' during the annual review process, Councillors still have the ability to consider these documents and make amendments if required.

A new delegation has therefore been created for Council approval, that is specific to administrative amendments to the Delegations Register and Policies.

Consultation

Nil.

Policy and Legislative Implications

Section 5.42 and 5.44 of the *Local Government Act 1995*.

Financial Implications

Nil.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Delegations operating as intended. Subject to ongoing monitoring. Reviewed regularly. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

| | |
|----------------------|--|
| Strategic Direction: | Leadership |
| Aspiration: | A local government that is receptive and proactive in meeting the needs of our community |
| Outcome: | 4.3 Good governance |
| Strategy: | 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities |

Attachments

10.5.5 (a): DC703 Minor Amendments to Delegations Register and Policies

10.5.6 Risk Management and Business Continuity Activity Report

File Ref: D-22-58760
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report outlines the activities undertaken by the City of South Perth's (the City) Risk Management Function for the months of September to November 2022 and to provide an overview of the activities planned for the first quarter of the 2022/2023 Financial Year.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Aswin Kumar

That the Audit Risk and Governance Committee recommends to Council that it

1. Notes the Risk Management and Business Continuity Activity Report.
2. Accepts the changes to the Corporate Risk Register as contained within the report; and
3. Notes the Operational Risk Register as contained in **Confidential Attachment (a)**.

CARRIED (7/1).

For: Mayor Greg Milner, Councillors Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Councillor André Brender-A-Brandis.

Background

This activity report outlines the risk and business continuity management activities undertaken.

Comment

Risk Management and Business Continuity Management activities for the period of September 2022 to November 2022:

1. Fraud and Corruption Control Plan

A Fraud and Corruption Control Plan (Plan) has been developed and endorsed by the Executive Management Team on Monday 3 October 2022.

The primary objective of this Plan is to protect resources, including information, and safeguard the integrity and reputation of the City. This Plan includes the City's Fraud & Corruption Prevention Policy and sets out the arrangements for the overall management of the risks and any instances of fraud and/or corruption.

10.5.6 Risk Management and Business Continuity Activity Report

Updates to the Fraud & Corruption Prevention Policy to align with this plan are discussed in a separate report in this Agenda.

2. Business Continuity Framework (BCF)

A Business Continuity Framework has been developed and is to be presented to EMT and the Audit, Risk and Governance Committee in the next quarter.

The objectives and priorities of the BCF will be:

- To provide for the safety and protection of employees, customers, community and property;
- To minimise the impact on customers, community and other stakeholders;
- To protect the City's image and reputation;
- To recover and maintain critical business functions within predefined time and service levels;
- To recover and maintain critical IT systems within predefined time and service levels;
- To minimise environmental impacts;
- To minimise potential economic loss from the failure to conduct normal business; and
- To prevent regulatory breaches.

3. Internal Risk Management Committee

The Internal Risk Management Committee (IRMC) met on 4 October 2022 at which time the Operational Risk Register was presented for review.

The following risks having been identified and/or reviewed and are now classified as having a High risk rating. In accordance with the requirements of the Risk Management Framework 2021 these risks are presented to the Audit, Risk and Governance Committee for review.

In general these risks relate to the availability of contractors or staff to carry out required activities to meet the expectations of our community. While the residual rating of all risks are high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community.

Where necessary, key communication methods are utilised to inform our community of any delays/interruption to the expected delivery of a project or service.

- **Corp Risk 5.0 Dependency on contractors to deliver key project/services**

Outcome: Service Interruption

The residual likelihood of this risk event occurring has been reassessed from Unlikely to Possible due to the current employment environment. This amendment has resulted in a High risk rating.

Mitigation strategies:

- Robust supplier selection
- Use of WALGA preferred suppliers
- Procurement Management provided by the Finance Services Business Unit

- Relationship management

- **Corp Risk 5.4 Employee attraction and retention**

Outcome: Service Interruption

The residual likelihood of this risk event occurring has been reassessed from Possible to Likely due to the current employment environment. This amendment has resulted in a High risk rating.

Mitigation strategies

Established Corporate policies, management practices, procedures and strategies including:

- Flexible working arrangements and working from home arrangements
- Equal Opportunity Employer
- Health and Wellbeing Program for employees
- Superannuation benefits
- Annual performance reviews
- Workforce Plan
- Learning and development opportunities
- Phased retirement
- Reward and Recognition Program
- Performance Management Framework
- Learning & Development Framework

- **Corp Risk 5.8 Reliant on a single resource as IT network administrator which includes cyber security monitoring**

Outcome: Service Interruption

This is a new risk which has been assessed with a residual risk rating of High.

Mitigation strategies

- Recruit ICT Coordinator position with network administration knowledge
- Third party vendor support being available as required

4. Operational Risk Register

The Operational Risk Register is presented to the Audit Risk and Governance Committee for noting as contained in **Confidential Attachment (a)**.

The following Risk Management and Business Continuity Management activities are planned (subject to the availability of organisational officers) for the period ending June 2023:

| Risk Management Activities | Expected Outcome |
|--|---|
| Operational risks to be reviewed on a quarterly basis | The City’s Corporate Operational Risk register to be as current as reasonably practicable. |
| Business Continuity Plans to be reviewed on a quarterly basis | The City’s Business Continuity Plans to be as current as reasonably practicable. |
| Management Practice M695 Risk Management to be reviewed and updated. | Sound risk management practices and procedures to be further integrated into the City’s strategic and operational planning process and day to day business practices. |
| Implement training program for identified staff | Provide support and guidance to staff ensuring they have familiarity with the City’s risk management practices. |
| Strategic Risk Register to be reviewed | Presentation to Audit, Risk and Governance Committee in March 2023 |

Consultation

Relevant City officers were consulted in order to identify and review all risks across all City operations.

Policy and Legislative Implications

Reg 17 (1) (a) Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
 - (a) risk management

Financial Implications

Nil.

Key Risks and Considerations

| | |
|-------------------------------|--|
| Risk Event Outcome | <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p> |
| Risk rating | Low |
| Mitigation and actions | Continuous review and improvement in relation to all Risk Management activities. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.5.6 (a): Operational Risk Register (*Confidential*)

10.5.7 Policy P694 Fraud & Corruption Prevention

File Ref: D-22-58761
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report considers the revocation of existing policy P694 Fraud & Corruption Prevention be replaced with a new policy P694 Fraud & Corruption Prevention so that it aligns with the City's Fraud and Corruption Control Plan.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mayor Greg Milner

That the Audit Risk and Governance Committee recommends to Council that Policy P694 Fraud & Corruption Prevention in **Attachment (a)** be replaced with Policy P694 Fraud & Corruption Prevention in **Attachment (b)**.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Ken Manolas, Jennifer Nevard and Stephen Russell, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Background

In March 2022, Policy P694 Fraud & Corruption Prevention was presented to the Audit, Risk & Governance Committee as part of the annual policy review cycle recommending major amendments to the policy. At that time, the policy was updated to remove references to outdated practices and documents and updated to reference current documents, processes and practices.

However, the Audit, Risk & Governance Committee recommended to Council that all policies included in the Annual Policy Review be deferred until a workshop could be held. Council endorsed the Committees recommendation on 22 March 2022 and a workshop was subsequently held on 2 August 2022 where policy P694 Fraud & Corruption Prevention was discussed.

At the workshop, Council and the Audit, Risk & Governance Committee Members were advised that further work would be undertaken on the policy to align with the City's new Fraud & Corruption Control Plan.

Comment

The City's Fraud and Corruption Control Plan was endorsed by EMT on Monday 3 October 2022. This Plan incorporates the following three key themes:

- Preventing fraud and corruption
- Detecting fraud and corruption
- Responding to fraud and corruption events

Within these themes are the following key attributes:

1. Leadership
2. Ethical framework
3. Responsibility structures
4. Fraud control policy
5. Prevention systems
6. Fraud awareness
7. Third party management systems
8. Notification systems
9. Detection systems
10. Investigation systems

The City's existing Policy P694 underwent further amendments since the workshop in accordance with the Plan. Given the number of amendments made, it is recommended the existing policy in **Attachment (a)** be replaced with a new Fraud & Corruption Prevention policy as contained in **Attachment (b)**.

Consultation

The Executive Management Team and the Managers of Governance, Finance and People and Performance have been consulted on this new policy.

Policy and Legislative Implications

The reviewed and new policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

Financial Implications

Nil.

Additional Information – 13 December 2022

Following the Audit, Risk and Governance Committee Meeting and an email received from Councillor Mary Choy the following amendments have been made to **Attachment (b)**:

- Title changed to Fraud and Corruption Control
- All references to Councillors has been changed to Elected Members for consistency
- Committee Members has been included in the scope of the coverage.

These minor administrative amendments do not change the intent of the policy that was approved by the Audit, Risk and Governance Committee.

Key Risks and Considerations

| | |
|-------------------------------|---|
| Risk Event Outcome | Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation |
| Risk rating | Low |
| Mitigation and actions | Yearly review of all policies. |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Leadership
 Aspiration: A local government that is receptive and proactive in meeting the needs of our community
 Outcome: 4.3 Good governance
 Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.5.7 (a): Existing Policy P694 Fraud & Corruption Prevention
- 10.5.7 (b): New Policy P694 Fraud & Corruption Control

11. APPLICATIONS FOR LEAVE OF ABSENCE



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR STEPHEN RUSSELL - WESLEY COLLEGE AND WESLEY SOUTH PERTH (WASP) HOCKEY CLUB FEASIBILITY STUDY FOR PROPOSED HOCKEY FACILITIES AT COLLIER RESERVE

File Ref: D-22-58762
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

Councillor Stephen Russell submitted the following Notice of Motion prior to the Council Agenda Briefing held 6 December 2022.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 61)

With respect to Council resolution 1120/190 (Item 10.7.4 November 2020 OCM), I move that the CEO:

1. Provide an update report to Council on the WASP Hockey Club's full feasibility study into the proposed relocation & new turf field, covering as a minimum the following:
 - a) % completion,
 - b) The identification of any remaining scope of works required for completion (if any),
 - c) The identification of any pending items, hold points or other matters that are impeding the issue of the study to the City (if any),
 - d) An estimate month and year the study will be issued to the City,
 - e) Funding costs incurred by the City at time of update report,
 - f) The City's estimate total costs to be funded to the WASP Hockey Club.
2. Item (1) to be presented to Council no later than the March 2023 OCM.

12.1 Notice of Motion - Councillor Stephen Russell - Wesley College and Wesley South Perth (WASP) Hockey Club Feasibility Study for Proposed Hockey Facilities at Collier Reserve

Background

Councillor Stephen Russell submitted a Notice of Motion regarding an update on the Wesley College and Wesley South Perth (WASP) Hockey Club Feasibility Study for the proposed establishment of hockey facilities at Collier Reserve.

The reasons for the Notice of Motion are as follows:

“In November 2020 Council resolved for (a) the City to financial contribute up to 50% of the full feasibility study project cost within the City’s 2020/21 Budget and (b) the study to be presented by the WASP Hockey Club to the City at a future time. Although, the Officers Report noted an estimate full study costs of \$50k and therefore an estimated City contribution of \$25k, the resolution nevertheless did not specify a dollar value funding cap nor a final date for study delivery. In this regard the resolution is considered open ended and considering that two years has lapsed without any formal or indeed informal update to Council, then it is unknown to the extent of funding incurred thus far nor the progress to date of the study. Hence for the sake of fiscal and general good governance it is the opinion that the City needs to provide an update report to Council and therefore by extension to the community.”

Comment

The CEO provided Councillor Russell with the advice contained in this report along with an option not to proceed with the Notice of Motion, however this option was declined.

The feasibility study for the proposed establishment of hockey facilities at Collier Reserve was recently provided to the City (on 17 November 2022). At this stage, the City has not had sufficient time to review the content.

The table below address the questions raised by Councillor Russell in his Notice of Motion.

| Questions | City of South Perth Responses |
|--|---|
| What is the % completion of the feasibility study? | Whilst the feasibility study has been done by the consultant, the City has not had sufficient time to review the content to determine if it is fully complete. |
| The identification of any remaining scope of works required for completion? | The City plans to review the feasibility study in the coming months. After the City has had an opportunity to review the report content, it will be able to determine the next steps. Potential outcomes may include: facilitation of a workshop with the elected members and subsequent presentation of report to Council; or further engagement with the report authors to seek clarity about any of the report content; or some other appropriate course of action to be determined. |
| The identification of any pending items, hold points or other matters that are impeding the issue of the study to the City (if any)? | See information above. |
| An estimate month and year the study will be issued to the City? | The feasibility study was provided to the City on 17 November 2022. |
| Funding costs incurred by the City at time of update report? | \$25,000. |
| The City's estimate total costs to be funded to the WASP Hockey Club? | \$25,000. |

Consultation

Not applicable.

Policy and Legislative Implications

The following policies are relevant to this report:

- P106 Use of City Reserves and Facilities
- P110 Support of Community and Sporting Groups
- P609 Management of City Property

Financial Implications

The City has made a financial contribution of \$25,000 to assist in the completion of the feasibility study, which is consistent with the Council resolution made at the Ordinary Council Meeting on 24 November 2020.

Key Risks and Considerations

| | |
|-------------------------------|----------------|
| Risk Event Outcome | Not Applicable |
| Risk rating | Not Applicable |
| Mitigation and actions | Not Applicable |

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction: Leadership
Aspiration: A local government that is receptive and proactive in meeting the needs of our community
Outcome: 4.3 Good governance
Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Suggested Alternative Recommendation

That Council notes the requirements on the Notice of Motion have been met.

Reason for Alternative Recommendation

The information requested has been provided in the body of this report.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the November 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.

13.2 QUESTIONS FROM MEMBERS: 13 DECEMBER 2022

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

That the following Agenda Items be considered in closed session, in accordance with s5.23(2) of the *Local Government Act 1995*:

- 15.1.1 Councillor Code of Conduct - Matter 1
- 15.1.2 Councillor Code of Conduct - Matter 2
- 15.1.3 Councillor Code of Conduct - Matter 3

15.1.1 Councillor Code of Conduct - Matter 1

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-22-53049
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

15.1.2 Councillor Code of Conduct - Matter 2

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-22-56823
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

15.1.3 Councillor Code of Conduct - Matter 3

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-22-56900
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 22 November 2022

| Councillor Carl Celedin | Responses provided by Vicki Lummer – Director Development and Community Services |
|---|--|
| 1. Can the City tell us how many of those pools on the register were built before 2001? | The total number of pools built before 2001 is 1149. |

| Councillor Mary Choy | Response provided by Anita Amprimo –Director Infrastructure Services |
|---|---|
| 1. Are the City and its contractors are now up to date with its tree pruning program especially for street trees on verges with overhead power lines? | <p>I can advise that the tree pruning contractor is currently working within the Manning Ward completing pruning that wasn't able to be completed at the normally scheduled time due to the activities of Western Power contractors engaged with the underground power program.</p> <p>Once these works are complete the contractor will be returning to the Como ward in accord with the City's published pruning program which can be seen via the following link https://southperth.wa.gov.au/docs/default-source/1-residents/services/street-trees/street-tree-pruning-schedule.pdf?sfvrsn=be45a1bd_2</p> <p>You might also like to note that the City is currently reviewing the published pruning program in the context of the recently completed underground power programs with the intention of prioritising the pre winter pruning of locations where overhead power lines are still prevalent.</p> <p>Can I also request that If you have noticed any locations where trees are in close proximity to power lines, please advise the City so that the trees can be inspected and pruned if the risk is significant.</p> |

| | |
|---|--|
| Councillor Andre Brender-A-Brandis | Response provided by: Vicki Lummer – Director Development and Community Services |
| <p><i>[Preamble]</i> <i>Just with regard to the pool barrier inspections as well.</i></p> | |
| <p>1. With regard to the overdue barriers that weren't inspected, were there any that were a higher risk or of concern that we identified or were they all pretty much of the same sort of status?</p> | <p>All of the overdue inspections are treated in the same way.</p> |
| Councillor Mary Choy | Response provided by Anita Amprimo –Director Infrastructure Services |
| <p>1. First of all, with regards to underground power, are there any updates available on the South Perth program please? I think we all received a letter that it was expecting to start in November, but not seen anyone around on the streets starting anything.</p> | <p>Western Power confirmed that works have started on the consumer mains in zone one with a full ramp up in mid -January 2023. Western Power's Contractor is currently working on mostly private property, hence construction may not be as noticeable.</p> |