minutes

Please be advised that a **Finance and Audit Committee** Meeting commenced at **5.00pm** on **Monday 11 September 2017** in Meeting Room 1 at the Administration Building, 99 Shepperton Road, Victoria Park.

ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

15 September 2017

TABLE OF CONTENTS

(To be confirmed 9 October 2017)

1 OPENING

Cr Windram opened the meeting at 5.05pm.

2 ATTENDANCE

Members:	
Banksia Ward:	Cr K (Keith) Hayes Cr M (Mark) Windram (Presiding Member)
Jarrah Ward:	Cr V (Vince) Maxwell Cr J (Jennifer) Ammons Noble
Executive Manager Business Performance	Graham Pattrick
Chief Operations Officer Renew Life Program	Mr B (Ben) Killigrew
Secretary:	Ms G (Gaye) Last
Guests:	
Senior Governance Officer	Towela Mbirini Jon Morellini

2.1 Apologies

Director Business Life Program	Mr N (Nathan) Cain

2.2 Approved Leave of Absence

Nil

3 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Declaration of Financial Interests
Nil

Declaration of Proximity Interest
Nil

Declaration of Interest affecting impartiality
Nil

4 TERMS OF REFERENCE

1. NAME

The name of the Committee shall be the Finance and Audit Committee (the Committee).

2. AIMS AND OBJECTIVES

The strategic focus for the Committee is aligned to the Community Strategic Plan. The purpose of the Committee is to contribute to the vibrant lifestyle of the Town.

2.1 Goals

To provide sound financial management and good governance by:

- Providing guidance and assistance to Council as to the carrying out of its functions in relation to audits in compliance with the Local Government Act 1995;
- Developing and reviewing Council policies as per the Committee's Key Focus Areas;
- Developing appropriate strategies that will deliver the most favourable long term outcomes for the Council in the Committee's Key Focus Areas;
- Ensuring Council maintains its financial capacity to deliver programs and services; and
- Providing advice to Council in relation to matters that are within the Committee's area of responsibility.

2.2 Deliverables

The key deliverables of the Committee will include:

- Annual compliance audit;
- Annual risk management audit; and
- Annual review / update of policies, strategies and plans related to the Key Focus Areas.

2.3 Scope and Jurisdiction

The Key Focus Areas of the Committee include:

- Audit;
- Financial planning;
- Revenue diversification;
- Investments;
- Rates;
- Grants;
- Asset management;
- Land asset optimisation;
- Risk Management; and
- Governance.

2.4 Engagement

The Committee may invite individuals and subject matter experts to attend a meeting of the Committee to provide expert advice where required.

3. MEMBERSHIP
The Committee will comprise a maximum of four (4) Elected Members being two (2) Elected Member representatives from each of the Town's two (2) wards with five (5) Elected Members being appointed in a hierarchical order as alternate deputy members except for the Chief Executive Officer Recruitment and Performance Review Committee whereby five (5) Elected Members are appointed being the Mayor and two (2) Elected members from each of the Town's two (2) Wards with four (4) Elected Members being appointed in a hierarchical order as alternate deputy members.

4. MEETINGS
The Committee shall convene in accordance with its annual adopted meeting schedule.

5. QUORUM
In accordance with section 5.19 of *the Local Government Act 1995* the quorum for a meeting of the Committee is at least 50% of the number of offices (whether vacant or not) of members of the Committee.

6. DELEGATED POWER
The Committee has no delegated power and all recommendations made are to be referred to Council for a decision.

7. GOVERNANCE
The Committee is governed by the provisions of the *Town of Victoria Park Standing Orders Local Law 2011* and the *Local Government Act 1995* and its Regulations.

5 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr Ammons Noble **Seconded: Cr Windram**

That the Minutes of the Special Finance and Audit Committee Meeting held on 14 August 2017 be confirmed.

The Motion was Put and **Carried (3:0)**

In favour of the Motion: Cr Maxwell; Cr Windram and Cr Ammons Noble

6 METHOD OF DEALING WITH AGENDA BUSINESS

RESOLVED:

Moved: Cr Ammons Noble **Seconded: Cr Windram**

That clause *6.10 Speaking Twice* of the *Town of Victoria Park Standing Orders Local Law 2011* be suspended for the duration of this meeting.

The Motion was Put and **Carried (3:0)**

In favour of the Motion: Cr Maxwell; Cr Windram and Cr Ammons Noble

7 PRESENTATIONS

7.1 Deputations

Nil

8 REPORTS

8.1 Town of Victoria Park Compliance Audit Return for the Period 1 January to 30 June 2017

File Reference:	GOR/15/0003
Attachments	Yes
Appendices:	No

Date:	24 August 2017
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – That the Finance and Audit Committee receives the report on the Town of Victoria Park Second Quarter Compliance Audit Return for the period 1 January 2017 – 30 June 2017.

- The Town of Victoria Park Second Quarter Compliance Audit Return for the period 1 January to 30 June 2017 reveals that the Town is compliant in all areas reviewed.
- The audit is based on the Annual Compliance Audit Return issued by the Department of Local Government and Communities.

TABLED ITEMS:
Nil

BACKGROUND:
The Second Quarter Audit covers the period 1 January 2017 to 30 June 2017.

It should be noted that this Second Quarter Audit is not a mandatory requirement of the *Local Government (Audit) Regulations 1996*; however, in order to provide good governance and implement best practice, the Town conducts its own Compliance Audit System based on the areas prescribed pursuant to regulation 13 of the *Local Government (Audit) Regulations 1996*.

As is the case with the Annual Compliance Audit Return, The Town will not only have to explain or qualify cases of non-compliance, but also provide details of any remedial action taken or proposed to be taken in regard to instances of non-compliance.

DETAILS:
The Second Quarter Audit Return covers a range of matters that require specific actions to be completed by Local Government Authorities in performing their functions.

It requires the responsible officer to indicate against each item whether the required action is relevant to the Town and if it has been completed by either answering:
(a) Yes; or
(b) No; or
(c.) N/A – Not Applicable.

Program Areas are required to provide feedback or comments on areas of non-compliance. This assists the CEO to have a better understanding of any problems or issues relating to the Town's inability to achieve full compliance in a particular area.

The following table summarises the Town's performance in each of the relevant categories. A comparison between the 1 January – 30 June 2016 and 1 January – 30 June 2017 is also provided below.

In all areas audited the Town is 100% compliant for the First Quarter Audit.

Table of CAR Comparison & Compliance

Category	**2016 Audit Questions**	**Compliant**	**2017 Audit Questions**	**Compliant**
Commercial Enterprises by Local Governments	5	100%	5	100%
Delegation of Power / Duty	13	100%	13	100%
Disclosure of Interest	16	100%	16	100%
Disposal of Property	2	100%	2	100%
Elections	1	100%	1	100%
Finance	14	100%	14	100%
Local Government Employees	5	100%	5	100%
Official Conduct	6	100%	6	100%
Tenders for Providing Goods and Services	25	100%	25	100%
TOTAL	**87**	**100%**	**87**	**100%**

Legal Compliance:
Section 7.13(1)(i) of the *Local Government Act 1995* states that;

"7.13(1). Regulations may make provision –

(i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as

are prescribed whether those requirements are –

(i) of a financial nature or not; or
(ii) under this Act or another written law."

Regulations 14 and 15 of the *Local Government (Audit) Regulations 1996* state inter alia that;

14. Compliance audits by local governments

"(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
(a) presented to the council at a meeting of the council; and
(b) adopted by the council; and
(c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
(2) In this regulation —
***certified** in relation to a compliance audit return means signed by —*
(a) the mayor or president; and
(b) the CEO."

Policy Implications:
Nil

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance. There is no regulatory or statutory impact as this internal	Minor.	Likely.	Low.	Quarterly in-house Compliance Audits will identify any issues that can be remedied or mitigated against prior to the Annual Compliance Audit being undertaken for the 2017

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance Audit for the second quarter of 2017 is not regulated pursuant to the *Local Government Act 1995* and is an in-house measure of compliance efficacy.				year which is required by the *Local Government (Audit) Regulations 1996.*

Strategic Plan Implications:
The Governance Unit is focussed on maintaining and improving the performance of Council's Administration with regard to compliance with the *Local Government Act 1995*. The quarterly audits and the Annual Compliance Audit Report are a process that monitor performance and identify areas that may be improved from a governance perspective.

Financial Implications:
Internal Budget:
Nil

Total Asset Management:
Nil

Sustainability Assessment:
External Economic Implications:
Nil

Social Issues:
Nil

Cultural Issues:
Nil

Environmental Issues:
Nil

COMMENT:
The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include monitoring compliance with legislation and regulations and reviewing the annual Compliance Audit Return and reporting to Council the results of that review. Hence, this report seeks to keep the Finance and Audit Committee up to date with the internal monitoring programs the Town has in place.

CONCLUSION:
In all areas audited for the period 1 January – 30 June 2017 the Town was found to be compliant with the relevant legislation.

RESOLVED:

Moved: Cr Windram **Seconded: Cr Ammons Noble**

That the Finance and Audit Committee receives the report on the Second Quarter Compliance Audit Return for the period 1 January 2017 to 30 June 2017 attached to and forming part of this report.

The Motion was Put and **Carried (3:0)**

In favour of the Motion: Cr Maxwell; Cr Windram and Cr Ammons Noble

Town of Victoria Park – Second Quarter Compliance Audit Return

Compliance Audit for the Period 1 January to 30 June 2017

This Audit has been developed for internal use by the Town to ascertain compliance with the *Local Government (Audit) Regulations 1996*

Commercial Enterprises by Local Governments

No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2017.	N/A		John Morellini
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2017.	N/A		John Morellini
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2017.	N/A		John Morellini
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2017.	N/A		John Morellini
5	s3.59(5)	Did the Council, during 2017, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		John Morellini

Town of Victoria Park – Second Quarter Compliance Audit Return

Delegation of Power / Duty

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	The Council has not delegated any powers to its Committees	Russ Fishwick
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Russ Fishwick
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Russ Fishwick
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Russ Fishwick
5	s5.18	Has Council reviewed delegations to its committees in the 2016/2017 financial year.	N/A	The review will be presented to Council in September 2017	Russ Fishwick
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Russ Fishwick
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Russ Fishwick
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Russ Fishwick
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Russ Fishwick
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Russ Fishwick
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Russ Fishwick
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2015/2016 financial year.	Yes		Russ Fishwick
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes	Impossible to confirm precisely due to the number of delegations. However, the delegations exercised are captured as metadata in the Town's Record Management System.	Russ Fishwick

Town of Victoria Park – Second Quarter Compliance Audit Return

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	Only impartiality interests have been disclosed during the first quarter which do not require an elected member to leave to Council Chamber.	Russ Fishwick
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	N/A	No decisions were made by the Council to allow a disclosing member to remain in the Council Chamber as no financial or proximity interests have been disclosed during the first quarter.	Russ Fishwick
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes	Only impartiality interests have been disclosed during the second quarter.	Russ Fishwick
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Russ Fishwick
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	N/A		Russ Fishwick
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2017.	N/A		Russ Fishwick
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2017.	N/A		Russ Fishwick
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	N/A		Russ Fishwick
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	N/A		Russ Fishwick
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Russ Fishwick
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75	Yes		Russ Fishwick

No	Reference	Question	Response	Comments	Respondent
		or 5.76.			
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Russ Fishwick
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Russ Fishwick
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A		Russ Fishwick
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A		Russ Fishwick
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Russ Fishwick

Town of Victoria Park – Second Quarter Compliance Audit Return

Disposal of Property

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

Town of Victoria Park – Second Quarter Compliance Audit Return

Elections					
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A	There has not been an ordinary or extra-ordinary election held during the audit review period.	Russ Fishwick

Town of Victoria Park – Second Quarter Compliance Audit Return

Finance					
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Ann Thampoe
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	Yes		Ann Thampoe
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Ann Thampoe
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Ann Thampoe
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government within 30 days of completion of the audit.	Yes		Ann Thampoe
6	s7.9(1)	Was the Auditor's report for 2015/2016 received by the local government by 31 December 2016.	Yes		Ann Thampoe
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken by the local government, was that action undertaken.	Yes		Ann Thampoe
8	S7.12A (4)	Where the local government determined that matters raised in	N/A		Ann Thampoe

No	Reference	Question	Response	Comments	Respondent
		the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.			
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9(1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Ann Thampoe
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Ann Thampoe
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Ann Thampoe
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Ann Thampoe
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Ann Thampoe
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Ann Thampoe

Town of Victoria Park – Second Quarter Compliance Audit Return

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Russ Fishwick
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A		Russ Fishwick
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Russ Fishwick
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Russ Fishwick
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Russ Fishwick

Town of Victoria Park – Second Quarter Compliance Audit Return

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	Nothing recorded as no complaints were lodged.	Russ Fishwick
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	N/A		Russ Fishwick
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Russ Fishwick
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Russ Fishwick

5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Russ Fishwick
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Russ Fishwick

Town of Victoria Park – Second Quarter Compliance Audit Return

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Ann Thampoe
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Ann Thampoe
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		Ann Thampoe
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Ann Thampoe
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Ann Thampoe
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		Ann Thampoe
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Ann Thampoe
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most	Yes		Ann Thampoe

		advantageous to the local government to accept, by means of written evaluation criteria.			
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Ann Thampoe
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Ann Thampoe
11	F&G Reg 21 & 22	Did the local government's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	Yes		Ann Thampoe
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	Yes		Ann Thampoe
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	Yes		Ann Thampoe
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	Yes		Ann Thampoe
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	No		Ann Thampoe
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Ann Thampoe
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Ann Thampoe
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		Ann Thampoe
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation	N/A		Ann Thampoe

No	Reference	Question	Response	Comments	Respondent
		for applications.			
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Ann Thampoe
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		Ann Thampoe
No	**Reference**	**Question**	**Response**	**Comments**	**Respondent**
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Ann Thampoe
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Ann Thampoe
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Ann Thampoe
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, $150,000 or less.	Yes		Ann Thampoe

8.2 Internal Audit Report – Performance Audit of Records Management at The Town of Victoria Park

File Reference:	INM/13/10
Appendices:	No
Attachments:	Yes

Date:	23 August 2017
Reporting Officer:	T. Mbirimi
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That the Finance and Audit Committee receives the report on performance audit of records management at the Town.

- The Elected Members proposed that the matter of the Town's record keeping be the subject of an independent audit and that a report on this matter be prepared for the Finance and Audit Committee's consideration.
- A performance audit of the Town's records management was conducted that examined the effectiveness of the Town's recordkeeping practices.
- The report on the findings of the audit is presented for the Finance and Audit Committees consideration.

TABLED ITEMS:
Nil

BACKGROUND:
Pursuant to s5.28 of the Local Government Act 1995 the Town received a request to convene a Special Meeting of Electors to discuss the development proposal for 34 Goddard Street, Lathlain, also known as Lathlain Oval.

In accordance with s5.29 of the *Local Government Act 1995* and on a date determined by the Mayor, the Special Meeting of Electors was convened at 6.00pm on 13th July 2016 at the Town of Victoria Park Administration Centre building.

A total of 19 motions were considered, with the motions as passed being referred to the Elected Members Workshop of 19 July 2016 for discussion.

The following was one of the motions considered and formed the basis for this audit.

Motion 10.

As a matter of priority, and in regulatory compliance with the State Records Management Act 2000, the completion of a formal enquiry by the State Records Commission (SRC) occurs, to determine the level of record management compliance associated with the Lathlain Park Redevelopment Project, and until such that the required records enquiry is completed, all progress, actions and approvals associated with zones one, two and three of the Lathlain Park Redevelopment Project be formally suspended.

The Administration sought advice from the State Records Office on how to progress with the call to have a formal enquiry conducted by the State Records Commission and the following preliminary advice was received.

The onus is on the person who would like a formal inquiry to occur to contact the State Records Office and lodge a complaint and provide proof of the alleged breach.

The person must provide information on the alleged breaches to the Executive Director of State Records. This includes the facts of the case; the alleged breaches the complainant considers need investigating and any supporting documentation (proof) of the alleged breach.

The State Records Office has the power to act upon any complaints received and investigate the alleged breaches on behalf of the State Records Commission.

The advice from the State Records Office was noted and the Administration recommended no further action be undertaken.

However, at the Elected Members Briefing Session of 2 August 2016, Motion 10 as passed at the Special Meeting of Electors was raised. The advice from the State Records Office was once again noted. Specifically, it was noted that a formal enquiry would only be undertaken by the State Records Office in response to a complaint.

The Elected Members suggested that, in the current absence of a formal complaint, that the intent of Motion 10 could be addressed by the CEO; this being that a review of the Town's records management practices in relation to the Lathlain Precinct Redevelopment Project could be undertaken.

More broadly however, the Elected Members proposed that the matter of the Town's record keeping be the subject of an independent audit, and that a report on this matter be prepared for the Finance and Audit Committee's consideration.

DETAILS:

The *State Records Act 2000* (The Act) governs agencies' recordkeeping practices. The Act requires agencies develop a recordkeeping plan, and ensure records are created, retained or destroyed in line with this plan. Under the Act, State Records Commission produces legally binding principles and standards to govern agencies' recordkeeping.

The State Records Office provides administrative assistance and technical advice to the Commission. It also advises agencies on recordkeeping, training, and developing recordkeeping plans.

The report attached presents the results of a performance audit that examined whether the Town's recordkeeping practices were effective.

Performance audits are an integral part of the overall audit program. They seek to provide Council with assessments of the effectiveness and efficiency of the Town's programs and activities, and identify opportunities for improved performance.

Good records management is a fundamental element of good governance, in particular with respect to transparency and accountability. Good recordkeeping supports efficiency and accountability through the creation, management and retention of meaningful, accurate, reliable, accessible and durable records of the Town's activities and decisions.

Poor recordkeeping practices negatively affect Council administration, and projects are often difficult to implement and sustain effectively in the absence of well-managed records.

Legal Compliance:
State Records Act 2000.

Policy Implications:
Nil

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Compliance Some temporary non-compliance if the Town doesn't meet the requirements of the *State Records Act 2000.*	Minor	Unlikely	Low	Review of the Recordkeeping Plan within 5 years of approval.
Reputational Substantiated, localised impact on community trust or low media item if the Town cannot produce any or all documents requested under Freedom of Information.	Minor	Possible	Moderate	1. Ensure recordkeeping practices are consistent across the organisation. 2. Implement a centralised environment for the management and storage of corporate records.

Strategic Plan Implications:
Civic Leadership – To show leadership by communicating with, empowering and supporting people in the community.

CL4 – Appropriate information management that is easily accessible, accurate and reliable. The point of this outcome is to ensure that information technology allowed the Town to do what it needs to do and that records are documented.

Financial Implications:
Nil

Total Asset Management:
Nil

Sustainability Assessment:
External Economic Implications:
Nil

Social Issues:
Nil

Cultural Issues:
Nil

Environmental Issues:
Nil

COMMENT:
Good recordkeeping makes good business sense. It enables informed and consistent decision-making and provides evidence of key decisions and events. Recordkeeping is an important component of the Town's governance framework that effectively supports the management of business activities and risks.

The Town should ensure it manages its records well and meet the requirements of the Act.

To do this, the Town should continue to:
- Develop and maintain an up-to-date recordkeeping plan, supported by appropriate policies and procedures;
- Ensure records are listed in its records management system or other business information system as set out in the recordkeeping plan and retention and disposal schedules;
- Ensure all business decisions are appropriately recorded;
- Ensure all records are securely stored and preserved for the appropriate length of time set out in the Town's retention and disposal schedule;
- Document any off-site storage facilities in the recordkeeping plan;
- Adequately assess the risks to the Town's records and have strategies in place to prevent or respond to any disaster or events affecting them;
- Ensure only appropriate access to the records management system is permitted; and
- Ensure all staff with an operational need are adequately trained in records management.

CONCLUSION:

The Town's Recordkeeping Plan and supporting documentation provide a solid foundational information management framework which articulates how its information as a whole will be managed. However, the Town's records management requirements are not consistently applied across the organisation, resulting in inadequate records management in some areas and the transition to a robust digital information and records management system remains incomplete.

Most concerning is that key records are not being stored in a central records management system with the result that they can become lost or difficult to locate or be at greater risk of unauthorised access or alteration. There is also a risk of loss of corporate memory that can occur with turnover in staff. Greater commitment to good recordkeeping systems on the part of the Town as a whole would address the weaknesses this audit identified.

RESOLVED:

Moved: Cr Windram **Seconded: Cr Ammons Noble**

That the Finance and Audit Committee receives the audit review on the performance audit of records management at the Town which is attached to and forming part of this report.

The Motion was Put and **Carried (3:0)**

In favour of the Motion: Cr Maxwell; Cr Windram and Cr Ammons Noble

Performance Audit Report

Records Management at the Town of Victoria Park.

August 2017

1. SUMMARY AND RECOMMENDATIONS

BACKGROUND

1.1 Pursuant to s5.68 of the *Local Government Act 1995* ('the Act'), the Town received a request to convene a Special Meeting of Electors to discuss the development proposal for 34 Goddard Street, Lathlain, also known as Lathlain Oval.

1.2 In accordance with s5.29 of the Act and on a date determined by the Mayor, the Special Meeting of Electors was convened at 6.00pm on 13th July 2016 at the Town of Victoria Park Administration Centre building.

1.3 A total of 19 motions were considered, with the motions as passed being referred to the Elected Members Workshop of 19 July 2016 for discussion.

1.4 The following was one of the motions considered and forms the basis for this audit.

Motion 10.
As a matter of priority, and in regulatory compliance with the State Records Management Act 2000, the completion of a formal enquiry by the State Records Commission (SRC) occurs, to determine the level of record management compliance associated with the Lathlain Park Redevelopment Project, and until such that the required records enquiry is completed, all progress, actions and approvals associated with zones one, two and three of the Lathlain Park Redevelopment Project be formally suspended.

1.5 The administration sought advice from the State Records Office (SRO) on how to progress with the call to have a formal enquiry conducted by the SRC and the following preliminary advice was received.

The onus is on the person who would like a formal enquiry to occur to contact the SRO and lodge a complaint and provide proof of the alleged breach. The person must provide information on the alleged breaches to the Executive Director of State Records. This includes the facts of the case; the alleged breaches the complainant considers need investigating and any supporting documentation (proof) of the alleged breach.

The SRO has the power to act upon any complaints received and investigate the alleged breaches on behalf of the SRC.

1.6 The advice from the SRO was noted and the Administration recommended no further action be undertaken.

1.7 However, at the Elected Members Briefing Session (EMBS) of 2 August 2016, Motion 10 as passed at the Special Meeting of Electors was raised. The advice from the SRO was once again noted. Specifically, it was noted that a formal enquiry would only be undertaken by the SRO in response to a complaint.

1.8 The Elected Members suggested that, in the absence pf a formal complaint, that the intent of Motion 10 could be addressed by the CEO; this being that a review of the Town's records management practices in relation to the Lathlain Precinct Redevelopment Project could be undertaken.

1.9 More broadly however, the Elected Members proposed that the matter of the Town's record keeping be the subject of an independent audit, and that a report on this matter be prepared for the Finance and Audit Committee's consideration.

2. AUDIT OBJECTIVE AND CRITERIA

2.1 The audit objective was to assess the effectiveness of the Town's records management practices.

2.2 To form a conclusion against the audit objective, the audit examined whether the Town has:

a) Developed an appropriate information management strategy to provide a framework for an effective and efficient records management system which delivered identified business needs;
b) An appropriate governance framework to assist in effectively managing its records; and
c) Effectively rolled out the TRIM EDRMS to maximise system benefits, and implemented operational measures to maintain an ongoing integrity of data.

3. OVERALL CONCLUSION

The Town's records management requirements are not consistently applied across the organisation, resulting in inadequate records management in some areas and the transition to a robust digital information and records management system remains incomplete.

4. WHAT IS RECORDS MANAGEMENT?

4.1 Records management is the 'efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing and maintaining evidence of, and information about, business activities and transactions in the form of records.'[1] Proper records management is an essential foundation for sound public administration, where entities operate in an environment of high accountability. Records created by government entities document the information on which decisions are based and provide evidence of decision-making processes which can later be scrutinised.[2]

4.2 The *State Records Act 2000* (The Act) governs how records are created, maintained, destroyed or permanently preserved as State archives.

4.3 The Act was promulgated to improve recordkeeping practices across government organisations. Key to this objective is that government records be kept for as long as they are required, for business needs, and then either retained in the State archive for future research needs or legitimately destroyed.

4.4 Advances in information technology have required government entities to reassess the systems and practices traditionally used to record and

[1] Standards Australia, Australian Standard – Records Management – Part 1 AS ISO 15489.1 – 2002, 3 Terms and definitions, p.3.

[2] Management Advisory Committee Report No. 8, Note for file – A Report on Recordkeeping in the Australian Public Service, Canberra, August 2007, Preface. The Report also observes that all Australian Public Servants:
'have an obligation to ensure that key decision and events are recorded in a way that captures the important

manage information arising from their day-to-day operations, with new standards for information management being progressively introduced into public administration practices.[3]

5. SUPPORTING FINDINGS

The Town's information management strategy and governance arrangements

5.1 The Town has a current amended RKP which was approved by the SRC on 17 March 2017. The document was presented to the SRC in accordance with section 28 of the Act. Section 28 (5) of the Act requires that no more than five years must elapse between approval of a government organisation's RKP and a review of it.

5.2 SRC Standard 1 – *Government Recordkeeping* requires that government organisations ensure that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the SRC. SRC Standard 2- *Recordkeeping Plans* comprises six recordkeeping principles each of which contains minimum compliance requirements.

5.3 The purpose of the RKP is to set out the matters about which records are to be created by the Town of Victoria Park (the Town) and how it is to keep its records. The RKP is to provide an accurate reflection of the recordkeeping program within the Town, including information regarding the Town's recordkeeping system(s), disposal arrangements, policies, practices and processes. The RKP is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the Town.

5.4 The objectives of the Town's RKP are to ensure:

- Compliance with section 28 of the Act;
- Recordkeeping within the local government is moving towards compliance with SRC Standards and Records Management Standard AS ISO 15489;
- Processes are in place to facilitate the complete and accurate record of business transactions and decisions;
- Recorded information can be retrieved quickly, accurately and cheaply when required;
- Protection and preservation of the local government's records.

5.5 The RKP is required to set out:

- Those records that will be State archives;
- Those State archives that will be restricted access archives and the ages at which they will cease to be restricted access archives;
- The retention period for records that are not State archives;
- The systems to ensure the security of the records and compliance with the RKP.

features of a discussion or decision, presents a faithful and accurate account of the key things that have occurred and can easily be retrieved when needed.'

[3] ANAO Report No. 10 2015-16 Performance Audit -Records Management in Health, p.7.

5.6 For the purposes of the RKP and in accordance with the Act, a record is defined as meaning 'any record of information however recorded' and includes:

a) Anything on which information has been stored or recorded, either mechanically, magnetically, or electronically.
b) Anything on which there is writing or Braille;
c) A map, plan, diagram or graph;
d) A drawing, pictorial or graphic work, or photograph;
e) Anything on which there are figure marks, perforations, or symbols, having meaning for persons qualified to interpret them;
f) Anything from which images, sounds, or writings can be reproduced with or without the aid of anything else;

5.7 The Town's RKP has the following supporting documentation;

- Town of Victoria Park Policy ADP17 – Record Keeping
- FOI Application
- Excerpts from Business Continuity Plan
- Records Disaster Recovery Plan
- Excerpt Town of Victoria Park Annual Report
- Sample Training Records Induction Program
- Recordkeeping guidelines for Elected Members
- Records Management Technology Document
- Example authorised disposal from Chief Executive Officer.

5.8 This audit finds that the Town's RKP and supporting documentation provide a solid foundational information management framework which articulates how its information as a whole will be managed. The self-evaluation checklist completed as part of the RKP review is useful in describing the Town's current records management environment, its short, medium and long term goals and outlines the basis for planning to meet organisational records management targets such as correspondence capture and control.

5.9 This audit also find that while the framework is appropriate, there is an opportunity to improve, which would lead to the Town having an effective information management framework.

5.10 The staff that were interviewed as part of this audit indicated they were aware of some sort of recordkeeping plan that needed to be followed but didn't know where it was located. Some of the documentation hasn't been reviewed for a while, for example, the Recordkeeping Procedure was last updated in 2011 and a copy of the Recordkeeping Policy is not contained within the adopted Council Manual.

5.11 This audit recommends three strategies to ensure the effectiveness of the Town's information management framework and these are;

i) The regular review of the supporting documentation; and
j) Making the documentation readily available to staff on the intranet; and
k) Regularly communicating the need for staff to be aware of their recordkeeping responsibilities.

Planning and governance of the TRIM EDRMS implementation

5.12 In June 2012 the Town secured funding from the National Broadband Network Initiative to be used towards extending its Information Technology platforms to provide greater functionality to staff and the community. This project would result in increased efficiencies within the Town and improved ability for members of the public to interact with the Town.[3]

5.13 This project would specifically include the implementation of the following;

- Authority eService's platform;
- Authority Building and Planning Applications Module;
- TRIM Electronic Document Management System (TRIM EDRMS);
- Authority / TRIM Integration;
- Online Application Lodgement System;
- Authority/ GIS Integration;
- Video Conferencing Capability.[5]

5.14 As part of the Project Management Plan, a Risk Management Plan incorporating a risk register and risk treatment plan were developed for the EDRMS project in October 2012. There were Seven (7) key risks identified and recorded in a risk register, with possible treatment options listed. However, the risk treatment plan did not identify the status of the treatment options identified and at the time of drafting this report, the risk treatment plan had not been reviewed or updated since 2013 when TRIM was implemented. As a result, this audit was unable to form an opinion on the status of the treatment options or on the effectiveness of the identified controls.

5.15 The audit identified two uncertain or unresolved elements concerning the TRIM project, which were known at the time of the project implementation but were not included in the risk register.

i. No budget had been allowed for hardware to run the TRIM system.
ii. Civica proposed to implement a version of TRIM (7.1) that has known security flaws. The Town required at least version 7.21 of TRIM, but at the time of implementation, Civica had no integration certification for that version of TRIM.

5.16 Since the above elements were not included in the risk register or risk treatment plans, it's unclear whether any existing controls were identified, whether any possible treatment options were considered or how a decision to accept the risks was reached.

5.17 An EDRMS Quality Management Plan setting out the quality assurance responsibilities and requirements for the EDRMS project does not appear to have been developed. Consequently, it is difficult to ascertain how the quality of the service being provided during the life of the project was/is measured.

5.18 Prior to implementing TRIM, the Town did not undertake any analysis of which of its business systems potentially stored official records, and the Town continues to use a number of other recordkeeping systems such as the common shared drive and now the Customer Request Management System (CRM). This situation continues notwithstanding the Town's decision to make

[3] Town of Victoria Park: NBN Digital Local Government – Project Management Plan, p.2. [5]
Town of Victoria Park: NBN Digital Local Government- Project Management Plan, p.7.

TRIM the only recognised records management system, as per its RKP. The RKP stipulates that TRIM was purchased by the Town for the purpose of providing a centralised environment for the management and storage of corporate records. Prior to the installation of TRIM, the Town utilised the Infovision Software. All corporate records were migrated into the TRIM.

5.19 One risk of storing records outside TRIM is that the Town cannot provide assurance that it is complaint with the Act.

5.20 As at July 2017, the Town has informally conducted more than one post implementation review of the TRIM project. During the course of the several audits, the Town acknowledged that its implementation of the TRIM project was not fully effective and a business case to complete the TRIM implementation was put together in 2015.

5.21 The following were identified as the key problems in the business case;

i. Business Process Review and Information Audit: Business processes were to be reviewed for all business units to determine what documentation they generated, and ensure that it was all moved to TRIM. This required the cooperation of all Business Units, and especially their senior admin staff. The planned outcome of this deliverable was that the flow of all records within the Town was to be tracked and the resulting document moved into TRIM. Due to time constraints and officer unavailability this deliverable was removed from the project. Consequently, procedures that are not integrated to TRIM still remain in use.

ii. File Store Document Migration: the Town has a legacy of several terabytes of documents that are stored in network file shares (e.g. J drives etc.). It was originally planned that those documents would be moved into TRIM and access to the network shares would be restricted. However, due to time constraints and staff anxiety this deliverable was removed from the project. Consequently, untracked documents remain in file share which is outside the Town's corporate records keeping obligations.

5.22 The removal of these deliverables from the original TRIM implementation plan was noted in the business case as the major contributing factor to the low level of staff satisfaction and acceptance of TRIM at the Town.

5.23 Subsequently, the business case recommended the completion of the above deliverables and more specifically:

i. Conducting the Business process review and information audit within each Business Unit. Map the process of all records and documents within the Town and ensure that all documents are recorded in TRIM. Ensure that integrations to TRIM are as streamlined as possible to reduce staff workload associated with adhering to TRIM requirements.

ii. Purchase HP software to interrogate network file shares and automatically profile documents into TRIM.

iii. Restrict access to network file shares.

5.24 However, the Business Case document is unsigned and no further documentation was found that confirmed acceptance of the proposal.

5.25 As at August 2017, the implementation of TRIM remains incomplete.

The Town's operation of the TRIM EDRMS

Staff training and support

5.26 The Town provided a ½ day training course, which was created as an introduction to TRIM. It was designed for people who had never used TRIM before. The course was to be undertaken before the first hands –on experience of TRIM, with a recommendation that the course be followed up with a 1 day intermediate course when TRIM had been used for about 4 weeks.

5.27 It is not possible to ascertain with confidence how many staff participated or if the recommended follow up training was conducted. A number of the staff that undertook the training has reduced due to natural attrition.

5.28 TRIM training is now delivered on a request basis and not as comprehensive as the introductory training was. The training does not have an assessment component and the training is deemed to have been completed once it has been demonstrated on the user's desktop. Staff interviews undertaken by this audit indicated that approximately 30 per cent of interviewees had not undertaken the relevant or sufficient training, 50 percent indicated they had undertaken the training but preferred to store their documents in shared drives and the remaining 20 percent said they undertook the training, use TRIM regularly and have had a refresher course or regularly ask the Records Team for their assistance where needed.

5.29 The resourcing capacity of the Records Management Team has been sighted as the main obstacle to delivering training to staff on an ongoing basis.

Creation, storage and destruction of records

5.30 Staff that were surveyed expressed concern at the likelihood of duplicated documents being created and stored within TRIM, including drafts and different versions of the same document. This was a great concern because staff felt they were not given clear indicators or titling conventions to follow, which makes locating and identifying the final versions of documents difficult. Further, staff felt unguided about the sentencing of digital records, if permitted, to facilitate the authorised deletion of documents stored on TRIM. Therefore, they were not confident that if they saved a document into TRIM, it wouldn't be deleted accidentally.

Staff experiences using TRIM and the Town's framework for assessing TRIM outcomes

The user experience

5.31 In considering user experiences with TRIM, this Audit interviewed 13 staff and also observed their ability to efficiently record, complete and locate documents within the system.

5.32 At least 1 representative was interviewed from each Business Unit and the selection of the representative was strategic in that the users identified were key people within their Business Unit with capacity to influence others, responsible for the management of documents on behalf of their area or frontline staff that provided customer service to the community.

5.33 Interviewed staff advised that following the implementation of TRIM, they continued to hold records for use on a day-to-day basis in the shared drives, with some staff holding records on both systems. Staff advised that they were not fully aware of what documents needed to be stored in TRIM and why and they were hesitant to record their documents into TRIM because they would not be able to find them.

5.34 Staff also advised that they often weren't confident to conduct searches in TRIM because there was no guidance to staff on standard naming conventions for the titling of all paper and digital files created in the department. Consequently, staff expressed a lack of confidence in their recordkeeping knowledge and ability to meet legislative requirements. This results in a heavy reliance on the Records Team to provide assistance and ensure recordkeeping responsibilities are met.

5.35 Other comments from staff were;

- We avoid TRIM because it is difficult to use and we don't understand what should go into it;
- Discouragement from other staff that don't feel the need to use TRIM;
- We've always saved our documents in the shared drives, that's the way it has always been done.
- Container names don't make sense to us;
- Lack of adequate training;
- It's frustrating when trying to find things in TRIM;
- Recording documents is a laborious exercise;
- Managers shouldn't have to register documents, that's an administrative function;
- Software overload (there is too many pieces of software that we are required to learn how to use at the same time);
- It would be easier if there was a bulk document saving option to save time;

Assessing the benefits of implementation

5.36 While expected outcomes and benefits were identified in the department's Project Management Plan for TRIM, the project checkpoints and outcomes were not formally monitored during implementation. As a consequence, The Town is unable to demonstrate whether the TRIM project has realised its specified objectives. Without using the checkpoints as measures, this audit found that general consensus to be that the TRIM project did not realise its specified objectives, based on user performance and satisfaction.

6. RECOMMENDATIONS

6.1 Recommendation No. 1

To improve the governance of information and records management, this Audit recommends the implementation of a system to formally and regularly monitor and review recordkeeping practices, systems, policies and procedures.

6.2 Recommendation No. 2

This audit recommends the Town conducts a TRIM remediation project which:

a) Identifies a Project Manager with accountability for project implementation and delivery of outcomes;
b) Establishes a governance framework to oversee implementation of the project;
c) Implements a performance reporting framework to assess progress and outcomes; and
d) Develops a risk management plan for the project, including a strategy and timeframe for shared drives to become accessible as ‘read only’ or have limited storage capacity.

6.3 Recommendation No. 3

This Audit recommends the implementation of mandatory TRIM training within 3 months of commencement as an employee of the Town and regular communication to staff on their recordkeeping responsibilities.

8.3 Land Asset Optimisation Strategy Business Case - 6-8 Planet Street, Carlisle.

File Reference:	CUP/10/0001
Appendices:	No
Attachments:	No

Date:	07 September 2017
Reporting Officer:	J. Morellini
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council receives the Land Asset Optimisation Strategy Confidential Business Case for 6-8 Planet Street, Carlisle and approves commencement of the process for the divestment of 6-8 Planet Street, Carlisle.

- A Confidential Business Case for 6-8 Planet Street, Carlisle has been developed in line with Council Policy GEN7 Strategic Management of Land and Property Asset and with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.
- The Confidential Business Case explored multiple development option scenarios of 6-8 Planet Street, Carlisle including a hypothetical development analysis, community outcomes and joint venture scenarios.
- The conclusion of the Confidential Business Case recommended for the council to endorse the divestment of 6-8 Planet Street Carlisle.

TABLED ITEMS:
Nil

BACKGROUND:
The Land Asset Optimisation Strategy (LAOS) is a priority project for the Town of Victoria Park that will deliver revenue diversification and generation opportunities whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Town's land assets.

A LAOS Project Plan was received and endorsed by the Finance and Audit Committee in February 2017. The Project Plan highlighted the main priority projects with 6-8 Planet Street, Carlisle being included on that list.

A Confidential Business Case, required to be developed for Council to consider, has been developed and this systematically addresses the strategic objectives of the Land Asset Optimisation Strategy.

By exploring the development, investment and / or disposal potential for the subject property 6-8 Planet Street, Carlisle, this report aligns with the Land Asset Optimisation Strategy's strategic intent, which is to utilise the Town's existing land and property assets to create an alternate revenue stream for the Town, thus promoting financial diversification and sustainability.

DETAILS:

The subject site is located in the suburb of Carlisle, which is approximately 5km from the Perth Central Business District.

The total land holding includes four allotments, being Lots 593 –596 (No. 6-8) Planet Street, with a total area of 3,543m^2.

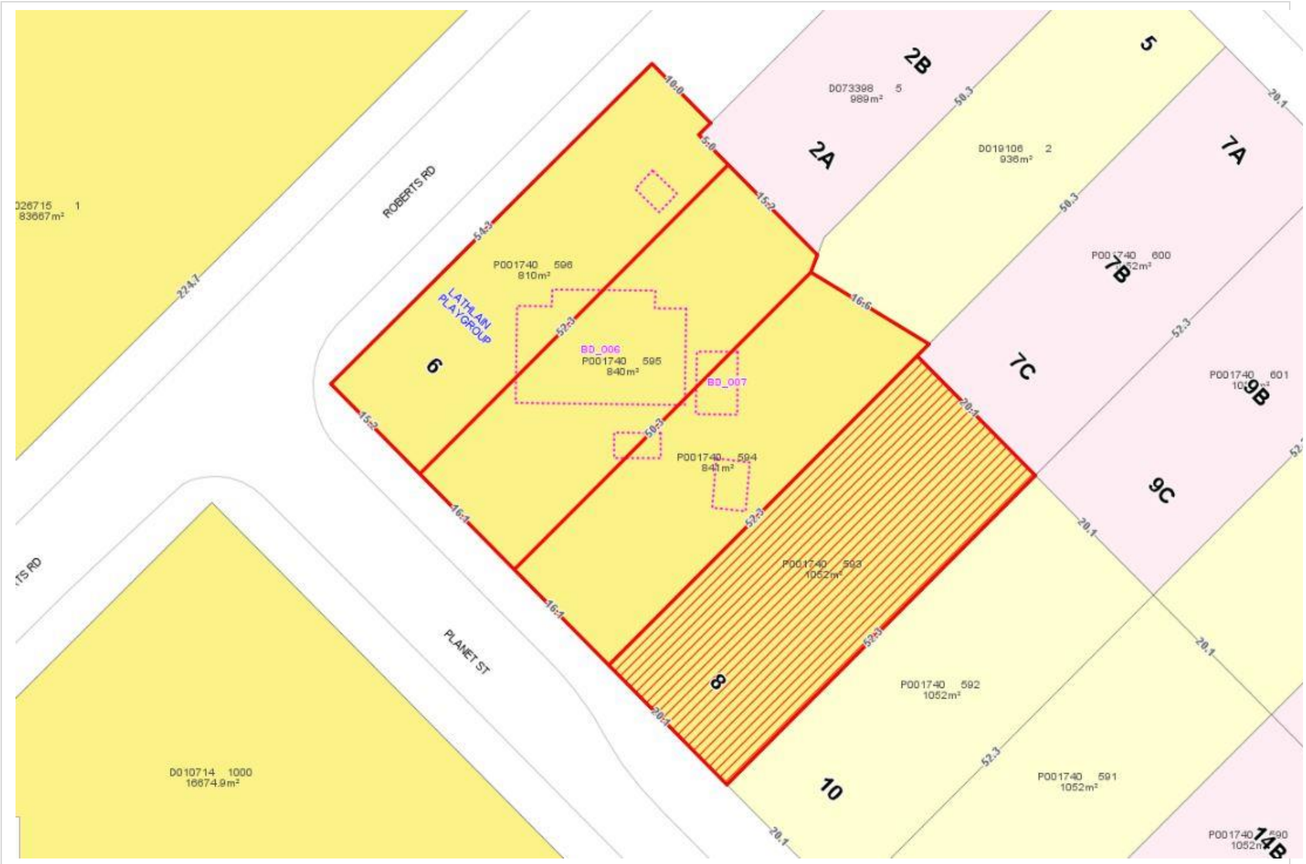
The land is zoned 'R30' and owned by the Town of Victoria Park.

The sites are generally bounded by Lathlain Oval to the North West, single and group dwellings to the west and a 'Parks and Recreation' reserve (Tom Wright Reserve) to the south west.

An older 1970s single level brick building currently exists on the site and is currently vacant.

The Town has identified the subject lot as having potential to assist in the objectives of the Land Asset Optimisation Strategy.

Site Details



Land Area	3,543m^2
Dimensions	Rectangular site with an irregular north eastern boundary: ▪ Roberts Road Frontage / NW - 54.3m ▪ Planet Street / S - 67.5m ▪ Rear / SE – 52.3m ▪ Side / NE - 66.9m
Access	▪ Dual Street Frontage to Roberts Road and Planet Street.
Services	▪ Water - The subject lots are provided with reticulated water and sewer services. The water service infrastructure is located within the Roberts Road reserve ▪ Sewer - Runs south east to North West along the rear boundaries of Lots 593 and 594. ▪ Power - The subject site is currently supplied with power. Underground power lines are located in Planet Street. ▪ Gas - It seems that the subject site is not currently connected to reticulated gas. Given that the required infrastructure is located in the road reserves of both Planet Street and Roberts Road the option of connection to reticulated gas appears viable. ▪ Telecommunications - The subject site is connected to Telstra services and has the ability to be connected to the NBN with infrastructure located within Planet Street.
Irregularity	▪ There is small portion (approximately 20m^2) of Lot 596 that 'intrudes' into the front yard of the adjoining dwelling. Potential to cede this to the adjoining owner at no cost as it does not have financial or spatially impact the development.

Title Details

Plan	1740
Vol / Folio	2039 / 306
Registered Owner	Town of Victoria Park
Encumbrances	Nil.

Town Planning

Local Authority	Town of Victoria Park
Zoning	Carlisle Precinct: Residential Zone
Plot Ratio	Residential R30
Permitted Uses	▪ Home office ▪ Single House, Group Dwelling, Aged or Dependant Persons' Dwelling, Multiple Dwelling Note: Multiple Dwellings are only permitted in areas coded R40 and above.
Development Approvals	Nil.

Existing

Improvements	Single level brick and metal clad, purpose built, air conditioned care facility on combined timber and concrete flooring of approximately 200m^2, inclusive of an attached front verandah. The is also a 26m^2 storage shed and 20m^2 pergola
Lease	Currently vacant.

Legal Compliance:
Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

"*3.58. Disposing of property*
(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned;
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:
(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition."

The requirements for Local Public Notice are contained in Section1.7 of the *Local Government Act 1995* as follows:

"1.7. Local public notice
(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
(a) published in a newspaper circulating generally throughout the district;
(b) exhibited to the public on a notice board at the local government's offices; and
(c) exhibited to the public on a notice board at every local government library in the district.
(2) Unless expressly stated otherwise it is sufficient if the notice is —
(a) published under subsection (1)(a) on at least one occasion; and
(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
(i) the time prescribed for the purposes of this paragraph; or
(ii) if no time is prescribed, 7 days."

In this instance if Council approves the sale of 6-8 Planet Street, Carlisle, the preferred sales process would be private treaty which would have the requirement to give local public notice, which would invite submissions from the community.

Policy Implications:
At its Ordinary Meeting held 8 October 2013, Council resolved:

> *1. The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
>
> *2. Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.*

The development of the 6-8 Planet Street, Carlisle Confidential Business Case was undertaken in line with Council Policy GEN7 Strategic Management of Land and Property Assets.

Risk Management Considerations:
The risk identification and categorisation below relies on the Town's Risk Assessment and Acceptance Criteria.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Community and Political				
Negative community support for the sale.	High	Possible	Major	Community response and engagement process / Sale to conform to Section 3.58 of the Local Government Act 1995.
Planning and Environmental				
Purchaser not adhering to council planning and environment requirements.	Moderate	Unlikely	Moderate	Council enforcement of policy / Officer to enforce Council planning and environmental requirements.
Environmental Impact and Sustainability				
Contamination	Low	Possible	Low	Council process / Enforcement of Council contamination requirements.
Non sustainable	Moderate	Possible	Moderate	BCA sustainability requirements /

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
development outcome				Council building approvals process.
Financial and Economic				
Forecasted Sales revenue not achieved	Moderate	Unlikely	Low	Procure Valuation if not in line with Confidential Business Case findings opportunity to re asses / Procurement of independent Valuation.

Strategic Plan Implications:
The LAOS is identified as an Objective of the Strategic Community Plan as a Key Project and Services *"To identify and optimise the management, and / or disposal of the Town's Land Assets including research, identification and management of Council's Land Asses to derive best returns"* and is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

Financial Implications:
Internal Budget:
Funds are provided in the current budget to undertake the recommendation of the Confidential Business Case for 6-8 Planet Street, Carlisle.

Total Asset Management:
The subject site will no longer require maintenance by the Town if sold.

Sustainability Assessment:
External Economic Implications:
The proposed sale of 6-8 Planet Street, Carlisle will result in an initial cash injection for the Town available for reinvestment.

The site is also able to accommodate up to 12 new rate paying residential properties, generating additional ongoing revenue of approximately $18,000 per annum for the Town.

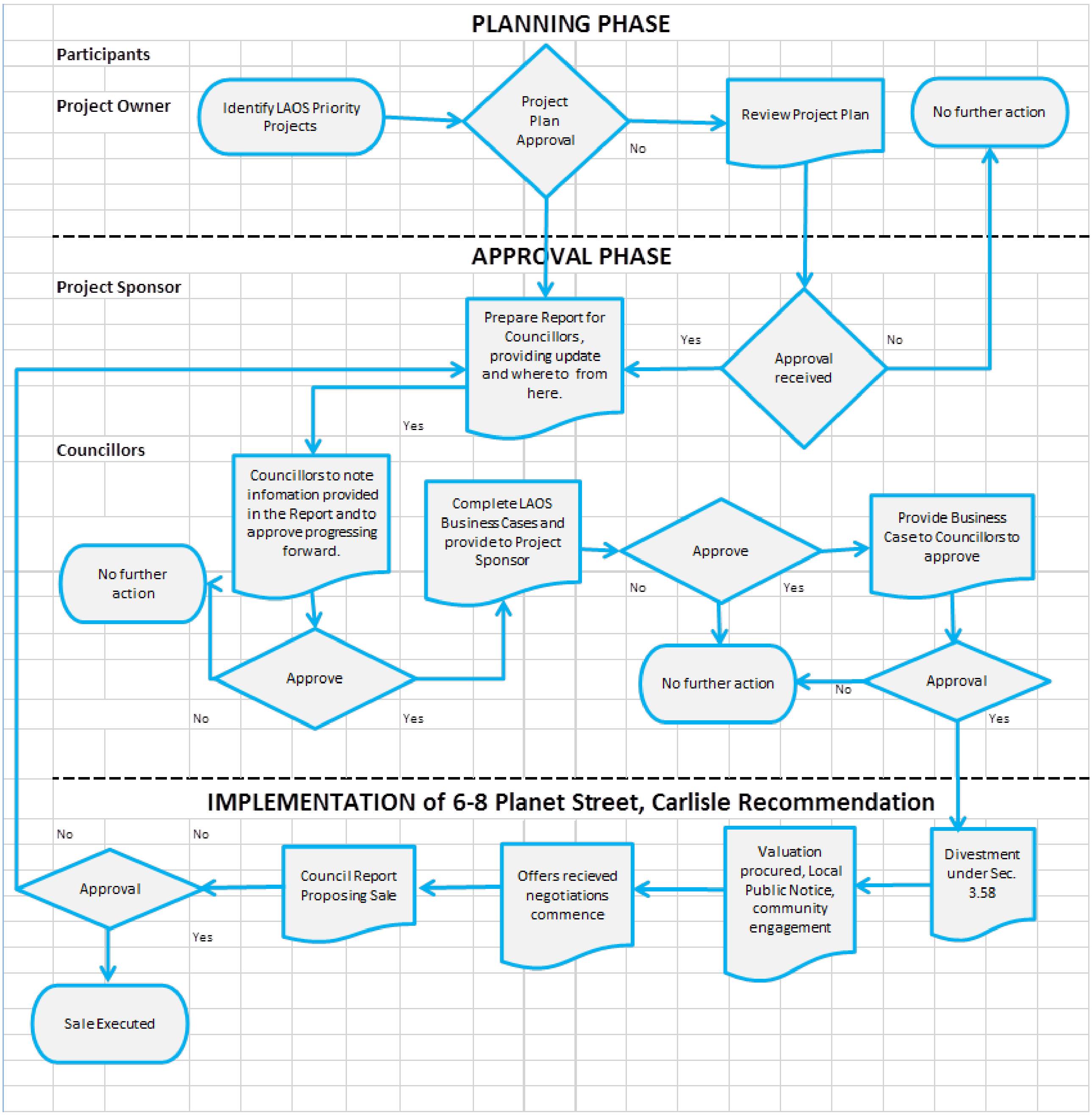
Social Issues:
6-8 Planet Street, Carlisle was previously tenanted by the Lathlain Playgroup who have now vacated with a newly built premise provided by the Town.

Cultural Issues:
The LAOS is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

<u>Environmental Issues:</u>
The Town of Victoria Park Local Planning Policy contains the following provisions that are considered applicable to the design and consequently the development potential of the subject lots.

- Existing trees on a site, especially mature trees, should be preserved wherever possible.

COMMENT:
The process being undertaken to undertake the recommendation of the Confidential Business Case is as follows –



It is important to note that the final decision rests with Council and that this item is seeking approval to commence the process only.

Given the economic and commercial findings and assumptions provided throughout the Confidential Business Case it will be made commercial in confidence to protect the financial position of the council in negotiations moving forward in the best interest of the Town and the Community. In adoption of the recommendation the next steps will be to adhere to the statutory requirements for divestment of a Council owned Property.

CONCLUSION:

Without limiting the possible options provided to the Town through the "Disposal of property" process, it is likely that the realisation of the 6-8 Planet Street, Carlisle divestment will:

- provide a lump sum cash injection to the Town within a relatively short timeframe;
- compare favourably to alternative options from a financial perspective; and
- minimise capital risk and peak debt to the Town in the current property market.

RESOLVED:

Moved: Cr Windram **Seconded: Cr Maxwell**

That Council:

1. **Receives the Land Asset Optimisation Strategy Confidential Business Case for 6-8 Planet Street, Carlisle; and**
2. **Pursuant to Section 3.58 of the *Local Government Act 1995* approves the recommendation to commence the process for the divestment of 6-8 Planet Street, Carlisle.**

The Motion was Put and **Carried (3:0)**

In favour of the Motion: Cr Maxwell; Cr Windram and Cr Ammons Noble

Councillor Hayes arrived at 5.42pm

8.4 Land Asset Optimisation Strategy - 12 Lathlain Place, Lathlain Business Case.

File Reference:	CUP/10/0001
Appendices:	No
Attachments:	No

Date:	07 September 2017
Reporting Officer:	J. Morellini
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council receives the Land Asset Optimisation Strategy Confidential Business Case for 12 Lathlain Place, Lathlain and approves commencement of the process for the divestment of 12 Lathlain Place, Lathlain.

- A Confidential Business Case for 12 Lathlain Place, Lathlain has been developed in line with Council Policy GEN7 Strategic Management of Land and Property Asset and with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.
- The Confidential Business Case explored multiple development option scenarios of 12 Lathlain Place, Lathlain including a hypothetical development analysis, community outcomes and joint venture scenarios.
- The conclusion of the Confidential Business Case recommended for the council to endorse the divestment of 12 Lathlain Place, Lathlain.

TABLED ITEMS:
Nil

BACKGROUND:
The Land Asset Optimisation Strategy (LAOS) is a priority project for the Town of Victoria Park that will deliver revenue diversification and generation opportunities whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Town's land assets.

A LAOS Project Plan was received and endorsed by the Finance and Audit Committee in February 2017. The Project Plan highlighted the main priority projects with 6-8 Planet Street, Carlisle being included on that list.

A Confidential Business Case, required to be developed for Council to consider, has been developed and this systematically addresses the strategic objectives of the Land Asset Optimisation Strategy.

By exploring the development, investment and / or disposal potential for the subject property 6-8 Planet Street, Carlisle, this report aligns with the Land Asset Optimisation Strategy's strategic intent, which is to utilise the Town's existing land and property assets to create an alternate revenue stream for the Town, thus promoting financial diversification and sustainability.

DETAILS:
The subject site is located in the suburb of Carlisle, which is approximately 5km from the Perth Central Business District.

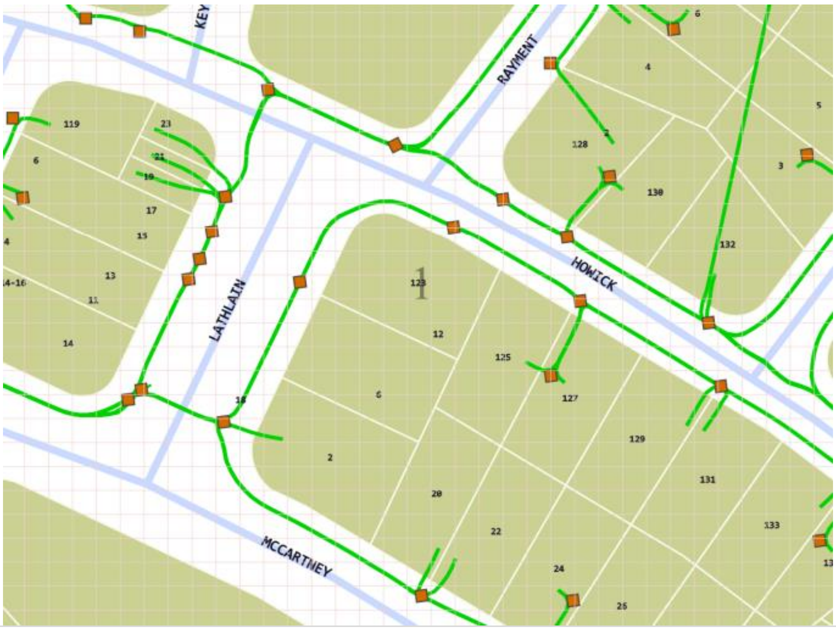
The subject site is a vacant allotment at Lot 59 (No. 12) Lathlain Place, Lathlain is a 1098m^2 lot zoned Residential R40 and is owned by the Town of Victoria Park.

The site is on the corner of Lathlain Place and Howick Street.

The Town has identified the subject lot as having potential to assist in the objectives of the Land Asset Optimisation Strategy

Site Details

Land Area	1098m^2
Dimensions	Regular shapes corner site, with a curved truncation and the following dimensions: ▪ Lathlain Place Frontage – 18.1m ▪ Curved truncation – 15.82m ▪ Howick Street Frontage – 30.25m

	▪ Rear/NE – 26.57m ▪ Side/S – 40.23m
Access	▪ Dual frontage to Lathlain Place and Howick Street. ▪ Vehicular access from Howick Street.
Services	▪ Power - Service connection available on site, in the south west corner fronting Lathlain Place. ▪ Water - Connection available from Howick Street property frontage. ▪ Gas - Medium low pressure gas connection available from Howick Street.  ▪ Data - NBN available. 
Contours	The site is level and ready to build.

Title Details

Plan/Diagram	6215

Vol / Folio	1763 / 469
Registered Owner	Town of Victoria Park
Encumbrances	Nil.

Town Planning

Local Authority	Town of Victoria Park
Zoning	Residential R40
Plot Ratio	0.6
Permitted Uses	▪ Home Office ▪ Single House, Group Dwelling, Aged or Dependent Persons' Dwelling, Multiple Dwelling
Development Approvals	Nil.

Existing

Improvements	Vacant land.

Legal Compliance:
Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

"*3.58. Disposing of property*
(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned;
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:
(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition."

The requirements for Local Public Notice are contained in Section1.7 of the *Local Government Act 1995* as follows:
"1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

(a) published in a newspaper circulating generally throughout the district;
(b) exhibited to the public on a notice board at the local government's offices; and
(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —
(a) published under subsection (1)(a) on at least one occasion; and
(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
(i) the time prescribed for the purposes of this paragraph; or
(ii) if no time is prescribed, 7 days."

In this instance if Council approves the sale of 6-8 Planet Street the preferred sales process would be private treaty which would have the requirement to give local public notice, which would invite submissions from the community.

Policy Implications:
At its Ordinary Meeting held 8 October 2013, Council resolved:

1. The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and

2. Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.

The development of the 12 Lathlain Place, Lathlain Confidential Business Case was undertaken in line with Council Policy GEN7 Strategic Management of Land and Property Assets.

Risk Management Considerations:
The risk identification and categorisation below relies on the Town's Risk Assessment and Acceptance Criteria.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Community and Political				
Negative community support for the sale.	High	Possible	Major	Community response and engagement process/Sale to conform to Section 3.58 of the Local Government Act 1995.
Planning and Environmental				
Purchaser not adhering to council planning and	Moderate	Unlikely	Moderate	Council enforcement of policy/Officer to enforce Council planning and

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
environment requirements.				environmental requirements.
Development of Villas or Townhouses and not Apartments	Moderate	Possible	Moderate	Contractual requirement/Engage a legal practitioner to provide advice on contractual ability to have the purchaser deliver apartments.
Environmental Impact and Sustainability				
Contamination	Low	Possible	Low	Council process/Enforcement of Council contamination requirements.
Non sustainable development outcome	Moderate	Possible	Moderate	BCA sustainability requirements/Council building approvals process.
Financial and Economic				
Forecasted Sales revenue not achieved	Moderate	Unlikely	Low	Procure Valuation if not in line with Confidential Business Case findings opportunity to re asses/Procurement of independent Valuation.

Strategic Plan Implications:
The LAOS is identified as an Objective of the Strategic Community Plan as a Key Project and Services *"To identify and optimise the management, and/or disposal of the Town's Land Assets including research, identification and management of Council's Land Asses to derive best returns"* and is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

Financial Implications:
Internal Budget:
Funds are provided in the current budget to undertake the recommendation of the Confidential Business Case for 12 Lathlain Place, Lathlain.

Total Asset Management:
The subject site will no longer require maintenance by the Town if sold.

Sustainability Assessment:

External Economic Implications:

The proposed sale of 12 Lathlain Place, Lathlain will result in an initial cash injected for the Town available for reinvestment.

The site is also able to accommodate up to 10 new rate paying residential properties, generating additional ongoing revenue of approximately $13,000 per annum for the Town.

Social Issues:

12 Lathan Place, Lathlain is currently a vacant allotment.

Cultural Issues:

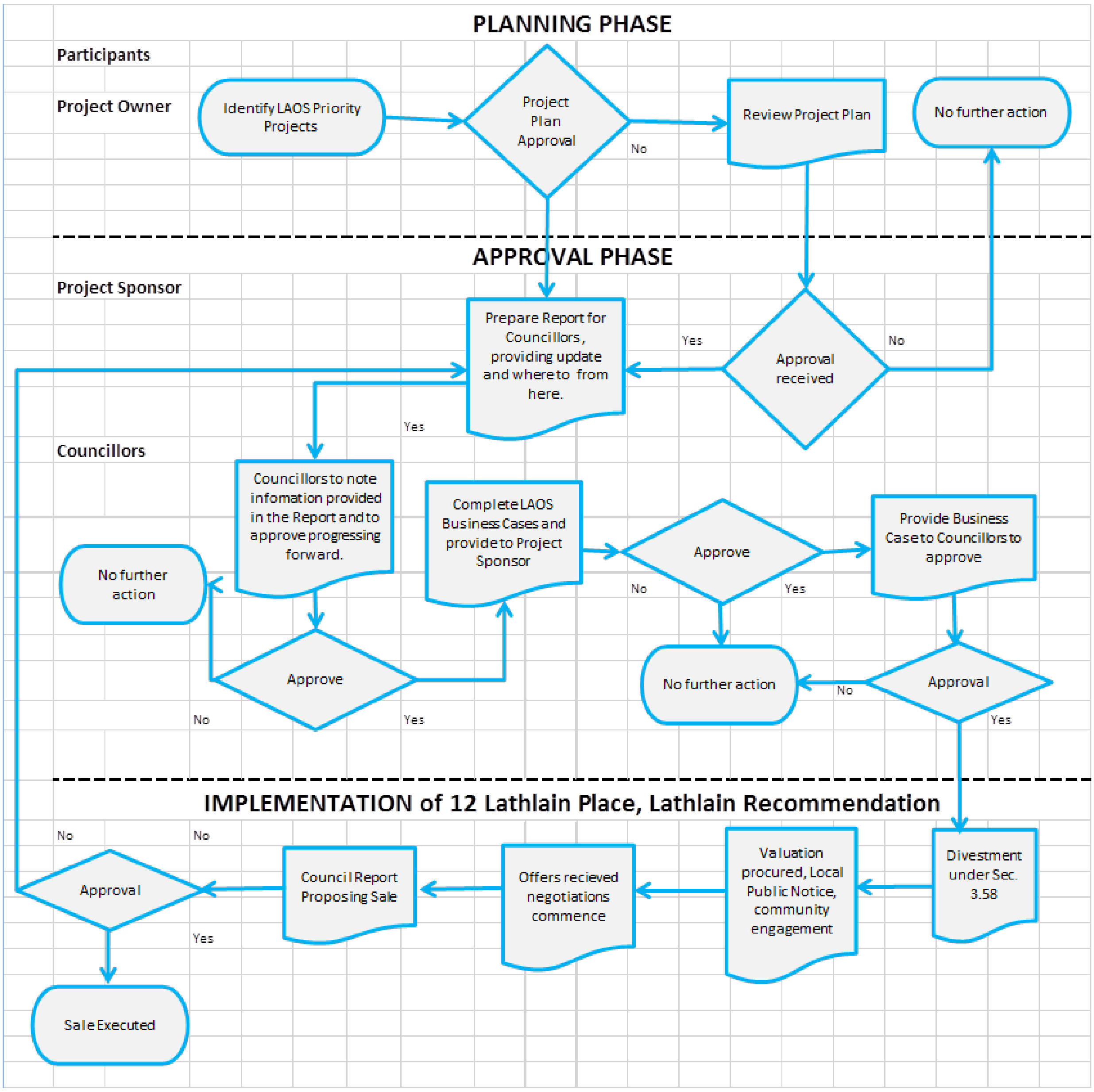
The LAOS is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

Environmental Issues:

Nil

COMMENT:

The process being undertaken to undertake the recommendation of the Confidential Business Case is as follows –


PLANNING PHASE
Participants
Project Owner
Identify LAOS Priority Projects
Project Plan Approval
No
Review Project Plan
No further action
APPROVAL PHASE
Project Sponsor
Prepare Report for Councillors, providing update and where to from here.
Yes
Approval received
Yes
No
Councillors
Councillors to note infomation provided in the Report and to approve progressing forward.
No further action
Approve
No
Yes
Complete LAOS Business Cases and provide to Project Sponsor
Approve
No
Yes
Provide Business Case to Councillors to approve
No further action
Approval
No
Yes
IMPLEMENTATION of 12 Lathlain Place, Lathlain Recommendation
No
No
Approval
Yes
Sale Executed
Council Report Proposing Sale
Offers recieved negotiations commence
Valuation procured, Local Public Notice, community engagement
Divestment under Sec. 3.58

It is important to note that the final decision rests with Council and that this item is seeking approval to commence the process only.

Given the economic and commercial findings and assumptions provided throughout the Confidential Business Case it will be made commercial in confidence to protect the financial position of the council in negotiations moving forward in the best interest of the Town and the Community. In adoption of the recommendation the next steps will be to adhere to the statutory requirements for divestment of a Council owned Property.

CONCLUSION:

Without limiting the possible options provided to the Town through the "Disposal of property" process, it is likely that the realisation of the 12 Lathlain Place, Lathlain divestment will:

- provide a lump sum cash injection to the Town within a relatively short timeframe;
- compare favourably to alternative options from a financial perspective; and
- minimise capital risk and peak debt to the Town in the current property market.

RESOLVED:

Moved: Cr Maxwell **Seconded: Cr Windram**

1 Receives the Land Asset Optimisation Strategy Confidential Business Case for 12 Lathlain Place, Lathlain; and

2 Pursuant to Section 3.58 of the *Local Government Act 1995* approves the recommendation to commence the process for the divestment of 12 Lathlain Place, Lathlain.

The Motion was Put and **Carried (4:0)**

In favour of the Motion: Cr Maxwell; Cr Hayes; Cr Windram and Cr Ammons Noble

8.5 Land Asset Optimisation Strategy Business Case - 25 Boundary Road, St James.

File Reference:	CUP/10/0001
Appendices:	No
Attachments:	No

Date:	07 September 2017
Reporting Officer:	J. Morellini
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council receives the Land Asset Optimisation Strategy Confidential Business Case for 25 Boundary Road, St James and approves commencement of the process for the subdivision and divestment of 25 Boundary Road, St James.

- A Confidential Business Case for 25 Boundary Road, St James has been developed in line with Council Policy GEN7 Strategic Management of Land and Property Asset and with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.
- The Confidential Business Case explored multiple development option scenarios of 25 Boundary Road, St James including a static development analysis and community outcomes.
- The conclusion of the Confidential Business Case recommended for the council to endorse the subdivision and divestment 25 Boundary Road, St James.

TABLED ITEMS:
Nil

BACKGROUND:
The Land Asset Optimisation Strategy (LAOS) is a priority project for the Town of Victoria Park that will deliver revenue diversification and generation opportunities whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Town's land assets.

A LAOS Project Plan was received and endorsed by the Finance and Audit Committee in February 2017. The Project Plan highlighted the main priority projects and also highlighted the Sump rationalisation opportunities to be investigated.

25 Boundary Road came to the attention of the Town through a community complaint due to ongoing anti-social issues. A Confidential Business Case, required to be developed for Council to consider, has been developed and this systematically addresses the strategic objectives of the Land Asset Optimisation Strategy.

By exploring the development, and/or disposal potential for the subject property 25 Boundary Road, St James, this report aligns with the Land Asset Optimisation Strategy's strategic intent, which is to utilise the Town's existing land and property assets to create an alternate revenue stream for the Town, thus promoting financial diversification and sustainability.

DETAILS:
The subject site is and existing drainage sump located in the suburb of St James, which is approximately 8km from the Perth Central Business District.

The landholding is Lot 137 with a total area of 1181m².

The site is zoned Residential R30 and owned by the Town of Victoria Park.

The site has the potential to create a street frontage residential lot whilst retaining the functions of an active drainage sump.

The Town has identified the subject lot as having potential to assist in the objectives of the Land Asset Optimisation Strategy

Site Details

Land Area	1181m^2
Dimensions	Regular shaped rectangular allotment, with the following dimensions: ▪ Boundary Road Frontage – 24.4m ▪ Rear Boundary – 22.3m ▪ North Eastern Boundary – 48.4m ▪ South West Boundary – 48.4m
Access	▪ Vehicular access from Boundary Road.
Services	▪ Power - Service connection available on site, in the south east corner fronting Boundary Rd. ▪ Water - Connection available from Howick Street property frontage. ▪ Gas - Medium low pressure gas connection available from Howick Street. ▪ Data - NBN available.

	
Contours	▪ The site will required minor earth works for the creation of the front allotment. The rear portion of the site will remain as the sump and engineering assessment will be undertaken to determine if there

Title Details

Plan/Diagram	1995
Vol / Folio	1050 / 540
Registered Owner	Town of Victoria Park
Encumbrances	Nil.

Town Planning

Local Authority	Town of Victoria Park
Zoning	Residential R30
Permitted Uses	▪ Home Office ▪ Single House, Group Dwelling, Aged or Dependent Persons' Dwelling
Development Approvals	Nil.

Existing

Improvements	A sump currently exists on the land, which will be retained.

Legal Compliance:
Any disposition of Council owned land, either by lease or sale, has to be carried out in accordance with Section 3.58 of the *Local Government Act 1995*, which states:

"*3.58. Disposing of property*
(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include:

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition."

The requirements for Local Public Notice are contained in Section1.7 of the *Local Government Act 1995* as follows:

"1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

(a) published in a newspaper circulating generally throughout the district;

(b) exhibited to the public on a notice board at the local government's offices; and

(c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

(a) published under subsection (1)(a) on at least one occasion; and

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —

(i) the time prescribed for the purposes of this paragraph; or

(ii) if no time is prescribed, 7 days."

In this instance if Council approves the subdivision and sale of 25 Boundary Road, St James the preferred sales process would be private treaty which would have the requirement to give local public notice, which would invite submissions from the community.

Policy Implications:

At its Ordinary Meeting held 8 October 2013, Council resolved:

1. The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and

2. Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.

The development of the 25 Boundary Road, St James Confidential Business Case was undertaken in line with Council Policy GEN7 Strategic Management of Land and Property

Assets.

Risk Management Considerations:
The risk identification and categorisation below relies on the Town's Risk Assessment and Acceptance Criteria.

Risk & Consequence	Consequence+ Rating	Likelihood= Rating	Overall Risk Analysis	Mitigation/Actions
Community and Political				
Negative community support for the subdivision and sale.	Low	Low	Insignificant	Notification to adjoining owners/Community informing during subdivisions process.
Planning and Environmental				
Sump future expansion required.	Major	Low	Moderate	Engineering assessment/Engineering department to undertake thorough analysis.
Purchaser not adhering to council planning and environment requirements.	Low	Unlikely	Insignificant	Council enforcement of policy/Officer to enforce Council planning and environmental requirements.
Environmental Impact and Sustainability				
Contamination	Low	Possible	Low	Council process/Enforcement of Council contamination requirements.
Non sustainable development outcome	Moderate	Possible	Moderate	BCA sustainability requirements/Council building approvals process.
Financial and Economic				
Forecasted Sales revenue not achieved	Moderate	Unlikely	Low	Procure Valuation if not in line with Confidential Business Case findings opportunity to reassess/Procurement of independent Valuation.

Strategic Plan Implications:
The LAOS is identified as an Objective of the Strategic Community Plan as a Key Project and Services *"To identify and optimise the management, and/or disposal of the Town's Land Assets including research, identification and management of Council's Land Asses to derive best returns"* and is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

Financial Implications:
Internal Budget:
Funds are provided in the current budget to undertake the recommendation of the 25 Boundary Road, St James Confidential Business Case.

Total Asset Management:
The sump portion of the subject site will require on-going maintenance by the Town with access maintained through a side driveway.

Sustainability Assessment:
External Economic Implications:
The proposed subdivision and sale of 25 Boundary Road, St James will result in an initial cash injected for the Town available for reinvestment.

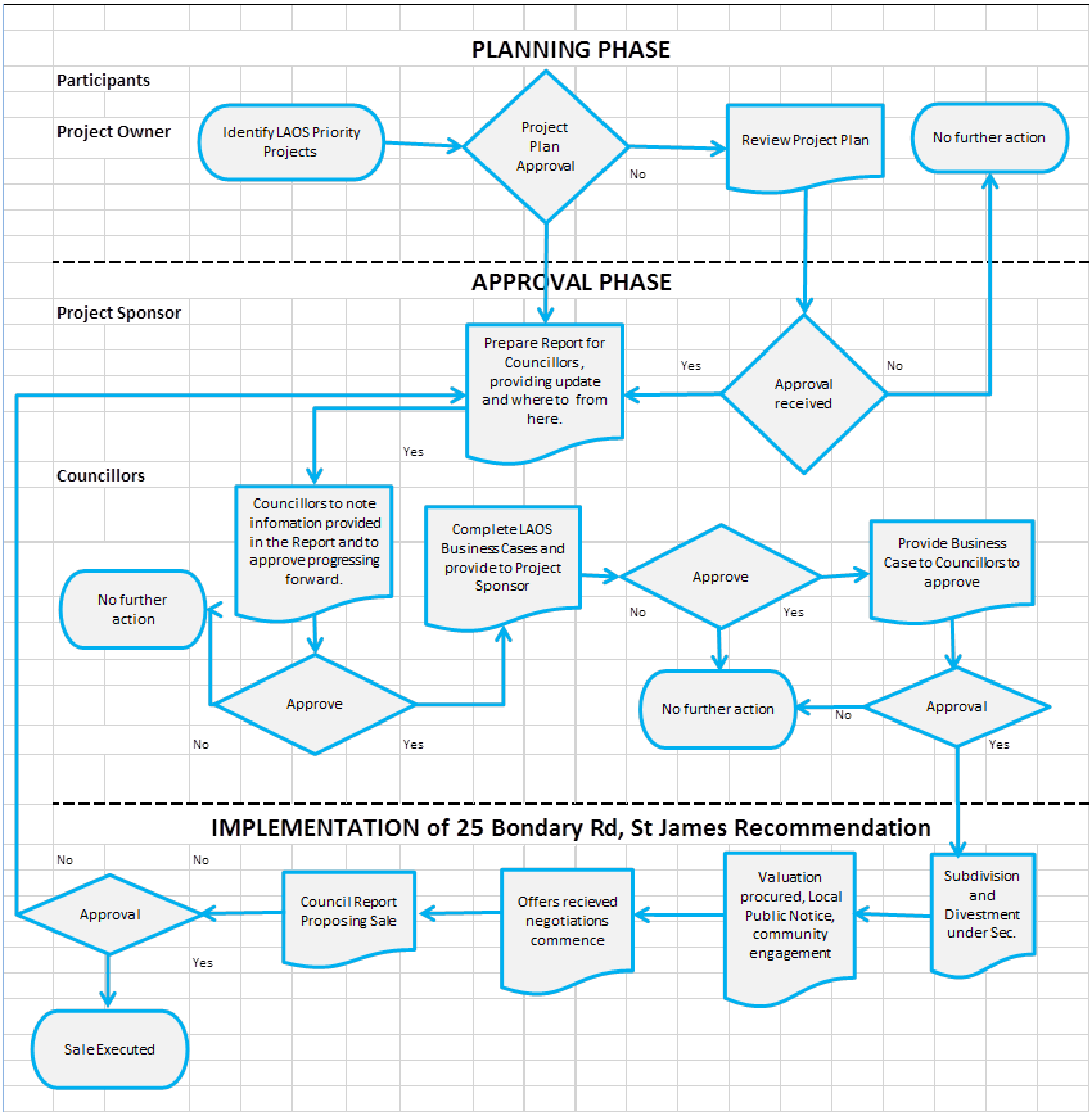
The site is also able to accommodate up to 1 new rate paying residential property, generating additional ongoing revenue of approximately $1,300 per annum for the Town

Social Issues:
Anti-social behaviour has been reported for 25 Boundary Road, the subdivision and release of a freehold front allotment will significantly reduce the future occurrence of any anti-social behaviour.

Cultural Issues:
The LAOS is intended to provide value release of Council owned properties to progress projects for the Community as identified by Council's Strategic Community Plan.

Environmental Issues:
No greater environmental issue than existing sumps within the Town.

COMMENT:
The process being undertaken to undertake the recommendation of the Confidential Business Case is as follows –



It is important to note that the final decision rests with Council and that this item is seeking approval to commence the process only.

Given the economic and commercial findings and assumptions provided throughout the Confidential Business Case it will be made commercial in confidence to protect the financial position of the council in negotiations moving forward in the best interest of the Town and the Community. In adoption of the recommendation the next steps will be to adhere to the statutory requirements for divestment of a Council owned Property.

CONCLUSION:
Without limiting the possible options provided to the Town through the "Disposal of property" process, it is likely that the realisation of the 25 Boundary Road, St James subdivision and divestment will:

- provide a lump sum cash injection to the Town within a relatively short timeframe;
- compare favourably to alternative options from a financial perspective; and
- minimise capital risk and peak debt to the Town in the current property market.

RESOLVED:

Moved: Cr Ammons Noble **Seconded: Cr Windram**

That Council:

1. **Receives the Land Asset Optimisation Strategy Confidential Business Case for 25 Boundary Road, St James; and**

2. **Pursuant to Section 3.58 of the *Local Government Act 1995* approves the recommendation to commence the process for the subdivision and divestment of 25 Boundary Road, St James.**

The Motion was Put and **Carried (4:0)**

In favour of the Motion: Cr Maxwell; Cr Hayes; Cr Windram and Cr Ammons Noble

Jon Morellini left the meeting a 5.58pm.

9 WORKSHOP TOPICS AND PRESENTATIONS

9.1 Workshop Item – Finance & Audit Committee – Review of EMBS & OCM Agenda

At the Ordinary Council Meeting held on 8 August 2017 the following Notice of Motion was adopted:

"That the Council:

Requests the Chief Executive Officer to;

1. Review the structure and format of the Council's Elected Member Briefing Session (EMBS) and Ordinary Council Meeting (OCM) agendas in consultation with the Council's Finance and Audit Committee;

2. Provide a report back to the Council at its 10 October 2017 meeting with outcomes of the review and any recommendations to improve the structure and format of the EMBS and OCM agendas."

The purpose of this workshop is for Committee Members to discuss and consider the proposed report below.

File Reference:	COR/10/0008
Appendices:	Yes
Attachments:	No

Date:	18 August 2017
Reporting Officer:	R. Fishwick
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – the Finance and Audit Committee recommends that Council receives the report on the review of the EMBS and OCM Agenda and requests that stakeholder engagement be undertaken and the CEO be requested to present a further report prior to 30 June 2018.

- To assist the Council and members of the public during Council Meetings and Elected Member Briefing Sessions, the Council could consider adopting procedures relating to public question time, public statement time and questions from members without notice.
- The reinstatement of Appendices could also be considered to circumvent duplication and to present agendas in a format easier to read.
- Key stakeholder engagement could be undertaken to assist the Council in its deliberations on the format and timing of its agendas and therefore the CEO could be requested to present a report on the outcomes.

TABLED ITEMS:
Nil

BACKGROUND:
At the Ordinary Council Meeting held on 8 August 2017 the following Notice of Motion was adopted:

"That the Council:

Requests the Chief Executive Officer to;
1. ***Review the structure and format of the Council's Elected Member Briefing Session (EMBS) and Ordinary Council Meeting (OCM) agendas in consultation with the Council's Finance and Audit Committee;***

2. ***Provide a report back to the Council at its 10 October 2017 meeting with outcomes of the review and any recommendations to improve the structure and format of the EMBS and OCM agendas."***

DETAILS:
The determination by the Council requests that the CEO review the structure and format of the Council's Elected Member Briefing Session (EMBS) and Ordinary Council Meeting (OCM) agendas in consultation with the Council's Finance and Audit Committee.

In addition, it also states that a report be provided back to the Council at its 10 October 2017 meeting with outcomes of the review and any recommendations to improve the structure and format of the EMBS and OCM agendas.

In reviewing the agenda format the Council is required to follow the "Order of business" as contain at clause 4.2 of the *Town of Victoria Park Standing Orders Local Law 2011* (the Local Law) shown hereunder:

4.2 Order of business

(1) Unless otherwise decided by the council the order of business at any ordinary meeting of the council is to be as follows –
- *(a) declaration of opening, prayer and announcement of visitors*
- *(b) announcements from the presiding member*
- *(c) attendance –*
  - *(i) apologies*
  - *(ii) approved leave of absence*
- *(d) declaration of interest*
- *(e) public question time –*
  - *(i) response to previous public questions taken on notice*
  - *(ii) public question time*
- *(f) public statement time*
- *(g) confirmation of minutes*
- *(h) presentations –*
  - *(i) petitions*
  - *(ii) presentations*
  - *(iii) deputations*
- *(i) method of dealing with agenda business*
- *(j) reports*

(k) applications for leave of absence
(l) motions of which previous notice has been given
(m) questions from members without notice
(n) new business of an urgent nature introduced by decision of the meeting
(o) public question time
(p) public statement time
(q) meeting closed to public –
(i) matters for which the meeting may be closed
(ii) public reading of resolutions that may be made public
(r) closure

In order to make any amendments or changes to the "Order of Business" contained in the Local Law, an amending local law is required to be promulgated. This process may take approximately 5 months due to the requirements of the *Local Government Act 1995* and the consultation process that needs to be strictly followed otherwise the Parliamentary Joint Standing Committee dealing with Delegated Legislation will disallow the amending Local Law.

Notwithstanding the above, there are areas contained within the "Order of Business" where the Council can develop procedures for dealing with some of the business listed on the EMBS and OCM Agendas which are discussed hereunder.

1. Public question time and public statement time:
In relation to the above the Council may consider developing procedures for public question time and public statement time so that there is an adopted process for dealing with these items.

2. Questions from members without notice:
Likewise a procedure/protocol could be adopted for dealing with questions from Elected Members without notice.

3. Reports:
The Section dealing with reports can also be amended to reflect the new organisational structure which now comprises three (3) heads of operational areas together with reports from the CEO. Whilst the new structure has been rolled it out will not be fully implemented until next year.

Each of these three (3) matters are discussed below.

1. Public question time and public statement time:
1.1 EMBS
The EMBS is a committee of the whole Council which meets to provide Elected Members with a briefing from staff on relevant matters that are to be considered at the following Ordinary Council Meeting (OCM). The EMBS also enables Elected Members to ask questions of the CEO and or the responsible reporting Director about agenda items. Elected Members can only ask questions about the items listed on the agenda and are not permitted to debate matters or make statements about agenda items. The EMBS Committee has no delegated powers to make decisions and therefore pursuant to Regulation 5 of the *Local Government (Administration) Regulations 1996*, it is not required to conduct a public question time. Public statement time is not a regulatory requirement and is therefore

optional but it would require a local law amendment to remove it from the "Order of Business".

Given that Elected Members can only ask questions relating to agenda items under the heading of "Reports", it may also be appropriate for the general public to be only permitted to ask a question/s or make a statement about matters listed on the EMBS Agenda. This may result in shorter meetings of the EMBS as its function is purely to be a question and answer forum for reports being presented to Council the following week.

Similarly, the same approach could be made to public statement time in that members of the general public may only make a statement about an item/s on the EMBS Agenda.

1.2 OCM

Public question time at a council meeting is prescribed at Section 5.24 in the *Local Government Act 1995* (the Act) which states that:

5.24 Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at —

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulation 5, 6 and 7 of the *Local Government (Administration) Regulations 1996* deal with public question time which in essence stipulates that:

- *A minimum of 15 minutes is to be set aside for public question time:*
- *Procedures for the asking of and responding to questions raised by members of the public are to be determined —*
  - *(a) by the person presiding at the meeting; or*
  - *(b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members.*

There is nothing preventing the Council from adopting a procedure to be followed for public question time and public statement time for Council meetings.

Draft Procedures:

If Elected Members are desirous of implementing procedure for public question time, public statement time and questions from members without notice then a draft procedure for each is shown below.

The draft procedures have been based on those obtained from the local governments listed hereunder which are appended to this report.

- Town of Cambridge;
- City of Vincent;
- City of South Perth;
- City of Belmont; and
- City of Joondalup.

DRAFT PROCEDURE FOR PUBLIC QUESTION TIME:
The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on __________________:

Questions asked at an Elected Members Briefing Session (EMBS) and Ordinary Council Meeting (OCM)

1 Members of the public are invited to ask questions at an EMBS and OCM.

2. Questions asked at an **EMBS must relate to items listed on the agenda** for that meeting.

3 Questions asked at an **OCM must relate to matters that affect the operations of the Town of Victoria Park**.

4 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.

5 Public question time will be limited to three (3) minutes per member of the public, with a limit of three (3) questions per member of the public.

6 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.

7 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

8 Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

9 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Town employee. The Presiding Member shall decide to:

  - Accept or reject any question and his/her decision is final;

- Nominate a Town employee to respond to the question;
- Take a question on notice. In this case a written response will be provided as soon as practicable, and included in the agenda of the next relevant meeting (EMBS or OCM).

10 Where an Elected Member is of the opinion that a member of the public is:

- asking a question at an EMBS that is not about an agenda item or at a OCM that is not relevant to the operations of the Town of Victoria Park; or
- making a statement during public question time;

they may bring it to the attention of the Presiding Member who will make a ruling.

11 Questions and any response will be summarised and included in the minutes of the relevant meeting (EMBS or OCM).

12 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information (FOI) Act 1992*. Where the response to a question(s) would require a substantial commitment of the Town's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the Town and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the *FOI Act 1992*.

DISCLAIMER:
Responses to questions are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

DRAFT PROCEDURE FOR PUBLIC STATEMENT TIME:
The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on ___________________:

<u>Statements made at an Elected Members Briefing Session (EMBS) and Ordinary Council Meeting (OCM)</u>

1 Members of the public are invited to make statements at an EMBS or OCM.

2 Statements made at an **<u>EMBS must relate to items listed on the agenda</u>** for that meeting.

3 Statements made at an **<u>OCM must relate to matters that affect the operations of the Town of Victoria Park</u>**.

4 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.

5 Public statement time will be limited to three (3) minutes per member of the public.

6 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.

7 Public statement time will be limited to a maximum of 30 minutes. Public statement time is declared closed following the 30 minute allocated time period, or earlier than such time where there are no further statements.

8 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Town employee.

9 Where an Elected Member is of the opinion that a member of the public is making a statement at an EMBS that is not about an agenda item or at a OCM meeting, that is not relevant to the operations of the Town of Victoria Park they may bring it to the attention of the Presiding Member who will make a ruling.

10 A member of the public attending an EMBS or OCM meeting may present a written statement rather than making the statement verbally if he or she so wishes.

11 The statement topic only will be included in the minutes of the relevant meeting (EMBS or OCM).

DRAFT PROCEDURE FOR QUESTIONS FROM MEMBERS WITHOUT NOTICE:
The following procedures for Questions from Members Without Notice were adopted at the Council meeting held on ___________________:

<u>Questions asked at an Elected Members Briefing Session (EMBS) and Ordinary Council Meeting (OCM)</u>

1 Elected Members are invited to ask questions at an EMBS and OCM Meeting during "Questions from Members Without Notice".

2 Questions asked at an EMBS or OCM <u>**must relate to matters that affect the operations of the Town of Victoria Park and not be asked about a particular Elected Member or Town employee**</u>.

3 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Town employee. The Presiding Member shall decide to:

- Accept or reject any question and his/her decision is final;
- Nominate a Town employee to respond to the question;
- Take a question on notice. In this case a written response will be provided as soon as prcticable, and included in the agenda of the next relevant meeting (EMBS or OCM).

4 Statements are not to precede the asking of a question.

5 Where an Elected Member is of the opinion that another Elected Member is:

- asking a question, that is not relevant to the operations of the Town of Victoria Park; or
- making a statement during question time;

they may bring it to the attention of the Presiding Member who will make a ruling.

6 Questions and any response will be summarised and included in the minutes of the relevant meeting (EMBS or OCM).

DISCLAIMER:
Responses to questions are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

AGENDA REPORTS:
Reinstalment of Appendices:
The Council at its meeting held on 13 June 2017 when considering a Notice of Motion from Cr Maxwell resolved:

> *"That documents referred to within Council Agenda item recommendations be included within the main Agenda document and not in separate appendices."*

The rationale provided is shown below:

- *Often Council agenda items include a recommendation that will form the basis for a motion. Within these recommendations and subsequent motions there is often a reference to another report or document that is contained within the separate appendices document.*
- *This practise creates an added and unnecessary impost on anyone, including Elected Members, when trying to read and comprehend the agenda item as it requires the reader to go from one document to the other.*
- *The integrity of the motions that refer to appendix items can be compromised as there is no official signoff of the appendices after the meeting when the minutes are adopted as true and correct. This means that the potential exists for a financial report, a map, a table or just a sentence to be modified in the appendices at some point in the future with no document control integrity checks built into the appendices document. With the minutes the veracity of the document is maintained as only one wet signed document will exist as the official record of each meeting.*
- *The appendices should only contain those documents that are supplied as background information that are not referred to in the final wording of the resolution.*
- *In the event that the printed document is unmanageably large it can be split into volumes. In this way at least the information for each item is self-contained and linear*.

The Administration reported that there is an additional cost involved in relation to the use of extra paper to publish the EMBS and OCM Agendas containing the documents that were previously provided in the Appendices which for the June 2017 meeting totalled 324.

It is common practice within local government agendas that documents such as financial statements, the schedule of accounts, consultant reports, contracts, legal agreements and other supporting material and data are contained within the Appendices. The integrity of Council resolutions is maintained so long as reference to a document or plan is contained therein such as the date and title of a consultant's report or the date and number of an architectural/engineering plan or diagram.

The Appendices for each of the previous meetings prior to the implementation of the Notice of Motion resolution formed part of the official documentation for each Council meeting and any determinations made by the Council. Once finalised the Appendices were filed in the Town's TRIM Records Management System and cannot be changed or altered thereby ensuring their integrity.

The Department of Local Government and Communities publication entitled "The Preparation of Agendas and Minutes – A guide for Western Australian Local Governments (Version 2)" states that:

> ***Attachments or Appendices***
> *"Attachments or appendices to a report may be contained within the agenda if they are no more than one or two pages or submitted as separate attachments and distributed with the agenda. If an appendix to a report is lengthy, any recommendations it contains should be included in the report that forms part of the agenda."*

It is the Administrations recommendation that the previous practice of preparing Appendices to service both the EMBS and OCM Agendas be reinstated due to cost efficiencies and best use of resources.

Report Sections;
The format for reports being presented on an EMBS or OCM agenda is aligned to the four Program Areas, the CEO and Committees being:

- Chief Executive Officer Reports;
- Future Life And Built Life Program Reports;
- Renew Life Program Reports;
- Community Life Program Reports;
- Business Life Program Reports; and
- Committee Reports.

The new organisation structure is in its embryonic stages and although it has been rolled out it will not be fully implemented until next year. This being the case it is considered that the current reporting format be retained and revisited when the new organisational structure is fully implemented.

It is the Administration's view that by segregating reports into the various operating categories assists Elected Members, staff and the public to relate to specific area of the agenda that they wish to examine, consider and make comment on.

Some local government agendas do not segregate reports into categories or operational areas which results in the Council deliberating on a development application report, followed by a financial statement, then acceptance of a tender then back to another development application etc. This gives the indication that the administration is somewhat disorganised.

Legal Compliance:
Section 5.24 of the *Local Government Act 1995* cited below deals with public question time:

5.24 Question time for public

(1) Time is to be allocated for questions to be raised by members of the public and responded to at —

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Regulation 5, 6 and 7 of the *Local Government (Administration) Regulations 1996* deal with public question time as cited below:

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

(a) every special meeting of a council;

(b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

(*1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.*

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —

(a) by the person presiding at the meeting; or

(b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).

(2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

(4) Nothing in subregulation (3) requires —

(a) a council to answer a question that does not relate to a matter affecting the local government; or

(b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or

(c) a committee to answer a question that does not relate to a function of the committee.

(5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

Town of Victoria Park Standing Orders Local Law 2011.

Policy Implications:
Nil

Risk Management Considerations:
The risks have been identified as outlined below;

Risk & Consequence	**Consequence + Rating**	**Likelihood = Rating**	**Overall Risk Analysis**	**Mitigation/Actions**
Compliance: No noticeable regulatory or statutory impact.	Insignificant	Unlikely	Low	The “Order of business” at Clause 4.2 of the *Town of Victoria Park Standing Orders Local Law 2011* needs to be complied with when compiling a Council or Committee agenda.

Strategic Plan Implications:
Nil

Financial Implications:
Internal Budget:
Nil

Total Asset Management:
Nil

Sustainability Assessment:

External Economic Implications:
Nil

Social Issues:
Nil

Cultural Issues:
Nil

Environmental Issues:
Nil

COMMENT:

It is considered that developing procedures for public question time and public statement time will provide a set of rules to assist the Presiding Member at the EMBs and OCM and also inform the members of the general public attending meetings of how to ask questions and make statements.

A procedure to follow during “Questions from members without notice” will also provide rules for Elected Members to follow so that there is no adverse reflection cast on Elected Members or Town of Victoria Park employees.

In relation to the above the Council may consider developing procedures for public question time and public statement time so that there is an adopted process for dealing with these items.

Notwithstanding the above, consultation with key stakeholders could be undertaken to obtain views on how the agendas are presented, with associated timelines. For instance the EMBS agenda could be finalised a week earlier which would provide proponents of development applications and the general public with additional time to read and examine them prior to the EMBS meeting.

A survey of attendees at EMBS and OCM meetings could also be undertaken on “what works well” and “what could be improved” given that the Standing Orders Local Law (the meeting rules) is to be followed.

In addition, given that the Council is in caretaker mode leading up to the Election Day on 21 October 2017, it is considered that it would be prudent to undertake the survey and consultation after that date. There may also be new Elected Members that may need time to understand the workings of Council and the procedures and laws that it must comply with. As a consequence it is proposed that a report be presented on the analysis of the survey and key stakeholder engagement prior to 30 June 2018.

CONCLUSION:

That the Finance and Audit Committee receives the report on the review of the agenda format for both the EMBS and OCM.

RECOMMENDATION/S:
The Finance and Audit Committee recommends that the Council:

1. **Receives the report dealing with the review of the Elected Members Briefing Session and Ordinary Council Meeting Agendas;**

2. **Requests the Chief Executive Officer to submit a report on the results of key stakeholder engagement and consultation on the format and timing of the agendas for the Elected Members Briefing Session and Ordinary Council Meeting prior to 30 June 2018.**

Moved: Cr Windram **Seconded: Cr Hayes**

The Motion was Put and **Carried (4:0)**

In favour of the Motion: Cr Maxwell; Cr Hayes; Cr Windram and Cr Ammons Noble

APPENDIX – SIX LOCAL GOVERNMENTS

PUBLIC QUESTION TIME, PUBLIC STATEMENT TIME

Town of Cambridge
Public Question Time Procedure

(Note: The Town of Cambridge does not have a public statement time as this is not regulated and is optional)

1. Public Question Time is available only for asking questions, not for making statements or long preamble / post script. A short preamble for contextual understanding is acceptable.
2. Questions may be heard at the commencement of a Council meeting at the appropriate Item titled 'Public Question Time'.
3. Any person who completes and submits, with at least 24 hours' notice, a 'Public Question Time'' form may be received at a Council meeting.
4. Complex questions requiring research shall be submitted seven (7) working days prior to the Council meeting in order to allow the Town sufficient time to prepare a response.
5. Questions may be accepted in writing at the meeting (forms provided in the Council Chamber foyer) by placing the form in the 'Public Question Time' tray provided in the Council Chamber no later than five (5) minutes prior to the commencement of the Council meeting. Any questions submitted at the meeting may be taken on notice and an answer provided in the Minutes of the next Ordinary Council meeting.
6. Public Question Time will be held in accordance with the legislated period of at least 15 minutes. A maximum of three (3) minutes is allotted for each person to ask up to three (3) questions, including any contextual or opening statement. All questions must relate to the ordinary business of the Town of Cambridge, the function of Council or the purpose of the Special Council Meeting as appropriate. Sub-parts of questions are counted as a question (for example, question 1 parts (a), (b) and (c) will be counted as three questions).
7. Public question time may be declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. Questions are to be directed to the Presiding Member. The Presiding Member may, at his/her discretion:

    - Accept or reject the question and his/her decision is final;
    - Make a determination where there is concern about a question being offensive, defamatory or the like, in which case it will not be published;
    - Nominate a Member of the Council and / or an Officer to answer the question; and
    - Treat questions as correspondence;
    - Take a question on notice, in which case the response will be provided in the Minutes of the next Ordinary Council meeting.

8. No debate or discussion will be permitted on any question or answer.
9. A summary of all questions (except those rejected) and the responses will be recorded in the Minutes of the Council Meeting.

City of Vincent
Public Speaking Time

(Note: The City of Vincent does not have a separate public question and statement time)

PROCEDURE FOR PUBLIC SPEAKING TIME

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

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the City. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1 Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).

2 Public speaking time will be strictly limited to three (3) minutes per member of the public.

3 Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.

4 Public speaking time is declared closed when there are no further members of the public who wish to speak.

5 Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.

6 Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.

7 Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.

8 Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be “taken on notice” and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.

9 It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City’s records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

City of South Perth
Public Question Time Procedure

(Note: The City of South Perth does not have a public statement time as this is not regulated and is optional)

Questions may be heard at the commencement of an Ordinary Council Meeting (or Special Council Meeting only on items on the Agenda) at the appropriate item titled‘ Public Question Time'.

Public Question Time is available for asking questions, not for making statements or long preamble/post script. A short preamble for contextual understanding is acceptable.

Any person who completes and submits a ‘Public Question Time Submission’ form, with at least 24 hours’ notice, may be received at the meeting.

Complex questions requiring research shall be submitted seven (7) working days prior to the meeting in order to allow the City sufficient time to prepare a response.

Questions may be accepted in writing at the meeting (forms provided in the Chamber foyer) by placing the form in the ‘Public Question Time’ tray provided in the Chamber no later than five (5) minutes prior to the commencement of the Council meeting. Any questions submitted at the meeting will be taken on notice and an answer provided in the Minutes of the next Ordinary Council meeting.

Members of the public are encouraged to submit questions to the Administration for response as correspondence. This can be done by email to enquiries@southperth.wa.gov.au or by post to the City of South Perth, Cnr Sandgate and South Tce, South Perth WA 6151.

Public Question Time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may call a motion to extend Public Question Time for no longer than 15 minutes at the end of the expired 15 minutes.
The Presiding Member may, at his/her discretion:

- Accept or reject the question and his/her decision is final
- Make a determination where there is concern about a question being offensive, defamatory or the like, in which case, it will not be published
- Nominate a Member of the Council and/or an Officer to answer the question
- Treat questions as correspondence
- Take a question on notice, in which case the response will be provided in the Minutes of the next Ordinary Council meeting.

No debate or discussion will be permitted on any question or answer.

A summary of all questions (except those rejected) and the responses will be recorded in the Minutes.

Members of the public must be in attendance at the Council meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will not be acknowledged at the meeting but treated as correspondence by the Administration and the question/response will not appear in the Minutes.

City of Belmont
Public Question Time Procedure

(Note: The City of Belmont does not have a public statement time as this is not regulated and is optional)

Rules for Council Meeting Public Question Time

a) The person asking the question is to give their name and residential address prior to asking the question.

b) Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.

c) In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal. As per Council's Standing Orders, no debating of the issue between the Gallery, Councillors or Officers is permissible.

d) Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.

e) Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; legal advice; legal proceedings or other legal processes; or would otherwise impose an unreasonable resource impost on the City; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.

f) Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

g) Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.

h) Answers to questions are provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.

i) Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.

j) Public Question Time is set for a period of 30 minutes, (except for Special Council Meetings for which a 15 minute period is set), and will terminate earlier should no further questions be forthcoming.

k) To enable all members of the public a fair and equitable opportunity to participate in Public Question Time, each person shall be provided a maximum two minute time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.

l) Questions to be asked at the meeting will be registered, and the priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'. The Presiding Member shall call upon Public Gallery members that have not already submitted questions in writing or earlier registered their interest to ask a question, to do so, and the priority of asking questions shall be in accordance with that register.

m) Should there be time remaining of the initial period for Public Question Time after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask a further two questions (with a two minute time limit) until the initial period for Public Question Time has expired.

n) Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.

City of Joondalup
Public Question Time Procedure –Council Meetings

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 19 November 2013:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard these procedures are amended by substituting "Council" with "Committee" to provide proper context.

Questions asked verbally

1 Members of the public are invited to ask questions at Council Meetings.

2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.

3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.

4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.

5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.

6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:

- accept or reject any question and his/her decision is final
- nominate a member of the Council and/or City employee to respond to the question

or

- take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.

9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City

or

- making a statement during public question time,

they may bring it to the attention of the Presiding Member who will make a ruling.

10 Questions and any response will be summarised and included in the minutes of the Council meeting.

11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information Act 1992 (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the

City of Joondalup
Public Statement Time Procedure –Council Meetings

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 19 November 2013:

1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.

2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.

3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.

4 Public statement time will be limited to two minutes per member of the public.

5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.

6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.

7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.

8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.

9 A member of the public attending a Council meeting may present a written statement rather than making the statement verbally if he or she so wishes.

10 Statements will be summarised and included in the minutes of the Council meeting.

10 MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

11 NEW BUSINESS OF AN URGENT NATURE
Nil

12 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Forthcoming Agenda Items	
Reports	
Investment Strategy – development	
Revenue Diversification Policy - development	
Workshop Topics/Presentation	
Annual General Electors Meeting	
Fees and Charges – determination and analysis of the level of application	
Investment Strategy – development	
Revenue Diversification Policy - development	
Carbon Offset Program	
Capital Works Progress	

13 CLOSURE
There being no further business Councillor Windram closed the meeting at 6.23pm.

I confirm these Minutes to be a true and accurate record of the proceedings of the Council.

Signed:…………………………………………………………………………………......Cr Windram

Dated this:………………………………..Day of…………………….....……...……………..2017