

NOTICE OF MEETING

AUDIT AND RISK COMMITTEE

Members of the Audit and Risk Committee are advised that a meeting of the Committee will be held in Council Chambers, Civic Building, 83 Mandurah Terrace, Mandurah on:

Tuesday 17 March 2020 at 5.30 pm

MARK R NEWMAN

Chief Executive Officer 11 March 2020

Committee Members:
Councillor P Jackson (Chairperson)
Mayor Williams

Councillor J Green Councillor P Rogers Councillor A Zilani Mr W Ticehurst Deputies:

Councillor D Lee (Deputy Member) Councillor D Pember (Deputy Member)

AGENDA

1 OPENING OF MEETING

2 APOLOGIES

Leave of Absence - Councillor D Schumacher

3 IMPORTANT NOTE

Members of the public are advised that the decisions of this Committee are referred to Council Meetings for consideration and cannot be implemented until approval by Council. Therefore, members of the public should not rely on any decisions of this Committee until Council has formally considered the resolutions agreed at this meeting.

4 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please telephone 9550 3787 or visit the City's website www.mandurah.wa.gov.au.

6 PRESENTATIONS

6.1 2019-2020 OSH Year to Date Overview

7 DEPUTATIONS

Any person or group wishing to make a 5-minute Deputation to the Committee meeting regarding a matter listed on this agenda for consideration must first complete an application form. For more information about making a deputation, or to obtain an application form, please telephone 9550 3787 or visit the City's website www.mandurah.wa.gov.au.

NB: Persons making a deputation to this Committee meeting will not be permitted to make a further deputation on the same matter at the successive Council meeting, unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

- 8 CONFIRMATION OF MINUTES: 9 DECEMBER 2019 (attached).
- 9 DECLARATIONS OF INTERESTS

10 QUESTIONS FROM COMMITTEE MEMBERS

- 10.1 Questions of Which Due Notice Has Been Given
- 10.2 Questions of Which Notice Has Not Been Given

11 BUSINESS LEFT OVER FROM PREVIOUS MEETING

12 REPORTS

1	Compliance Audit Return 2019	1 – 14
1	Occupational Safety and Health 2019-2020 YTD Review	15 - 26

- 13 AUDITOR REPORTS
- 14 LATE AND URGENT BUSINESS ITEMS
- 15. CONFIDENTIAL ITEMS
 - 15.1 Operational Review
- 16 CLOSE OF MEETING

At the conclusion of the Committee meeting, a light supper will be served



MINUTES OF

AUDIT AND RISK COMMITTEE MEETING

HELD ON

Monday 9 December 2019 5.30 pm

IN COUNCIL CHAMBERS - 83 MANDURAH TERRACE MANDURAH

PRESENT:

COUNCILLOR P JACKSON [CHAIRMAN] NORTH WARD

MAYOR R WILLIAMS

COUNCILLOR J GREEN COASTAL WARD COUNCILLOR A ZILANI NORTH WARD COUNCILLOR P ROGERS TOWN WARD

MR W TICEHURST EXTERNAL REPRESENTATIVE

ELECTED MEMBERS OBSERVING:

COUNCILLOR D PEMBER EAST WARD
COUNCILLOR M ROGERS TOWN WARD
Councillor C KNIGHT NORTH WARD

GUESTS:

MR T SANYA DELOITTE AUSTRALIA
MISS N MENEZES DELOITTE AUSTRALIA

OFFICERS

MR M NEWMAN CHIEF EXECUTIVE OFFICER

MR G DAVIES DEPUTY CHIEF EXECUTIVE OFFICER MRS C MIHOVILOVICH DIRECTOR CORPORATE SERVICES

MRS L SLAYFORD MINUTE OFFICER

OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS [AGENDA ITEM 1]

The Chairman declared the meeting open at 5.30pm.

APOLOGIES [AGENDA ITEM 2]

Nil.

IMPORTANT NOTE [AGENDA ITEM 3]

The purpose of this Committee Meeting is to discuss and make recommendations to Council about items appearing on the agenda and other matters for which the Committee is responsible. The Committee has no power to make any decisions which are binding on the Council or the City of Mandurah unless specific delegation of authority has been granted by Council.

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Committee meeting.

RESPONSE TO QUESTIONS TAKEN ON NOTICE [AGENDA ITEM 4]

Nil.

PUBLIC QUESTION TIME [AGENDA ITEM 5]

Nil.

PRESENTATIONS AND ANNOUNCEMENTS BY CHAIRMAN [AGENDA ITEM 6]

AR.1/12/19 DIRECTOR CORPORATE SERVIES: AUDIT AND RISK WORKPLAN 2020

The Director Corporate Services presented on the following topics:

- 1. Legislative function of an audit committee
- 2. Internal audit function
- 3. Proposed 2020 work plan

AR.2/12/19 DELOITTE AUSTTRALIA: AUDIT 2019

Mr Sanya and Miss Menezes delivered an overview of the Audit process undertaken.

DEPUTATIONS [AGENDA ITEM 7] Nil. **CONFIRMATION OF MINUTES [AGENDA ITEM 8] CONFIRMATION OF MINUTES** AR.3/12/19 RESOLVED: Peter Rogers / R Williams That the Minutes of the Audit and Risk Committee meeting of Monday 11 November 2019 be confirmed. CARRIED UNANIMOUSLY: 6/0 **DECLARATIONS OF INTERESTS [AGENDA ITEM 9]** Nil. **QUESTIONS FROM COMMITTEE MEMBERS [AGENDA ITEM 10]** Questions with Notice Nil. Questions without Notice Nil. **BUSINESS LEFT OVER FROM PREVIOUS MEETING [AGENDA ITEM 11]**

REPORTS FROM OFFICERS [AGENDA ITEM 12]

Nil.

AR.4/12/19 ANNUAL FINANCIAL STATEMENTS 2018-19 (JK) (REPORT 1)

In accordance with the *Local Government Act 1995* and the *Local Government (Audit)* Regulations 1996, an Audit Committee is to examine the Annual Financial Statements, review any significant matters raised by the auditor and ensure that appropriate action is taken in respect to those matters raised.

The audit of the Annual Financial Statements for 2018/19 has now been completed. Although the signed report of the Auditor will not be available until after the Audit and Risk Committee meeting, it is useful to provide a commentary on the Annual Financial Statements and to aid discussions with the auditor. Indication by the Auditor is that the audit report will be

unmodified, the City's Annual Financial Statements are fairly and appropriately presented in accordance with the Australian Accounting Standards Board and the *Local Government Act* 1995.

Report Recommendation

That Council:

- 1. Receive the Annual Financial Statements 2018-19 as detailed in Attachment 1 of the report.
- 2. Note the draft Auditors Report as detailed in Attachment 2 of the report.
- 3. Accept the management response to the Auditor's report points as detailed in Attachment 3 of the report.

During debate an anomaly was noted to which Deloitte Australia advised they would amend the Annual Financial Statements 2018-19. Councillor Greene therefore moved an alternate recommendation which was seconded by Councillor Peter Rogers.

RESOLVED TO RECOMMEND: J Green / Peter Rogers

That Council:

- 1. Note the draft Auditors Report as detailed in Attachment 2 of the report.
- 2. Accept the management response to the Auditor's report points as detailed in Attachment 3 of the report.

CARRIED UNANIMOUSLY: 6/0

REPORTS FROM AUDITORS [AGENDA ITEM 13]

Nil.

LATE AND URGENT BUSINESS ITEMS [AGENDA ITEM 14]

Nil.

CLOSE OF MEETING [AGENDA ITEM 15]

There being no further business, the Chairman declared the meeting closed at 6.20pm.

CONFIRMED:[[CHAIRMAN]
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Report from **Director Corporate Services** to **Audit and Risk Committee Meeting** of **17 March 2020**

1 SUBJECT: 2019 Compliance Audit Return

CONTACT OFFICER/S: Casey Mihovilovich AUTHOR: Tahlia Jones

Summary

The Department of Local Government, Sport and Cultural Industries (DLGSC) has circulated to all Western Australian Local Governments the annual 2019 Compliance Audit Return for completion. The return covers the period 1 January 2019 to 31 December 2019. The return is a requirement of *Local Government Act* 1995 and its Regulations and is prepared for the Minister Local Government in an approved form.

There is a statutory requirement to have the compliance audit reviewed by the Audit and Risk Committee and then adopted by Council. Once adopted, it will be certified by the Mayor and Chief Executive Officer and then forwarded to the DLGSC prior to the 31 March 2019 deadline.

The compliance audit has been conducted for 2019 which resulted in the City achieving 100% (104/104) compliance.

The Audit and Risk Committee is to review the 2019 Compliance Audit Return before it is presented to Council for adoption.

The 2019 Compliance Audit Return is included at Attachment 1.

Disclosure of Interest

Nil.

Previous Relevant Documentation

•	G.10/3/19	26 March 2019	Compliance Audit Return 2018
•	G.27/3/18	27 March 2018	Compliance Audit Return 2017

Background

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year. The compliance audit forms part of the DLGSC's monitoring program which includes all statutory requirements listed in the audit regulations.

It is also a method of bringing to Council's attention cases of non-compliance, or where full compliance has not been achieved. It is noted that Council is required to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. In some instances, non-compliance can result in further inquiries by the DLGSC.

Comment

When preparing the return, responses are validated through a series of testing mechanisms to assure that responses are correct and sufficient for third party review. The main compliance subjects were:

- 1 Commercial Enterprises by Local Governments
- 2 Delegation of Power/Duty
- 3 Disclosure of Interest
- 4 Disposal of Property
- 5 Finance
- 6 Integrated Planning and Reporting

Report from **Director Corporate Services** to **Audit and Risk Committee Meeting** of **17 March 2020**

- 7 Local Government Employees
- 8 Official Conduct
- 9 Optional Questions
- 10 Tenders for Providing Goods and Services.

The relevant managers were required to complete the responses to the questions which were approved by their Director before being forwarded to Governance Services for review and input via the Smart Hub on the DLGSC website. The 2019 Compliance Audit Return has been completed and is now required to be adopted by Council before being finalised and submitted to the DLGSC by 31 March 2019.

Consultation

Department of Local Government Sport and Cultural Industries.

Statutory Environment

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996.

Policy Implications

Reference to relevant policies has been made where appropriate.

Risk Analysis

The risk associated with Council failing to adopt the 2019 Return would result in non-compliance with the legislative requirements of the *Local Government (Audit) Regulations 1996*.

Strategic Implications

The following strategy from the *City of Mandurah Strategic Community Plan 2017 – 2037* is relevant to this report:

Organisational Excellence:

Deliver excellent governance and financial management.

Conclusion

The City's 2019 Compliance Audit Return is now to be reviewed by the Audit and Risk Committee and presented to Council for adoption.

NOTE:

• Refer Attachment 1 2019 Compliance Audit Return

RECOMMENDATION

That the Audit and Risk Committee recommend that Council:

- 1 Adopts the 2019 Local Government Compliance Audit Return for the period 1 January 2019 to 31 December 2019 as per Attachment 1 of the report.
- 2 Submit, in accordance with Regulation 15 of the *Local Government (Audit) Regulations* 1996, the completed 2019 Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries.



Mandurah - Compliance Audit Return 2019

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

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 2019?	N/A		Casey Mihovilovich
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 2019?	N/A		Casey Mihovilovich
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 2019?	N/A		Casey Mihovilovich
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	N/A		Casey Mihovilovich
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	Yes		Casey Mihovilovich
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	N/A		Casey Mihovilovich
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	N/A		Casey Mihovilovich
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Casey Mihovilovich
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	N/A		Casey Mihovilovich
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		Casey Mihovilovich
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes		Casey Mihovilovich
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes		Casey Mihovilovich
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Casey Mihovilovich
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes		Casey Mihovilovich
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes		Casey Mihovilovich
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 2018/2019 financial year?	Yes	G.18/06/19	Casey Mihovilovich
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		Casey Mihovilovich

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		Casey Mihovilovich
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		Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes		Casey Mihovilovich
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	N/A		Casey Mihovilovich
5	s5.73	Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	N/A		Casey Mihovilovich
6	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?	Yes		Casey Mihovilovich
7	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day?	Yes		Casey Mihovilovich
8	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes		Casey Mihovilovich
9	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2019?	Yes		Casey Mihovilovich
10	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes		Casey Mihovilovich
11	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes		Casey Mihovilovich
12		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		Casey Mihovilovich
13	s5.89A Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	Yes		Casey Mihovilovich
14	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes		Casey Mihovilovich
15	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		Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
16	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		Casey Mihovilovich
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes		Casey Mihovilovich
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes		Casey Mihovilovich
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes		Casey Mihovilovich

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		Casey Mihovilovich
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		Casey Mihovilovich

Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1) (2)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and 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?	Yes		Casey Mihovilovich
2	Elect Reg 30G(3) & (4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	Yes		Casey Mihovilovich



Finan	ice				
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	SP.3/10/17	Casey Mihovilovich
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?	N/A		Casey Mihovilovich
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	Yes		Casey Mihovilovich
4	s7.3(1), 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	G.18/5/16	Casey Mihovilovich
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes	G.17/12/19	Casey Mihovilovich
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	Yes	G.17/12/19	Casey Mihovilovich
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, did the local government, ensure that appropriate action was undertaken in respect of those matters?	Yes	G.10/9/19	Casey Mihovilovich
8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	Yes		Casey Mihovilovich
9	S7.12A (5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes		Casey Mihovilovich
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	Yes	G.36/4/10	Casey Mihovilovich
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	Yes	G.36/4/10	Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	Yes	G.36/4/10	Casey Mihovilovich
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	G.36/4/10	Casey Mihovilovich
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	G.36/4/10	Casey Mihovilovich

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	26 September 2017 - G.39/9/17	Casey Mihovilovich
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	Yes	17 December 2019 - G.30/12/19	Casey Mihovilovich
3	s5.56 Admin Reg 19C	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	12 September 2017 – G.13/9/17	Casey Mihovilovich
4	s5.56 Admin Reg 19C (4)	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments.	N/A	12 September 2017 – G.13/9/17	Casey Mihovilovich
		Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?			
5	S5.56 Admin Reg 19DA (3)	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	22 May 2018 - G.19/5/18	Casey Mihovilovich
6	S5.56 Admin Reg 19DA (3)	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	23 November 2010 - G.40/11/10	Casey Mihovilovich
7	S5.56 Admin Reg 19DA (3)	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	Yes	24 July 2018 - G.22/7/18	Casey Mihovilovich



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		Casey Mihovilovich
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?	Yes		Casey Mihovilovich
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		Casey Mihovilovich
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		Casey Mihovilovich
5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	Yes		Casey Mihovilovich



Offici	al 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		Casey Mihovilovich
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes		Casey Mihovilovich
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		Casey Mihovilovich
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		Casey Mihovilovich
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 occured?	Yes		Casey Mihovilovich
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		Casey Mihovilovich



Optio	nal Questions				
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5 (2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	27 March 2018 - G.14/3/18	Casey Mihovilovich
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	G.26/05/17 - 23 May 2017	Casey Mihovilovich
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes	G.17/12/19	Casey Mihovilovich
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes		Casey Mihovilovich

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		Casey Mihovilovich
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		Casey Mihovilovich
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	Yes		Casey Mihovilovich
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	Yes		Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
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		Casey Mihovilovich
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		Casey Mihovilovich
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		Casey Mihovilovich
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 advantageous to the local government to accept, by means of written evaluation criteria?	Yes		Casey Mihovilovich
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 and did the CEO make the tenders register available for public inspection?	Yes		Casey Mihovilovich
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	Yes		Casey Mihovilovich
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	Yes		Casey Mihovilovich
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		Casey Mihovilovich
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		Casey Mihovilovich
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	Yes		Casey Mihovilovich
15	F&G Reg 24AC (1) & (2)	Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	Yes	G.10/7/19	Casey Mihovilovich
16	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	N/A		Casey Mihovilovich
17	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		Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
18	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		Casey Mihovilovich
19	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, given notice of the variation?	N/A		Casey Mihovilovich
20	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of prequalified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A		Casey Mihovilovich
21	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		Casey Mihovilovich
22	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		Casey Mihovilovich
23	F&G Reg 24AI	Did the CEO 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		Casey Mihovilovich
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	N/A		Casey Mihovilovich
25	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?	Yes		Casey Mihovilovich
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) 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	Minute G.10/7/19	Casey Mihovilovich



No	Reference	Question	Response	Comments	Respondent
27	F&G Reg 11A	Did the local government comply with it's current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less?	Yes		Casey Mihovilovich

I certify this Compliance Audit return has been adopted by	Council at its meeting on
Signed Mayor / President, Mandurah	Signed CEO, Mandurah

Report from **Deputy Chief Executive Officer** to **Audit & Risk Committee Meeting** of **17 March 2020**

2 SUBJECT: Occupational Safety and Health (OSH) 2019-2020 YTD Review

CONTACT OFFICER/S: Graeme Davies / Richard King AUTHOR: Richard King / Peta Ladlow

Summary

The City is now operating under our second Three Year Strategic OSH Plan which has been developed alongside the 2018 LGIS Worksafe Plan Audit outcomes and known legislative requirements. The first six months of 2019-2020 show strong indicators that both the reported injuries and workers' compensation costs and severity are decreasing. All directorates within the City continue to improve their OSH engagement which is reflective in the OSH Performance Overview (attachment 1). Council is requested to note the progress being made in continuing the Three Year OSH Plan and the imperatives made to address the management of workplace injury. Council is also requested to note the City's current OSH performance

Disclosure of Interest

N/A

Previous Relevant Documentation

•	G.9/9/19	25 September 2019	Council notes the OSH results for 2018/19
•	G.11/3/19	26 March 2019	Council endorses the 2019-2022 OSH Plan
•	G.23/5/16	09 May 2016	OSH Policy Review
•	G.30/3/16	22 March 2016	Endorses the City's 3-year OSH Plan

Background

The City utilises a 3 Year Strategic OSH plan to assist with the City's ongoing management of OSH since 2016. The strategic plan supports the overarching OSH/Risk Strategy of ensuring the City effectively identifies, manages and mitigates its corporate risks while embedding a safety culture.

Comment

A progress report on the application of the OSH Strategic Three Year Plan actions and the year to date (YTD)2019-2020 OSH performance is shown in Attachment 1.

Highlights for the 2019-2020 year to date include:

- Currently the 2019-2020 existing workers' compensation claims LTI days lost are not expected to
 increase significantly. A strain/sprain injury that occurred in December 2019 is likely to require surgery.
 This will increase the LTI days lost but at this stage all the other claims are minor with a small amount
 of days lost and costs.
- A reduction in strain/sprain injuries which is especially evident in City Parks who have only recorded three strain/sprain incidents this financial year. The Safe Spine program is continuing within City Parks, City Build, City Works and City Fleet.
- Compared to 2018-2019 YTD all injury classifications incidents have reduced in 2019-2020 YTD. The most significant reduction is a 50% reduction in LTIs.
- The review and development of OSH procedures continues including
 - 10 procedures have been approved for implementation via the consultative processes and management endorsement
 - o 6 procedures are in the consultation phase and are due for approval

Report from **Deputy Chief Executive Officer** to **Audit & Risk Committee Meeting** of **17 March 2020**

- 8 are in draft format
- 19 are still to be reviewed or developed
- Initial feedback from the recent LGIS Worksafe Plan pre-audit has been very positive. A report into the
 pre-audit is expected shortly.

Statutory Environment

The City is required to comply with all relevant Occupational Safety and Health legislation.

Policy Implications

The City is required to comply with all relevant Occupational Safety and Health legislation.

Economic Implications

Each year the City pays an insurance premium to Local Government Insurance Services, out of which claims are paid. When the claim is accepted an amount is also allocated for the expected value of the claim.

Risk Analysis

Nil

Strategic Implications

The following strategies from the *City of Mandurah Strategic Community Plan 2017 – 2037* are relevant to this report:

Environment:

Protect and ensure the health of our natural environment and waterways.

Social:

Help build our community's confidence in Mandurah as a safe and secure city.

Organisational Excellence:

- Demonstrate regional leadership and advocacy.
- Ensure the City has the capacity and capability to deliver appropriate services and facilities.
- · Deliver excellent governance and financial management.
- Build and retain a skilled, motivated and healthy workforce

Conclusion

The City has progressively been implementing the actions of the 3 Year OSH Plan and Council is requested to note the progress of the implementation of the plan and also note the current OSH performance.

NOTE:

Refer Attachment 1 City of Mandurah OSH Performance Overview for YTD 2019-2020

RECOMMENDATION

That Council:

- 1. Notes the progress of the implementation of the Three Year Strategic OSH Plan.
- 2. Notes the City's current OSH performance for the YTD 2019/20 financial year.

City of Mandurah OSH Performance Overview for YTD 2019-2020

The City of Mandurah reported 5 Lost Time incidents (LTIs) for 2019-2020 year to date. At the same time last year we reported 10 LTIs. Our 2019-2020 LTIs include a fractured ankle, a fractured finger, 2 open wounds and a chemical burn. All 5 LTIs have occurred at the MARC with 3 LTIs incurring 1 day off and 2 of LTIs were a result of an uncontrolled medical gas cylinder contacting 2 employees. Both employees returned back to work and the outcome of the investigation improved a state-wide practice of handling medical grade oxygen cylinders.

The City's LTI days lost are close to our benchmark councils.

During this reporting period there has been a significant reduction of strain/sprain injuries (16) over the last 8 months from the previous year (31). The Safe Spine program is now in the sustainability phase in City Parks and City Works with ongoing site visits to our operations crews to ensure Safe Spine practices are maintained in the field.

The City has seen an overall reduction of first aid, medical treated and lost time injuries compared with the same time last year. We reported 10 significant injuries for YTD 2019-2020 and at the same time last year we had reported 24.

INCIDENT DATA -

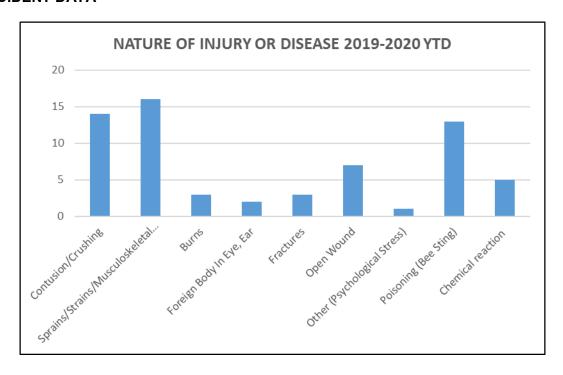


Figure 1: City of Mandurah Nature of Injury or Disease YTD 2019-2020

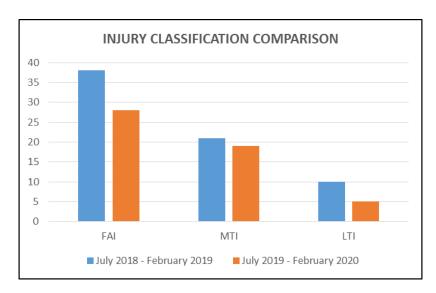


Figure 2: City of Mandurah Injury Classification Comparison YTD 2019-2020

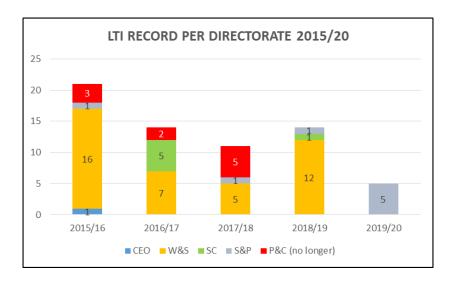


Figure 3: City of Mandurah LTI record per Directorate - 2015 to YTD 2020

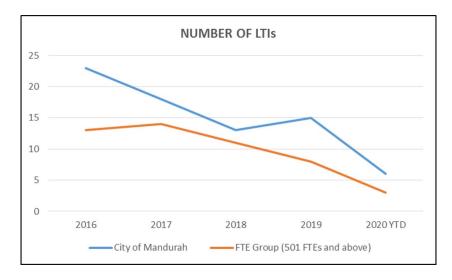


Figure 4: City of Mandurah LTI number benchmark against 501 FTE and above councils—2015 to YTD 2020. NOTE: LGIS data does not reflect the same LTI data due to the CoM Injury Classification Guide and the difference in LTI definition.

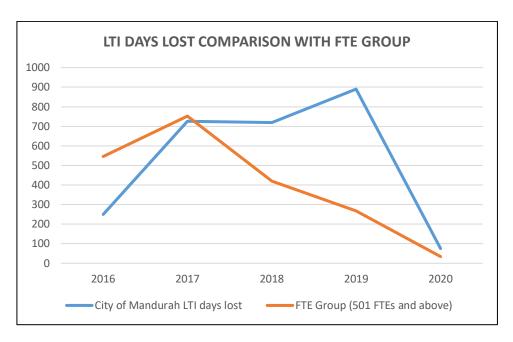


Figure 5: City of Mandurah LTI day lost benchmark against 501 FTE and above councils – 2015 to YTD 2020

WORKERS COMPENSATION -

For the first 8 months of the year the City had 18 workers' compensation claims submitted. The summary of the claims are:

- 17 claims have been accepted and 1 claim has been declined. Out of the 17 accepted claims 10 claims have been finalised, 5 claims are due to be finalised and 3 remain open and active. One of those open claims may require surgical intervention which may increase our days off and slightly increase our costs.
- The average age of a person claiming workers' compensation is 50 with 50% male and 50% female.
- The majority of claims have been due to being hit or hitting a moving object (eg gas cylinder, netball) and are spread out between the MARC, City Parks and City Works.
- As at the 30/12/2019 the total claim incurred costs is \$154703. At this point in time only 1 accepted open claim may cause an increase in days off and claim costs.

The 2018-2019 claim year still has 4 active claims which may see an increase in the days lost. Over the last 4 years the City has received 42 - 47 claims each year with 2019-2020 expecting to be under those numbers.

In 2018-2019 strains and sprains claims accounted for 30 out of the 47 claims with the majority (20) being recorded by City Parks, City Works and City Build.

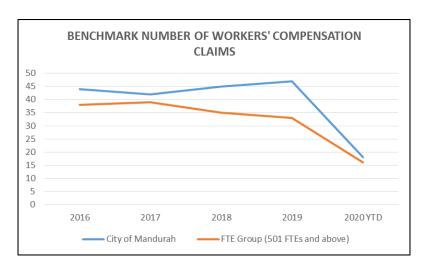


Figure 6: City of Mandurah number of claims against 501 FTE and above councils – 2015 to YTD 2020



Figure 7: City of Mandurah summary of workers' compensation claims injury locations

LEAD INDICATORS –

Drug & Alcohol testing	Audits/Inspections	Health and Wellbeing Activities	Training Activity Conducted
247 random drug and alcohol tests have been conducted to date. All locations have been tested during the year with some areas being tested twice. 5 Casual tests have also been conducted. These tests can be conducted when plant and equipment is damaged.	LGIS Worksafe Plan pre audit completed in February 2020. Ongoing Activity Observations are being conducted at Operations. An Activity Observation document is being developed to be used at all City work areas.	The 2019 H&W program key focus areas are managing stress, supporting positive mental health, increase in physical activity and eating healthy. Promotions included Dry July, Movember, Healthy Food Choices, RU OK? Day, Skin Cancer Awareness sessions and Community Involvement. 145 annual skin checks conducted in November 2019.	Ladder Safety OSH Roles and Responsibilities Emergency Warden Training Working at Heights Confined Space Entry Rescue Manual Handling Awareness Safe Spine Cancer Awareness

TRENDS -

Measure	2018-2019	YTD 2018-2019	
Incidents reported	215	132	
Injuries reported	107	58	
LTIs	14	5	
Number of workers' compensation claims submitted	47	18	
Total days lost from injury	890 (The City still has 4 active claims which will continue to increase the lost days)	75	
Random Drug and alcohol testing conducted	558	247	
Workplace inspections completed	58	36 out of 40 scheduled inspection have been completed	
Annual emergency evacuations completed	8	3	

Legend:	Expected to lower figure than the previous year
	Expected to be a better figure than the previous year
	Will not be a better figure than the previous year

2019 - 2021 YEAR STRATEGIC PLAN UPDATE -

Priority	Objective	Expected Outcomes	Due (does not represent financial year)	Status	Comment
Enhance OSH leadership and safety culture through advancing active	The City will improve on the existing positive safety culture and leaders are demonstrating	The online OSH system is readily accessible to work areas.	Q4 2020	Ongoing	Technology One Safety module is due for roll out in July 2020. Incident and hazard reporting are included in the module with other OSH requirements to be expected to be picked up in the Forms module. Training will be provided to staff prior to the rollout.
participation	expected OSH behaviours	All position descriptions are reviewed and relevant corporate accountabilities are included.	Q4 2019	Not commenced	
		Relevant training has been provided to employees and accurate up-to-date training records are maintained.	Q4 2020	Ongoing	An OSH 2020 training schedule has been developed and communicated. The OSH Training Procedure is due to be reviewed in March 2020. Technology One will assist with managing OSH training records.
		An OSH communication plan is developed and delivered annually.	Q1 2020 Q1 2021		2020 Communication Plan has been developed. The plan assists with monthly toolbox topics and associated promotional material.
		Constructive behaviours, reported by the organisational cultural survey, are positively impacting OSH results.	Q3 2019	Ongoing	Employee engagement survey completed June 2019. Actions arsing from the engagement survey have been tabled with relevant areas and actions have been completed or are ongoing.
		Completion of annual review of OSH Policy.	Q1 2020 Q1 2021	2020 Completed	2020 Review completed. Policy to be signed by the CEO and communicated.
		CoMMT members are chairing relevant OSH committees.	2020 2021	2020 Completed	2020 Schedule has been completed for Central and site OSH committees.
		Safety shares are included as an agenda item in OSH and Operational meetings.	2021	2020 Completed	Action is included in Business Units OSH Annual Action Plan
		Leaders to manage contractor procurement and provide continual	Q3 2019	Ongoing	OSH Contractor Management procedure has been sent to stakeholders and site OSH

Priority	Objective	Expected Outcomes	Due (does not represent financial year)	Status	Comment
		monitoring in accordance with the Contractor OSH Management AOP			committees. The procedure is due to be tabled at the Central OSH committee. Training for staff in the new procedure has been booked for March 2020 and an external tender workshop has been arranged to communicate the changes.
		Employees commitment to make the City the safest place to work reflects in the Cultural Survey.	Q3 2019 Q3 2020	Completed Commenced	OSH scored 88% favourable in the June 2019 engagement survey. Actions arsing from the engagement survey have been tabled with relevant areas and actions have been completed or are ongoing. The November 2019 Cultural Survey results are being communicated across the business with workshops assisting with identifying areas of interest and associated actions.
		Completion of an across the organisation OSH Risk Register which identifies hazards and necessary controls associated with all work activities.	Q3 2021	Commenced	Completed risk register Recreation Centres Rangers Marina City Build Risk Registers in development Operations Billy Dower
		Volunteers, visitors, suppliers, contractors and customers relevant OSH risks are considered within the City's OSH planning.	Q3 2019	Commenced	OSH Contractor Management procedure has been sent to stakeholders and site OSH committees. The procedure is due to be tabled at the Central OSH committee. Procedure for the management of Visitors/Volunteers is being developed with the assistance of HR.
Actively manage OSH	Risk reduction strategies are in place that result in	Corporate OSH training has been identified; planned; implemented; and evaluated.	Q4 2020	Not commenced	

Priority	Objective	Expected Outcomes	Due (does not represent financial year)	Status	Comment
risks and outcomes	the identification; control and elimination or reduction of risks to as low a reasonably practicable	relevant documents; implementation of necessary communications; and the provision of related training. Improved access by the workforce to all relevant OSH documentation.		Commenced	Schedule has been developed.
		An effective system is implemented across the City to identify hazards, assess and control risks associated with any work activities.		Not commenced	Technology One is expected to assist with improving the existing hazard reporting and feedback process.
		Increased hazard reporting and response.	Q4 2020	Not commenced	
		Safe work procedures are available for all work activities which include operational and OSH requirements.	Q3 2021	Not commenced	
		Development and promotion of an annual Health and Wellbeing event calendar.		2020 calendar	2020 Health and Wellbeing calendar is due to be finalised in March 2020.
		H&W events are promoted and participation is reviewed.	Q3 2020 Q3 2021	2020 commenced	Review of previous year H&W activities/events occurred in the site OSH committees. Communication of the events has also been reviewed and will be slightly amended for the 2020 calendar.
Promote	Employee lifestyle	Reduction in sick leave.	Q4 2021	Not commenced	
health and wellbeing	choices and general health has		Q4 2021	Not commenced	
	improved as a result of participation in the	Survey of employees provides feedback on events/programs and the	Q3 2019 Q3 2020 Q3 2021	2019 completed	Review of previous year H&W activities/events occurred in the site OSH committees.

Priority	Objective	Expected Outcomes	Due (does not represent financial year)	Status	Comment
	City's health and wellbeing	perceived impact upon employee H&W.			
	program.	Contractors are inducted and audits/inspections are carried out on a scheduled basis.	Q3 2019	Commenced	Induction for contractors have occurred at several sites across the City. Contractors attending operational sites are required to participate in the site induction.
		An Audit/Inspection procedure is developed.	Q2 2019	Not commenced	The OSH procedure schedule amened the due date for this action to Feb 2020.
Measure, evaluate and review OSH systems		Regular external audits are completed by LGIS.	Q3 2019 Q2 2020 (Worksafe Plan Audit) Q3 2021	Commenced	LGIS conducted a 2 day pre audit in February 2020. Results have not been received to date. LGIS Worksafe Plan has been booked in for June 2020.
	ensure continuous improvement of OSH systems.	Develop and implement a process for the review of the effectiveness of hazard identification, risk assessment and risk control process.	Q2 2020	Not commenced	
		Training program is routinely reviewed.	Q1 2020	Completed	Documents have been developed for all OSH training to include Training Questionnaire and Course Participant Feedback Form.
		Reduced workers' compensation costs and claims.	Q1 2020	Commenced	Early indicators of the Safe Spine program show a reduction in claim costs for City Parks. 2020 data reflects that 2019-2020 Workers' Compensation Claim numbers and costs are considerably reduced from 2017-2018 and 2018-2019.
		Reduced LTIs and significant injuries.	Q1 2020	Commenced	Review of 2019-2020 OSH data show the first 8 months show a decrease in LTIs, all injury classification numbers and significant injuries have reduced
		Reduced manual handling incidents.	Q1 2020	Commenced	Early indicators of the Safe Spine program show a reduction in claim costs for City Parks.

Priority	Objective	Expected Outcomes	Due (does not represent financial year)	Status	Comment
		LGIS Worksafe Audit is completed in 2020 with an expected level of certification of 80% or greater.		Commenced	Book audit for June 2020.
		Review of the OSH plan is completed every 6 months.	Q1 & Q3 2019 Q1 & Q3 2020 Q1 & Q3 2021	2019 Completed	OSH Strategic Plan has created in Smartsheet with individual actions assigned to each expected outcome. The plan has been updated with completed actions and additional actions have been added.
		Process for identifying incident trends and patterns is developed	Q4 2019	Commenced	Trend data is evaluated every 2 months and discussed at the Central OSH committee. Quarterly and annual reviews of incident data is also conducted.