Good Governance Assessment Program

Independent Validation Report to Campbelltown City Council

Prepared by Judith Jones

4th July, 2011

Contents

1. Executive summary

This report to the City of Campbelltown Council has been prepared by Judith Jones. It provides Council with information resulting from an independent validation of the Council's self-assessment of its governance performance conducted in June/July 2011 and highlights similarities and differences. Recommendations are made for further action and governance improvement.

1.1 Purpose of this independent validation

The purpose of this independent validation is to:

- corroborate the Council's governance self assessment findings reported in Campbelltown City Council's Governance Self-Assessment Report;

- provide the Council with an independent perspective on its governance performance and make additional recommendations for its improvement;

- provide the LGA with a copy of the independent validator's report in order for it to reflect on Councils' governance practices; and

- generate information and data that will inform governance performance improvement, resourcing, decision-making and reporting within the Local Government sector in South Australia.

This program has been funded through the Local Government Research and Development Scheme.

1.2 Council's self-assessment: key findings.

- The Campbelltown City Council recently reviewed its governance performance using the '*Good Governance Assessment Tool'* developed by the LGA in collaboration with a cross-section of South Australian Councils and other key stakeholders. The key findings of this self-assessment were:

- Almost 100% of the Required Elements were in place

- Council has many Good Practice Elements in place which are being used and are monitored

- Fraud and Corruption has not been addressed holistically

- Community Consultation Policy requires updating to be fully compliant

- Code of Conduct for Elected Members requires review so that breaches of any Council Policy become a breach of the Code

- A process for managing Council Members access to information to be developed

The following were the key recommendations for action:

- Update the Code of Conduct for Elected Members to link breaches of Council Policy with breaches of the Code

- Prepare an Elected Members Access to Information Flowchart

- Prepare a Fraud and Corruption Policy for Council adoption

- Conduct a Review of the Community Land Management Plan

- Amend Public Consultation Policy to include consultation for Removal of Vehicles

1.3   Independent Assessor's validation: key findings

The independent validator's review of the Council's self-assessment of its governance performance, also using the '*Good Governance Assessment Tool'*, identified the following key findings:

- Of the 141 required elements in the assessment 134 complied, 2 did not comply, 3 partly complied and 2 did not apply to this council

- The majority of the required elements are excellent and cover all aspects, whilst a small number require review. There is a large number of good practice elements in place which appear to be working well. There are others that can be implemented over time.

- Weaknesses found were:

  ➢ Additional consultation could be carried out when reviewing policies (in particular the Public Consultation Policy

  ➢ Fraud and corruption not embodied in a specific policy

- The program itself has presented an opportunity for the council to review its governance practices

- An opportunity was also taken for the staff to work as a team to collate the required information

- The biggest threat will be if the Action Plan is not adhered to

- Some discrepancies were found between the self assessment of required elements by the council and the validation assessment of these components.

1.4   Additional recommendations for Council action

In addition to the actions identified through the Council's self-assessment, the independent validator recommends that the Council:

- Develop a written process which will ensure that where a power or function is delegated to an employee that the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function

- Before adopting, altering or substituting a Code or Policy make it available for inspection or purchase by the public (even if no changes are envisaged)

- In the Procurement Policy expressly identify circumstances where the council will call tenders for the sale or disposal of land or other assets

2. Introduction

2.1 Background

There has been an increased expectation over recent years by communities and the Parliament (via legislation) for Councils to enhance their governance performance. The LGA has assisted Councils in making improvements through:

- the establishment of a Governance Standards Advisory Committee;

- developing a range of support material for Councils under the LGA's Better Governance program; and

- a comprehensive training program for Council Members and senior Local Government staff which has focused on topical governance issues.

The LGA has also developed a *Good Governance Assessment Tool* to assist Councils to assess their governance performance and to identify related priorities and actions for improvement. To help Councils to corroborate their findings, the LGA is coordinating a panel of independent validators.

This report for Campbelltown City Council was undertaken in June/July, 2011 and has been prepared by Judith Jones for its consideration and action.

2.2 Validation methodology

In conducting this independent validation, the following approach was adopted:

- Independent validator reviewed and noted preliminary readings

- Independent validator visited Council, met key stakeholders, sighted Council's self-assessment report (but not Ratings), Action Plan and other relevant documents, and identified evidence of practice

- Independent validator rated findings - summarised in *Table 1*

- Independent validator sighted Council's self-assessment ratings and assessed any significant differences with their own. Particular focus was given to those elements for which there was a more than -1 rating difference.

- Outstanding information/evidence gaps identified by validator were noted by Council and where available, supporting evidence submitted by Council to independent validator

- Independent validator ratings were moderated as appropriate, based on additional information provided

- Independent Validation Report was prepared for Council

2.3 Acknowledgements: stakeholders consulted

The people who were consulted by the independent validator to gather evidence and information to support the preparation of this report were:

- Paul Di Iulio – Chief Executive Officer

- Lyn Townsend – Manager Governance & Strategic Planning

- Michelle Hammond – General Manager Corporate and Community Services

- Jan Franklin – Executive Assistant to CEO & Mayor

- Adrian Forster – Risk Management Co-ordinator

2.4 Evidence sighted

The specific evidence sources sighted in conducting this review are detailed in the Council's self-assessment report and in *Appendix 1*. In summary, the sources of evidence made available for this independent validation included:

Copies of relevant policies	X
Copies of relevant procedures and standards	X
Minutes of meetings	X
Guideline documents	X
Codes of practice	X
Other – Reports and Agendas	X

Consultation with key stakeholders confirmed that the policies, procedures, standards and other relevant documentation not only existed (except for a minor number) but are in the main being successfully followed as part of the Council's good governance approach.

The following Policies had not been reviewed on an annual basis as determined by the Council Policy Framework:

- Caretaker Policy

- Footpath Development and Maintenance Policy

- Order Making Policy

- Parking Policy

Validation Assessment Findings and Recommendations

3.1 Summary findings

The findings of the independent validator's assessment of the Council's governance performance are summarised below:

Table 1. **Governance Assessment Ratings**

	Themes and Topics	Council Self Assessment Rating (1)					Independent Validator Rating (2)					Variance (2-1)
	1.Ethics, Values & Council Members	0	1	2	3	4	0	1	2	3	4	
1.1	Code of Conduct - Council Members				X					X		0
1.2	Code of Conduct - Council Staff				X					X		0
1.3	Council Member Training and Development					X					X	0
1.4	Council Committees					X					X	0
1.5	Council Meetings					X			X			-2
1.6	Council Members Access to Information					X			X			-2
	2.Risk Management & Internal Controls	0	1	2	3	4	0	1	2	3	4	
2.1	Risk Management					X				X		0
2.2	Internal Control				X						X	+1
2.3	Fraud and Corruption				X				X			-1
2.4	Legislative Compliance				X				X			-1
2.5	Purchasing					X				X		-1
2.6	Audit Committee					X				X		-1
2.7	Sale and Disposal of Assets				X				X			-1
	3.Decision Making	0	1	2	3	4	0	1	2	3	4	
3.1	Delegations - Council					X				X		-1
3.2	Delegations - Chief Executive Officer					X					X	0
3.3	Statutory Policies					X				X		-1
3.4	Community Consultation				X				X			-1
3.5	Strategic Management Planning					X					X	0
3.6	Complaints Management					X				X		-1
	Adjudged Overall Rating					**X**			**X**			

The rating system used in this assessment is:

Level 0 Unsatisfactory	No evidence of Required Elements.
Level 1 Poor	Some evidence of Required Elements, but this is either informal or not reflected in practice.
Level 2 Satisfactory	Evidence of basic system with Required Elements present and generally reflected in practice. Some Good Practice Elements evident.
Level 3 Good	Clear evidence that all Required Elements are in place within a formal governance system. A significant and increasing number of Good Practice Elements are evident. Appropriate training has been arranged.
Level 4 Excellent	Level 3 plus evidence of ongoing monitoring, review and reporting on the effectiveness of the various elements of the governance system leading to continuous improvement. Governance systems and related documentation have been well communicated to Council Members and staff, are well understood and evident in practice.

3.1.1 Council self-assessment results

The key findings of the Council's self assessment were:

- Almost 100% of the Required Elements were in place

- Council has many Good Practice Elements in place which are being used and are monitored

- Fraud and Corruption has not been addressed holistically

- Community Consultation Policy requires updating to be fully compliant

- Code of Conduct for Elected Members requires review so that breaches of any Council Policy become a breach of the Code

- A process for managing Council Members access to information to be developed

The implications of these findings for Council governance are:

- Council's governance performance is excellent

- Council is now in a better position to become totally compliant

- Council is at less risk of litigation

- Additional workloads will be required to implement the Action Plan

As a result of this self-assessment the Council has identified the following key recommendations for action in its Good Governance Action Plan:

- Update the Code of Conduct for Elected Members to link breaches of Council Policy with breaches of the Code

- Prepare an Elected Members Access to Information Flowchart

- Prepare a Fraud and Corruption Policy for Council adoption

- Conduct a Review of the Community Land Management Plan

- Amend the Public Consultation Policy to include consultation for Removal of Vehicles

These self-assessment findings, together with the resulting Action Plan, will be presented to Council's Audit Committee for consideration on 11th August, 2011

3.1.2   Independent validation results

The significant findings of this independent validation were:

- Of the 141 required elements in the assessment 134 complied, 2 did not comply, 3 partly complied and 2 did not apply to this Council

- The majority of the required elements are excellent and cover all aspects, whilst a small number require review. There is a large number of good practice elements in place which appear to be working well. They appear to be used and monitored. There are others that can be implemented over time.

- Weaknesses found were:

  - ➢ Additional consultation could be carried out when reviewing policies (in particular the Public Consultation Policy)

  - ➢ Fraud and corruption not embodied in a specific policy

- The program itself has presented an opportunity for the council to review its governance practices

- An opportunity was also taken for the staff to work as a team to collate the required information (6 staff members contributed 17 hours to the audit)

- The biggest threat will be if the Action Plan is not adhered to

- Some discrepancies were found between the self assessment of required elements by the council and the validation assessment of these components.

3.1.3   Similarities and differences

The most significant similarities and differences between the self assessment and independent validation were:

Similarities:

The following council and validator assessments produced the same rating:

- **Code of Conduct – Council Members**

- **Code of Conduct – Council Staff**

- **Council Member Training and Development**

- **Council Committees**

- **Risk Management**

- **Delegations- Chief Executive Officer**

- **Strategic Management Planning**

The following Themes and Topics produced a higher rating by the validator:

- **Internal Control +1**

The following themes and Topics produced a lower rating by the validator:
- **Council Meetings -2**

- **Council Members Access to Information -2**

- **Fraud and Corruption -1**

- **Legislative Compliance -1**

- **Purchasing -1**

- **Audit Committee -1**

- **Sale and Disposal of Assets -1**

- **Delegations – Council -1**

- **Statutory Policies -1**

- **Community Consultation -1**

- **Complaints Management -1**

3.1.4   *Implications of ratings for Council's governance*

The implications of these findings for Campbelltown City Council's governance are:

- Additional work required in some areas to increase the rating. This however, is minor and can be easily achieved

- The overall rating of 3 by the validator indicates there is a very good system in place and in a number of instances an excellent system.

3.2   Additional recommendations for action

In addition to the actions specified in the Council's Good Governance Action Plan it is recommended that:

1.1 Code of Conduct – Council Members

- When next reviewing the Code do this through a Workshop process with council members and carry out a Public Consultation process

- Insert a specific section in the Code regarding fraud and corruption

- Distinguish between illegality and impropriety within the Code

- Ensure the Code is endorsed by all Council Members and a signed copy placed on public display

1.2 Code of Conduct – Staff

- Include clauses specifically for Fraud and Corruption and Use of the Internet

- Distinguish between illegality and impropriety in the Code

- Link to other relevant policies

- Directly identify that a breach of any Council Code or Policy is a breach of this Code

- Include a conflict resolution process

- Staff to sign that not only have they received a copy but they have read and understood it

- A record of the receipt of the Code to be retained by Council

1.4 Council Committees

- Voluntarily report to LGAMLS annually on any members of Committees who are not Council Members

1.5 Council Meetings

- Before the Council adopts, alters or substitutes a Code/Policy, ensure that copies of the proposal are available for inspection by the public and comments invited (even if it is envisaged that there be no changes)

2.3 Fraud and Corruption

- Include in the Terms of Reference of the Audit Committee that it considers, assesses and makes recommendations on fraud and corruption

- Include fraud and corruption training for staff in Induction Training

2.4 Legislative Compliance

- Review all Policies on an annual basis as per Policy Framework

- Maintain a Key Dates Diary to assist with compliance with legislation

2.5 Purchasing

- Include in your Purchasing information clauses relative to the public nature of Local Government tenders, Freedom of Information legislation and the role of the Ombudsman

- Amend the Policy to provide for the use of a probity auditor for high risk/high value purchases

2.6 Audit Committee

- On a voluntary basis report the names of the independent members of the Committee to LGAMLS

- Develop a Procedure for the appointment of Council's Independent Auditor

2.7 Sale and Disposal of Assets

- Include specific clauses in the Policy to prevent fraud and corruption

- Include specific clauses in the Policy which detail when tenders will be called

- Include a definition of Disposal which should cover leases

- Include a clause which states that high risk/value disposals require the use of a probity auditor

3.1 Delegations – Council

- Consider a workshop with council members for the development of delegations when next carrying out a review

- Require employees to sign off on their individual delegations

3.2 Delegations Chief Executive Officer

- Develop a written process to ensure that when a power or function is delegated to an employee of Council that the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function

3.3 Statutory Policies

- Review all Statutory Policies on an annual basis

- Review all other Policies as per the Policy Framework

3.6 Complaints Management

- Report to Council or the Audit Committee on matters referred to the Ombudsman and matters referred to the Courts (where this is appropriate)

3.2.1 Recommendations for action to improve governance performance

As an outcome of this independent validation process the following recommendations are made to improve the Council's governance performance:

- Review all aspects of Governance on an ongoing basis

- Continue to work on Good Practice Elements and make this part of the review

3.2.2 Recommendations to Council to improve future self-assessment process

As an outcome of this independent validation process the following recommendations are made to improve future governance self-assessment processes:

- Set up a Calendar to help achieve 3.2.1 above

- Collect all documentation for the review and store in one place (either in hard copy or electronic file)

- Be specific when collecting evidence for the review e.g. Not only provide a Policy, but the clause in the policy to which the question relates

Local Government Association of South Australia

The Voice of Local Government

Governance Themes and Topics: Validator's Working Papers

Good Governance Assessment Program

Independent Validation Report to Campbelltown City Council - Working Papers

Prepared by Judith Jones

28th June, 2011

DME 50156

1. ETHICS, VALUES & COUNCIL MEMBERS

1.1 Code of Conduct - Council Members

Section 63 of the *Local Government Act 1999* requires a Council to adopt a Code of Conduct for Council Members. The Code is a public statement of the conduct and behaviours that residents and other stakeholders can reasonably expect of the Members of Council. The Code describes the standard of conduct expected of each individual in carrying out their role and responsibilities as Council Members as defined in the Act.

Being a Council Member and assuming the trust of the community in the stewardship of community assets, brings with it obligations to act in the best interests of the community.

1.1 Code of Conduct - Council Members		
LGA Guidelines: "*LGA Guidelines & Model for Developing a Code of Conduct – for Council Members*"		
Required Elements	**Y / N**	**Evidence**
1. **Is there a Code of Conduct in place?**	Y	Viewed Document
2. **Has the Code been adopted by Council?**	Y	23/11/2010
3. **Has the Code been reviewed within 12 months of the last election?**	Y	23/11/2010
4. **Is a copy of the Code available at the Council's principal office and on the Council's website?**	Y	Princ. Office & website
Good Practice Elements	**Y / N**	**Evidence**
5. Was the development/review of the Code facilitated through a workshop process?	N	
6. Has there been consultation with the public in its development/review?	Y	But not since 2008
7. Is the Code regularly reviewed during the term? If so, when and how often?	Y	Ad hoc as required
8. Does the Code cover gifts & benefits, use of Council resources, confidentiality, fraud and corruption, use of information?	Partly	Code P3 (not fraud & corruption)
9. Does the Code cover relationships with other Members, staff, stakeholders and residents?	Y	Code P3,5,6
10. Does the Code include Evidence and links to other relevant policies (eg. Media Communication Policy, Fraud and Corruption Policy, Gifts and Benefits Policy, Council Members Use of Information Policy etc)?	N	
11. Does the Code cover whether a breach of these other policies is a breach of the Code?	N	

1.1	**Code of Conduct – Council Members**		Continued

12.	Does the Code distinguish between illegality and impropriety?	N	
13.	Does the Code (or related policy) include a process to investigate breaches of the Code?	Y	Code P6/12
14.	Does the Code include or refer to a conflict resolution process?	Y	Only limited
15.	Are the Council Members aware of the content of the Code and have they received training in the operation of the Code?	Y	Part of residential training program
16.	Is the Code endorsed by the Principal Member and Councillors? If so, in what form has it been endorsed eg has each Council Member signed a copy of the Code to indicate that they have received, read and understand it?	Partly	Endorsed by adoption but not signed by CE/Members
17.	Is a signed copy of the Code of Conduct on public display in or near the Council Chamber?	N	Available but not signed

Validator's Rating of Topic:	**3**

Comments:	**Required Elements:**	**All adhered to**

Good Practice Elements: Some Good Practice Elements in place

Recommended Actions:	**Good Practice Elements:**	**When next reviewing the Code do this through a Workshop process with Council Members and carry out a Public Consultation process**

Insert a specific section in the Code regarding Fraud and Corruption

Include links within the Policy to other Council Policies

Include a section stating that a breach of any other Council Policy is a breach of this Code

Distinguish between illegality and impropriety within the Code

Ensure the Policy is endorsed by all Council Members and a signed copy placed on public display

Date: 28/06/29011

1.2   Code of Conduct – Council Staff

Section 110 of the *Local Government Act 1999* requires a Council to adopt a Code of Conduct for staff of Council. The Code is a public statement of the conduct and behaviours that the residents and other stakeholders can reasonably expect of Council staff. The Code describes the standard of conduct expected of an employee in carrying out their role and responsibilities. Community expectations of staff within Local Government is high and the Code of Conduct should give clear direction to staff as to what ethical and behavioural standards apply to them and give direction in resolving ethical dilemmas they may encounter.

1.2 Code of Conduct – Council Staff		
LGA Guidelines: "*LGA Model Code of Conduct – for Council Staff*"		
Required Elements	**Y / N**	**Evidence**
1. Is there a Code of Conduct in place?	Y	Viewed Code
2. Has the Code been adopted by Council (or by the Chief Executive Officer under delegated authority)?	Y	Council - 23/11/2010
3. Has the Code been reviewed within 12 months of the last election?	Y	Reviewed 23/11/2010
4. When preparing or revising the Code, has the Council taken reasonable steps to consult with Council staff and with any registered industrial association that represents the interests of staff of the Council?	Y	Staff, Industrial Associations and public consulted March/April 2009
5. Is a copy of the Code available at the Council's principle office and on the Council's website?	Y	Princ. Office & website
6. Has the Code of Conduct been reviewed to ensure that it does not diminish a right or employment condition under an Act, Award, Industrial Agreement, or contract of employment?	Y	Code P1
Good Practice Elements	**Y / N**	**Evidence**
7. Is the Code regularly reviewed? If so, when and how?	Y	Annually in November
8. Does the Code cover gifts & benefits, use of Council resources, confidentiality, fraud and corruption, use of the internet?	Partly	Fraud & Corruption & Internet not specifically
9. Does the Code cover relationships with Council Members, contractors, customers and residents?	Y	
10. Does the Code distinguish between illegality and impropriety?	N	
11. Does the Code include or refer to a process to investigate alleged breaches?	Y	Code 6.14
12. Does the Code refer to and link to other Council policies, eg purchasing and tenders, disposal of land and other assets, fraud & corruption, whistleblowers protection, electronic communications, bullying and harassment, occupational health, safety and welfare etc?	Partly	Limited
13. Does the Code identify whether a breach of these other policies is a breach of the Code?	N	Not directly

14.	Does the Code include or refer to a process to investigate breaches and the possible penalties for a breach?	Y	Clause 6.14
15.	Does the Code include or refer to a conflict resolution process?	N	

1.2	**Code of Conduct - Council Staff**		Continued
16.	Are staff aware of the content of the Code and had training in the operation of the Code?	Y	Induction
17.	Has each staff member received a copy of the Code?	Y	On induction
18.	Has each staff member signed a copy of the Code to indicate that they have received, read and understood it?	N	
19.	Has a record of the receipt of a copy of the Code by each staff member and training on the Code been retained by Council?	N	
20.	Is the Code referred to in the Council's standard contract of employment?		
21.	Is the Code part of the induction program for new Council employees?	Y	Induction process

Validator's Rating of Topic:	**3**	
Comments:	**Required Elements:**	**All adhered to**
	Good Practice Elements:	**A number of Good Practice Elements in place – one not validated**
Recommended Actions:	**Good Practice Elements:**	**Include clauses specifically for Fraud and Corruption and Use of the Internet**
		Distinguish between illegality and impropriety in the Code
		Link to other relevant policies
		Directly identify that a breach of any Council Code or Policy is a breach of this Code
		Include a conflict resolution process
		Staff to sign that not only have they received a copy but they have read and understood it
		A record of the receipt of the Code to be retained by Council
Date:	**28/06/2011**	

1.3   Council Member Training and Development

Section 80A and Schedule 4(2)(ca) of the *Local Government Act* 1999 together with Regulations 6(e) and 7 of the *Local Government (Members Allowances and Benefits) Regulations 1999* require each Council to adopt a Council Members Training and Development Policy and to keep records of any training and development undertaken by Council Members. For a policy to be effective in improving the competencies of Council Members it must be translated into a meaningful training and development plan that has an appropriate budget allocation and is reviewed on an annual basis.

The training plan should identify priorities for the development of the whole Council. Ideally each Council Member should have an identified program to suit their individual needs, skills and knowledge. It is important that access to courses is given to all Members and priority should be given to new Members as part of an extended induction process.

1.3 Council Member Training and Development		
LGA Guidelines: "*LGA Guidelines for Developing a Training & Development Policy and Plan – for Council Members*"		
Required Elements	**Y / N**	**Evidence**
1. Has the Council adopted a Council Member Training and Development Policy?	Y	Policy & C/Minutes
2. Is the policy aimed at assisting Members in the performance and discharge of their functions and duties?	Y	Policy
3. Is a copy of the policy available for inspection and/or copy at the principal office of the Council and on its website?	Y	Princ. Office & website &
4. Are attendances at training and development courses recorded in the Register of Allowance and Benefits?	Y	Viewed Register
5. Is this record publicly available? (Regulation 6(e))	Y	On request
6. Are the training and development activities for members of the Council during the relevant financial year reported in the annual report of the Council? (Schedule 4(2)(ca))	Y	Annual Report P20
Good Practice Elements	**Y / N**	**Evidence**
7. Has the Council developed a training and development plan for the current year?	Y	Viewed Plan
8. Has the Council allocated a budget for Council Member training?	Y	Budget
9. Are new Members a priority within the training plan for at least the 12 month period following an election?	Y	Residential Program
10. Is there a regular review of the training and development policy and the training and development plan?	Y	Annually
11. Do all Council Members have access to training and development opportunities?	Y	Extranet
12. Are Council Members regularly notified of training and development opportunities?	Y	"
13. Does the CEO have delegated authority to approve training courses that are included in the training and	Y	Delegations

	development plan and are within the budget?		
14.	Are a variety of courses, seminars and training methods utilised?	Y	Differing methods
15.	Are reports required from and prepared by Council Members attending seminars and conferences?	Y	Interstate as per policy

Validator's Rating of Topic: 4

Comments: Required Elements: All adhered to
**   Good Practice Elements: Good Practice Elements in place, with evidence showing that there is ongoing monitoring and review**

Recommended Actions: Continue with your program. It is excellent

Date: 28/06/2011

1.4   Council Committees

Section 41 of the *Local Government Act* 1999 provides for Councils to establish committees, while section 87 sets out the rules for the calling and timing of committee meetings. In addition, Part 2 of the *Local Government (Meeting Procedures) Regulations 2000* sets out the rules regarding the meeting procedures of Councils and key committees.

The work of committees is significant in Local Government because of the wide range of activities and functions which a Council is responsible. Committee members may be Council Members, Council officers and members of the public who are appointed by the Council. All Council committees report to the Council and are subject to the requirements of the *Local Government Act 1999*. When a Council establishes a committee, it must determine the reporting and other accountability requirements that are to apply in relation to that committee.

1.4 Council Committees		
LGA Guidelines: "*Council Committee Members Guide*"		
Required Elements	**Y / N**	**Evidence**
1. **Does the Council have any Section 41 committees?**	Y	Council Minutes 23/11/10 & 7/12/10
2. **If so, are all the committees established by resolution?**	Y	"
3. **Does each committee have separate Terms of Reference adopted by Council?**	Y	"
4. **Is the role and function of each committee clearly described in its Terms of Reference?**	Y	Agenda 23/11 & 7/12/10
5. **Are the accountability and reporting requirements addressed in its Terms of Reference?**	Y	Viewed Terms of Reference
6. **Is the time, date and location of meetings stipulated or delegated to the committee?**	Y	Committee Schedule adopted by Council
7. **Has the Council considered whether Part 2 of the *Local Government (Meeting Procedures) Regulations 2000* is to apply to each Council committee not performing regulatory activities?**	Y	Viewed Terms of Reference
8. **Has the requirement for Members to complete a Register of Interest been addressed? (sections 64-72 of the *Local Government Act 1999*).**	Y	Viewed Terms of Reference
9. **Are the committee agendas, reports and minutes complete and accurate?**	Y	Viewed Agendas Minutes and Delegation Register
10. **If any committees have delegated powers, was this established by Council resolution and recorded in the record of delegations?**	Y	Council Minutes 23/11/10 and Register
11. **Are the minutes of committee meetings available to the committee members and the public within 5 days after a meeting of the committee? (s.91(3) of the *Local Government Act 1999*).**	Y	Invoices from Courier

12.	**Is an up-to-date schedule of the dates, times and places set for meetings of Committee meetings available on the Council's website? (s.94A)**	Y	Website

1.4	**Council Committees**		Continued
13.	**Are the committee agendas, reports and minutes available on the Council's website?**	Y	Website
		Y / N	**Evidence**
14.	Does the Council's Code of Conduct apply to non-elected committee members?	Y	Code
15.	Does the Council report to the LGAMLS all members of Section 41 Committees who are not Council Members?	N	
16.	Have external committee members received training in understanding their role, function, obligations and meeting procedures?	Y	

Validator's Rating of Topic: 4
Comments: Required Elements: All adhered to
**   Good Practice Elements: Most Good Practice Elements in place**
Recommended Actions: Good Practice Elements: Voluntarily report to LGAMLS annually on any members of Committees who are not Council
**   Members**
Date: 28/06/2011

1.5 Council Meetings

In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework prescribed by the *Local Government Act 1999*, Councils need to be fully committed to the principle of open and accountable government. Councils must also recognise that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

The Council meeting is a formal public gathering where the community expects standards of professionalism, legal compliance, respect, due process and decorum. As the official decision making process of Council, the community has high expectations of Council Members and staff.

1.5	Council Meetings		
LGA Guidelines: "*Meeting Procedures Handbook for Council Members*"			
Required Elements		**Y / N**	**Evidence**
1.	Does the Council have a Code of Practice for Access to Meetings and Documents and has the Code of Practice been adopted by resolution? (s.92(1))	Y	Council Minutes 23/11/2010
2.	Does the Code of Practice address the principles, policies, procedures and practices that the Council will apply for the purpose of the operation of Parts 3 and 4 (Section 90 and 91) of the Act?	Y	Viewed Code
3.	Does Council have a system for review of Section 91(9)(a) orders? If so, what is the system?	Y	Monthly by CEO & Annually by Council
4.	Has the Code of Practice been reviewed within 12 months after the conclusion of the last general election?	Y	Council /Minutes 23/11/2010
5.	Before the Council adopts, alters or substitutes a Code does it make copies of the proposed Code, alterations or substitute Code available for inspection or purchase at the Council's principal office?	N	Consultation does not always occur if there are no changes proposed to a Code
6.	Does the Council follow the relevant steps set out in its Public Consultation Policy in relation to altering or substituting a Code?	Y	
7.	Is the Code of Practice available for inspection at the principal office of Council and are copies available for purchase?	Y	Princ. Office on request
8.	Is the Council agenda delivered to Members at least 3 clear days before the date of the meeting? (s.83(1)&(3))	Y	Viewed Courier Accounts
9.	Is a copy of the notice and agenda for a meeting always placed on public display at the principal office of Council at least 3 clear days before an ordinary meeting? (s.84(2))	Y	Viewed
10.	Are copies of the Council agenda available for the public in the gallery at the meeting? What about	Y	Viewed current practice

	copies of reports and other documents provided to Council Members? (s.84(5))		
11.	**Do the minutes comply with Regulation 9 of the *Local Government (Procedures at Meetings) Regulations* 2000?**	Y	Viewed Council Minutes
12.	**Are the Council minutes available to Members and the public within 5 days after a meeting?**	Y	Princ. Office, Libraries & website
1.5	**Council Meetings**		**Continued**
13.	**Are the Council meeting agendas, reports and minutes available on the Council website?**	Y	Viewed website
14.	**Is an up-to-date schedule of the dates, times and places set for meetings of Council meetings available on the Council's website? (s.94A)**	Y	Viewed Website
15.	**Is section 83(5) of the *Local Government Act 1999* regarding confidential information properly used by the Chief Executive Officer?**	Y	Viewed Agenda
16.	**When the Council excludes the public from meetings, is the process used in accordance with section 90 of the Act and the Code of Practice?**	Y	Viewed Minutes
17.	**Are any confidential items separately identified in the Council agendas? (s.83(5), 84(6), & 91(7))?**	Y	Viewed Agenda
18.	**Is a resolution passed for each and every item where the public is excluded?**	Y	Viewed Agenda
19.	**Do the Council Members observe the requirements of the *Local Government Act 1999*, *Local Government (Procedures at Meetings) Regulations 2000* and the relevant Codes of Practice when conducting and participating in Council meetings?**	Y	Viewed Minutes
Good Practice Elements		**Y / N**	**Evidence**
20.	Is there a process of review of the Code of Practice for access to meetings and documents during the Council term? If so, when and how regular?	Y	Annually in November
21.	Has the Council developed and adopted a Code of Practice for meeting procedures under Reg 7 of the *Local Government (Procedures at Meetings) Regulations 2000*, to address any discretionary procedures?	Y	Viewed Code
22.	Does the Code address any additional meeting procedures determined by the Council or committee that are not prescribed by the Act or the Regulations?	Y	Viewed Code
23.	Have Council Members and members of Council committees been trained in the requirements of the *Local Government Act 1999*, and the *Local Government (Procedures at Meetings) Regulations 2000*?	Y	Residential Seminar conducted
24.	Is Evidence to such training included in the Council's Training and Development Policy?	Y	Training & Dev. Plan
25.	Does the Chair explain to any public present the reasons for and effect of a Section 90 resolution?		
26.	Are informal meetings and workshops used appropriately and not as de facto Council and committee meetings?		

1.5 Council Meetings	Continued
Validator's Rating of Topic: 2	
Comments: Required Elements: One element not fully adhered to	
Good Practice Elements: A number of Good Practice Elements in place, but not all validated because of time constraints	
Recommended Actions: Required Elements: Before Council adopts the Code public consultation should occur (even if it is intended that there	
be no changes). This will enable the public to make comment if they wish.	
Date: 28/06/2011	

LGA Better Governance Program
Good Governance Assessment Program

1.6 Council Members Access to Information

Council Members are entitled to have access to information under section 61 of the *Local Government Act 1999* in connection with the performance and function of their duties. Access is granted via a request to the Chief Executive Officer or another officer who has been delegated that responsibility.

Access to information can be an area of conflict between Council Members and the administration if not managed correctly.

1.6	Council Members Access to Information		
LGA Guidelines:			
Required Elements		**Y / N**	**Evidence**
1.	**Are Council Members given access to information held by the Council when they request it?**	Y	Info given to all members
2.	**Are requests for access directed to the Chief Executive Officer or another officer/s specified by the Chief Executive Officer?**	Y	Discussion with staff
3.	**Does the Chief Executive Officer indicate to Council Members, when appropriate, that information contained in the document is, or should be considered as, confidential?**	Y	Viewed documents
4.	**Have Council Members received training and understand the operation of Section 61 of the *Local Government Act* and the use of Regulation 19 of the *Local Government (Procedures at Meetings) Regulations* 2000 with respect to the use of documents and information that relates to a matter before the Council?**	Y	Residential Training Dec 2010
5.	**Have Council Members received training in relation to Section 62 of the *Local Government Act 1999* and understand their duties and responsibilities?**	Y	Residential Training Dec 2010
Good Practice Elements		**Y / N**	**Evidence**
6.	Does the Council have an agreed procedure for the Chief Executive Officer (or other delegated officer) to follow when responding to requests for access to information from Council Members?	N	
7.	Is this in the form of a written policy?	N	
8.	Are various '*forms of access*' addressed in any agreed procedure eg. read only, copies provided etc?	N	
9.	Is information that is provided to one Council Member, provided to all other Members?	Y	Discussion with staff
10.	Is a process of review available if access is denied or delayed due to an unreasonable impact on Council resources?	N	
11.	Do Members make requests in a timely and understandable manner?		

1.6	Council Members Access to Information	Continued
Validator's Rating of Topic: 2		
Comments: Required Elements: All adhered to		
Good Practice Elements: One in place and one not validated		
Recommended Actions: Good Practice Elements: Develop an agreed written process to be followed when responding to requests for		
information from Council Members (Policy and Procedures)		
Date: 28/06/2011		

2.   RISK MANAGEMENT & INTERNAL CONTROLS

2.1   Risk Management

The Australian Standard AS/NZ 4360:1999 Risk Management defines risk management as *a logical and systematic method of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risks associated with any activity, function, or process in a way that will enable organizations to minimise losses and maximise opportunities*. It is also defined under the standard as *the culture processes and structures that are directed towards the effective management of potential opportunities and adverse effects*.

In order to operate effectively and achieve its corporate and strategic plans in accordance with sound governance principles, Councils must be aware of the key risks they face and have strategies in place to manage those risks. There are control systems and procedures that can be established to assist Councils to manage their risk exposure. Risk management helps ensure that Council Members and staff are aware of the risks and take appropriate actions to eliminate, reduce or transfer the risk exposure.

Within the Local Government context, risk management requires more than just ensuring footpaths and playgrounds are safe. Risk Management involves all facets and activities of the Council. To be effective it should embrace all levels of management and the higher level organisational risks should be reported to, and be monitored by, the elected Council through its Audit Committee as well as by management.

2.1 Risk Management		
LGA Guidelines: Refer to Mutual Liability Scheme secure website for information and documents.		
Required Elements	**Y / N**	**Evidence**
1. **Has the Council ensured that it has adopted appropriate risk-management policies, controls, and systems through a resolution passed by at least a two-thirds majority of the members of the Council, before it enters into any financial arrangement under s.134(3)&(4) of the *Local Government Act 1999.***	N/A	Advised has not been used
Good Practice Elements	**Y / N**	**Evidence**
2. Is there documentary evidence available that makes it clear that risk management is part of the culture of the Council and not just a one off process?	Y	Part of Report Template
3. Has the Council adopted a risk management policy and/or risk management framework? If so, how often is it reviewed?	Y	Annually in November
4. Does the Council use categories of risk appropriate to its operations eg, legal, financial, environmental, occupational health & safety, fraud & corruption, reputation and political?	Y	Viewed list

5.	Is there a risk management system that includes monitoring and reporting on the significant areas of risk?	Y	Example given
6.	Do risk assessments include likelihood and consequence of risks?	Y	"
7.	Is risk management training provided to people involved in risk assessments?	Y	"
8.	Does the Chief Executive Officer or a senior manager accept corporate responsibility for risk management?	Y	Discussed at Ex. Man. Team
9.	Is Council's external Auditor aware of and familiar with the Council's risk management policy?	Y	Copy given to Auditor
10.	Does Council have a business continuity plan as part of its risk management response?	Y	(Trim Document)
11	Does Council receive reports on the effectiveness of its risk management system from its Audit Committee?	Y	Reviewed on ann. basis
12	Does Council refer risk management issues received to the Audit Committee for its consideration?	Y	If required

Validator's Rating of Topic: 4	
Comments: Required Element: Not applicable to this Council	
Good Practice Elements: All Good Practice Elements in place	
Date: 28/06/2011	

2.2   Internal Controls

Internal Controls are designed to ensure that systematic processes and procedures are in place. Internal controls also provide effective compliance with legislation, codes and policies that support Councils' achievement of objectives and its business operations. Internal Controls should be a direct response to the major risk exposures of the Council and to reducing those risks to an acceptable level. Areas of risk can include financial, accounting, OH&S, and human resources.

Internal Controls should respond to weaknesses as identified by internal and external auditors. Where Councils have the resources, internal audits should be undertaken to ensure that the controls are operating correctly and are effective in delivering greater assurance and certainty to operations.

2.2 Internal Controls		
LGA Guidelines: "*Internal Financial Controls – Best Practice Manual***' and "***Internal Control Policies – LGA Discussion Paper***"**		
Required Elements	**Y / N**	**Evidence**
1. Does the Chief Executive Officer produce accounts, accounting records, and other documents relating to the financial affairs or internal control of the Council to the auditor on request, pursuant to section 130(1) of the *Local Government Act 1999*?	Y	Viewed Agenda for Audit Committee
2. Does the Council's Audit Committee review, assess and make recommendations on the adequacy of Council's internal controls?	Y	Discussion with Officer
3. Does the Council have appropriate policies, practices and procedures for internal control under s.125 of the *Local Government Act 1999* to assist Council in achieving its objectives and ensure adherence to management policies and safeguard the assets of Council?	Y	Admin Procedure viewed
Good Practice Elements	**Y / N**	**Evidence**
4. Are internal control policies and procedures documented and systematically reviewed?	Y	Annual Review in November
5. Do staff know and understand the reason for and how to apply the internal control policies and procedures?	Y	Documents & Discussion
6. Is compliance with internal controls evidenced, as part of the Council's culture?	Y	"
7. Are internal controls regularly reviewed, in particular in relation to financial risks?	Y	"
8. Are internal audits undertaken to test the validity of internal controls?	Y	Have a program in place
9. Is the CEO made aware of any deficiencies in internal controls?	Y	Discussion with Officer

10.	Do the internal controls respond to legislation, codes and policy directions?	Y	Documentation checked

2.2	**Internal Controls**	Continued

Validator's Rating of Topic: 4

Comments: **Required Elements:**   **All adhered to**
Good Practice Elements: All Good Practice Elements in place

Recommended Actions: **Monitor all internal controls.**
This is very well done

Date: 28/06/2011

LGA Better Governance Program
Good Governance Assessment Program

2.3   Fraud & Corruption

The community has an expectation that Councils, as public sector organisations, will have measures in place to protect them against fraudulent or corrupt actions.

Fraud and corruption, when exposed, can have a significant effect on the reputation of a Council and undermines public confidence and trust.

2.3	Fraud & Corruption		
LGA Guidelines: Discussion Paper – "*Fraud and Corruption in Local Government in South Australia*"			
Required Elements			
1.	**Has the Council nominated a responsible officer under the *Whistleblower Protection Act 1993*?**	Y	
2.	**Are proper processes in place to ensure that Council Members do not make improper use of information acquired by virtue of office, to gain an advantage for themselves or another, or to cause detriment to the Council? (Section 62 of the *Local Government Act 1999* provides a criminal offence).**	Y	Code of Conduct E/M
3.	**Have all Council Members completed/lodged their primary and ordinary returns within the statutory timeframe? (sections 64-71 of the *Local Government Act 1999*)**	Y	Viewed Register
4.	**Have all Council staff completed/lodged their primary and ordinary returns within the statutory timeframe? (Sections 111-119 of the *Local Government Act 1999*)**	Y	Advised it was up to date but the Register was not viewed
5.	**Are there appropriate processes in place to inform Council Members about their obligations to disclose any conflicts of interest they may have? (Sections 73-74 of the *Local Government Act 1999***	Y	Code of Conduct E/M
6.	**Are there appropriate processes in place to inform Council staff about their obligations to disclose any conflicts of interest they may have? (Section 120 of the *Local Government Act 1999*)**	Y	Training 19/4/2011
Good Practice Elements		**Y / N**	**Evidence**
7.	Has the Council adopted a Fraud & Corruption Policy and/or a Fraud & Corruption Prevention Plan?	N	
8.	Is fraud and corruption referred to in Codes of Conduct for Council Members and Staff?	N	
9.	Are there other specific policies in place to support reducing fraud and corruption eg Gifts & Benefits policy?	N	Referred to in Codes of Conduct
10.	Is there a regular review of fraud and corruption risks within the Council operations?	N	
11.	Does the Council undertake an independent periodic assessment of its fraud and corruption framework, policies and/or plans?	N	

12.	Does the Council's Audit Committee consider, assess and make recommendations on fraud and corruption risks?	N	
13.	Has the Council conducted fraud and corruption training for Council Members and staff?	N	Scheduled for December 2011

2.3	**Fraud & Corruption**		Continued
14.	Does fraud and corruption training form part of the induction training program?	N	
15.	Has the Council adopted a policy and/or procedures to ensure protection for Whistleblowers?	Y	Viewed Policy

Validator's Rating of Topic: 2

Comments: Required Elements: All required elements in place. (Point 1.4 - the Register was not viewed)

Good Practice Elements: Only one Good Practice Element in place

Good Practice Elements: Prepare a Fraud and Corruption Policy and cross reference this in the Council Members and Staff Codes of Conduct

Include in the Terms of Reference of the Audit Committee that it considers, assesses and makes recommendations on fraud and corruption

Include fraud and corruption training for staff in Induction Training

Include further Good Practice Elements as time permits

Date: 28/06/2011

2.4   Legislative Compliance

Legislative compliance is important as stakeholders dealing with Council and Council staff expect the Council to comply with the legislation that governs its actions and decisions. Councils must establish processes, practices and procedures to ensure legislative requirements are met.

In addition to the financial costs associated with defending claims, a Council's credibility and reputation could be damaged if the Council engages in unlawful acts, especially if investigations and/or prosecutions result.

2.4	Legislative Compliance		
LGA Guidelines: "*Delegations Information Paper 2007*" and a large number of policies and guidelines on various topics.			
Required Elements		**Y / N**	**Evidence**
1.	**Has the Council implemented and maintained appropriate policies, practices and procedures in order to ensure its compliance with all statutory requirements pursuant to s.132A(a) of the *Local Government Act 1999*?**	Partly	Two statutory policies not updated as required
2.	**Does the Council have a system for monitoring and maintaining legislative compliance? If so, what is the system?**	Y	Advice from LGA
3.	**Are relevant delegations reviewed each time there are changes to legislation?**	Y	Usually done quarterly, but in some instances immediately on change to legislation
4.	**Are the delegates (and sub-delegates) appropriately informed of any changes in delegations?**	Y	Viewed email
Good Practice Elements		**Y / N**	**Evidence**
5.	Does the Council have a process to ensure staff, particularly managers, understand and maintain awareness of legislative requirements?	Y	Flow Charts
6.	Does the Council maintain a key dates diary to assist in complying with the requirements of the Local Government Act 1999?	N	
7.	Does Council conduct a self assessment of its legislative compliance, say every 6 months?	Y	Annual Policy Review, periodic audits
8.	Does Council conduct independent audits for legislative compliance? If so, which areas have been reviewed?		
9.	Are outcomes of legislative compliance assessments and audits reported to the Council's Audit Committee?		
10.	Are non-compliance issues followed up and rectified?		
11.	Is there a process to ensure Council staff are aware of legislative changes and the impact of these changes is assessed?		
12.	Do Council Members and staff receive training in their roles and obligations under legislation that affects their	Y	Council members

performance?		Residential training, Staff regular training

2.4	**Legislative Compliance**		Continued
13.	Does legislative compliance form part of Council Member and staff induction training?	Y	Council Members Residential training & Staff Induction Manual
14.	If the Ombudsman has undertaken any investigation or provided a report to the Council relevant to legislative compliance? If so, have the recommendations been implemented?	N/A	None undertaken

Validator's Rating of Topic: 2
Comments: Required Elements: One Required Element not fully complied with
Good Practice Elements: Some good practice elements in place but not all validated because of time constraints
Recommended Actions: Required Elements: The Council Policy Framework has determined that all Policies be reviewed on an annual basis.
The following should be checked: Caretaker Policy (19/01/2010), Footpath Development and Maintenance Policy(16/10/2007), Order Making Policy (01/12/2009), Parking Policy (16/10/2007)
Good Practice Elements: Maintain a Key Dates Diary to assist with compliance with legislation
Date: 28/06/2011

2.5 Purchasing

Purchasing of goods, services and assets is an area of high risk of fraud and corruption and therefore it is important that Council's processes are not only open, fair, honest and transparent but are also seen as such by the community and other stakeholders.

Section 49 of the *Local Government Act 1999* requires each Council to have a tenders and contracts policy and stipulates that it must address contracting out of services, competitive tendering of services, use of local goods and services, and when Council will call for tenders. Overall it must provide for a fair and transparent tender process.

2.5	Purchasing		
LGA Guidelines: Procurement information is available on the LGA.net secure site, and also see Local Government Corporate Services "Policy for the Acquisition of Goods and Services and the Carrying out of the Procurement Principles".			

Required Elements	**Y / N**	**Evidence**
1. Has the Council adopted a Tenders and Contracts Policy or a Purchasing/Procurement Policy?	Y	Viewed Policy
2. If so, are policies on the following included: **a) the contracting out of services** **b) competitive tendering and the use of other measures to ensure that services are delivered cost effectively** **c) the use of local goods and services; and** **d) the sale or disposal of land or other assets.**	Y	Viewed Policy
3. Does the policy expressly: **a) identify circumstances where the Council will call for tenders for the supply of goods, etc;** **b) provide a fair and transparent process for entering into contracts; and** **c) provide for the recording of reasons for entering into contracts other than those resulting from a tender process.**	Y	Viewed Policy
4. Is the policy available at the Council's principal office and on the Council's website?	Y	Princ. Office & website

Good Practice Elements	**Y / N**	**Evidence**
5. Does the Tenders and Contracts Policy or Purchasing/Procurement Policy include methods of procurement based on price or sensitivity of purchase?	Y	Viewed Policy
6. Are conditions on open and closed tenders, expressions of interest and quotations present in the policy?	Y	Viewed Policy
7 Are provisions to prevent fraud and corruption present in the policy?	Y	Viewed Policy
8. Does the Chief Executive Officer delegate the levels of authority for purchasing to staff members?	Y	Delegations
2.5 Purchasing		Continued

9.	Are purchasing delegations appropriate and reflect actual practice?	Y	Viewed delegations
10.	Are staff aware of and comply with conflict of interest provisions (Section 120(2) of the *Local Government Act 1999*)?	Y	Training – April 2011
11.	Are suppliers and potential suppliers made aware of Council's purchasing conditions and the results of pursuing fraudulent activity?	Y	Purchase Order conditions
12.	Are potential tenderers aware of the public nature of Local Government tenders including Freedom of Information legislation and the role of the State Ombudsman?	N	
13.	Does high risk and high value purchases require the use of a probity auditor? Does the policy provide for this?	N	
14.	Are all contracts suitably assessed for risk?	Y	Done within the project
15.	Are purchase orders issued prior to purchase, not subsequent to receipt of good or services?		
16.	Are major contracts assessed for performance?	Y	Viewed a Contract Doc.
17.	Does a system exist to independently investigate complaints and other allegations?	Y	Viewed Flow Chart
18.	When contracts are entered into without tenders are the reasons recorded?	Y	Viewed Policy

Validator's Rating of Topic: 3

Comments: Required Elements: All adhered to

Good Practice Elements: A majority of the Good Practice Elements are in place – one not validated because of time constraints

Recommended Actions: Good Practice Elements: Include in your Purchasing information clauses relative to the public nature of Local Government tenders, Freedom of Information legislation and the role of the Ombudsman

Amend the Policy to provide for the use of a probity auditor for high risk/high value purchases

Date: 28/06/2011

2.6 Audit Committee

Section 126, and s.30 of Schedule 2 of the *Local Government Act 1999*, requires each Council to establish an Audit Committee and sets out its functions and responsibilities. To be effective the Committee should establish a work program that addresses the specific needs of the Council.

The committee must establish working relationships with external and internal auditors and have a good understanding of internal controls, financial reporting and risk management. Audit Committees must include at least one independent member with suitable skills and experience.

2.6	Audit Committee		
LGA Guidelines: "*Scope of External Audits – Audit Specification*", "*Audit Committees - Handbook*", and a number of information papers on Financial Sustainability.			
Required Elements		**Y / N**	**Evidence**
1.	**Does the Council have an Audit Committee?**	Y	Council /Minutes 23/11/2010
2.	**Is the Committee established by resolution?**	Y	Council Minutes 23/11/2010"
3.	**Have appropriate Terms of Reference been adopted?**	Y	Sighted Terms of Reference
4.	**If the Committee has been delegated any powers by Council, are those delegations established by resolution and recorded in the record of delegations?**	N/A	No delegations
5.	**Is the role and function of the Audit Committee clearly described?**	Y	Terms of Reference
6.	**Is the membership clearly defined, including how the presiding member is appointed, and meets the requirements of the regulations?**	Y	Terms of Reference
7.	**Is accountability and reporting requirements addressed in the Terms of Reference?**	Y	Terms of Reference
8.	**Does the Council's Audit Committee:**		Agendas of Committee
	a) **Review the Council's Annual Financial Statements**	Y	
	b) **Liaise with the Council's external auditor**	Y	
	c) **Approve and review the council's internal audit program**	Y	
	d) **Review the Council's strategic management plans and annual business plan**		
	e) **Review the Council's internal controls**	Y	
	f) **Review the Council's financial reporting processes**	Y	
	g) **Review the Council's accounting systems; and**		
	h) **Review the Council's risk management framework.**	Y	

9. **Has the Presiding Member provided a certificate of independence concerning the Council's Auditor in accordance with Regulations 16A(2) of the *Local Government (Financial Management) Regulations 1999*?**	Y	Viewed Certificate

2.6 Audit Committee		Continued

Good Practice Elements	Y / N	Evidence
10. Has the Audit Committee established a work program that addresses the specific needs of the Council?	Y	Trim Document
11. Have independent members received training in understanding their role, function, obligations and meeting procedure?	Y	Training Program
12. Are Audit Committee agendas, reports and minutes distributed to Council Members as well as to the Audit Committee members?	Y	
13. Are agendas, report and minutes placed on Council's website?	Y	Website
14. Does the Council report to the LGAMLS that there are, and the names of the independent members on the Committee?	N	
15. Has a procedure been developed and adopted for the recommendation and appointment of Council's Independent Auditor?	N	

Validator's Rating of Topic: 3
Comments: Required Elements: All adhered to
Good Practice Elements: Four of the six Good Practice Elements are in place
Recommended Actions: Good Practice Elements: On a voluntary basis report the names of the independent members of the Committee to LGAMLS
Develop a Procedure for the appointment of Council's Independent Auditor
Date: 28/06/2011

2.7 Sale and Disposal of Assets

The sale and disposal of assets is an area of high risk for fraud and corruption and it is important that the Council's processes are not only open, fair, honest and transparent, but also seen to be as such by the community and other stakeholders.

Section 49, requires each Council to have a tenders and contracts policy, including a policy that addresses the sale of land and other assets. This policy must address when Council will call for tenders and stipulate a fair and transparent tender process.

2.7 Sale and Disposal of Assets		
LGA Guidelines: Procurement information available on LGA.net secure site, Local Government Corporate Services "Policy for the Acquisition of Goods and Services and the Carrying Out of the Procurement Principles", and "LGA Service Provision in Local Government Manual".		

Required Elements	**Y / N**	**Evidence**
1. **Has the Council adopted a Sale and Disposal of Assets policy that includes methods of disposal based on price or sensitivity of disposal?**	Y	Viewed Procurement Policy
2. **Are provisions present in the Sale and Disposal of Assets policy to prevent fraud and corruption?**	N	Not specific
3. **Is the policy available at the Council's principal office and on the Council's website?**	Y	Princ. Office & website
4. **Does the policy expressly:**		
a) **identify circumstances where the Council will call for tenders for the sale or disposal of land or other assets etc;**	N	Not specific
b) **provide a fair and transparent process for entering into contracts;**	Y	Viewed Policy
c) **provide for the recording of reasons for entering into contracts other than those resulting from a tender process**	Y	Viewed Policy
5. **Does the Council have policies on the following**		Viewed Procurement Policy
a) **the contracting out of services; and**	Y	
b) **competitive tendering and the use of other measures to ensure that services are delivered cost-effectively; and**	Y	
c) **the use of local goods and services; and**	Y	
d) **the sale or disposal of land or other assets.**	Y	

Good Practice Elements	**Y / N**	**Evidence**
6. Does the policy clearly define what "disposal" means? Does it include a lease over a particular period?	N	
7. Does the CEO delegate the levels of authority for disposal of assets to staff members?	Partly	Except vehicle disposal
8. Are delegations for disposal of assets appropriate and reflect actual practice?	Y	

2.7	Sale and Disposal of Assets		Continued
9.	Does the Council have documented disposal procedures?	N	No procedures
10.	Do high risk and high value disposals require the use of a probity auditor? Does the policy provide for this?	N	
11.	Are all sale and disposal contracts suitably risk assessed?	N	
12.	Are special conditions developed on a contract-by-contract basis?		
13.	Does the Audit Committee have a role to play in the review of this policy?	Y	Minutes 16/02/2011

Validator's Rating of Topic: 2

Comments: Required Elements: Two elements not fully complied with
Good Practice Elements: A number of Good Practice Elements in place – one not validated because of time constraints

Recommended Actions: Required Elements: Include specific clauses in the Policy to prevent fraud and corruption
Include specific clauses which detail when tenders will be called
Good Practice Elements: Include a definition of Disposal which should cover lease
Include a clause which states that high risk/high value disposals require the use of a probity auditor
Include other Good Practice Elements as time permits

Date: 28/06/2011

3.   Decision Making

3.1   Delegations - Council

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to section 44 of the *Local Government Act 1999* as well as a range of other Acts. In most cases, the relevant Acts bestow those obligations and powers directly on the Council as a body.

It is not practical or efficient for the Council as a body of Council Members to perform the many functions or undertake the many activities that are required in the day-to-day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/bodies (usually Council staff or a Council committee) to undertake these steps on its behalf.

Therefore, it is necessary for the Council to take formal steps to delegate to such people/bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council. If the delegations are not resolved properly, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative ramifications for the Council.

3.1 Delegations – Council		
LGA Guidelines: "*Delegations Information Paper*" and Delegations Templates (LGA secure website)		
Required Elements	**Y / N**	**Evidence**
1. **Are delegations made by Council resolution?**	Y	Viewed minutes 7//9/201109/2011
2. **Are the resolutions for delegations appropriate?**	Y	Viewed Minutes 7/9/2011
3. **Is each Act and section correctly identified in the delegation?**	Y	Viewed Minutes 7/9/2011
4. **Is a record of delegations readily available (hard or soft copy) to the public for inspection?**	Y	On Website or by request
5. **Are delegations made under Council Policy included?**	Y	
6. **Are the delegations reviewed by Council at least once in every financial year?**	Y	Viewed minutes
7. **Are all delegations kept under a separate record by the Council?**	Y	Register
8. **Are the delegations compliant with the Act regarding to whom delegations can be made to? - ie. no delegations to the Mayor or a Council Member (section 44(2)).**	Y	Register
9. **Are the delegations compliant with the Act regarding to what powers/functions can be delegated (ie. cannot delegate power to make a by-law, a power to determine annual allowance, etc – section 44(3)).**	Y	Register check

3.1 Delegations – Council		Continued

Good Practice Elements	Y / N	Evidence
11. What evidence is there that Council Members understand what has been delegated and why?	Y	Training Plan
12. Do the Council Members workshop the development of the delegations?	N	
13. Do the delegations include legislative and operational matters?	Y	Register
14. Do the delegates know what has been delegated? How is this conveyed?	Y	Email to individuals
15. What evidence exists eg sign off on personnel file or resolution of the relevant committee?	N	
16. Are there any accountability mechanisms for delegates?	Y	Regular review
17. Is there a scheme of sub-delegation? If so, is the scheme consistent with the delegations?	Y	Register
18. Is there a system in place for review of delegations when legislation changes?	Y	Use of LGA updates quarterly

Validator's Rating of Topic: 3

Comments: Required Elements: All adhered to
Good Practice Elements: A number of good practice elements in place

Recommended Actions: Good Practice Elements: Consider a workshop with council members for the development of delegations when next reviewing
Require employees to sign off on their individual delegations

Date: 28/06/2011

3.2   Delegations - Chief Executive Officer

Councils have certain duties, which they must perform, and certain powers, which they may exercise, pursuant to the *Local Government Act 1999* as well as a range of other Acts. In most cases, the relevant Acts grant those obligations and powers directly on the Council as a body. As it is not practical or efficient for the Council itself to perform those functions that are required in the day- to- day administration of the Council's roles and functions, Councils may delegate to the Chief Executive Officer or other people/bodies (usually Council staff) to undertake these steps on its behalf.

For practical reasons the Chief Executive Officer is often required to sub-delegate some of these delegations to other staff. In addition, the relevant Acts may also directly give the Chief Executive Officer certain powers, functions and duties in their own right. This includes human resource management responsibilities. The *Local Government Act 1999*, section 101 empowers the Chief Executive Officer to also delegate these.

If these delegations and sub-delegations are not properly documented, the enforceability of decisions and actions taken may be compromised and there may be legal and administrative problems for the Council.

3.2 Delegations – Chief Executive Officer		
LGA Guidelines: "*Delegations Information Paper*" and Delegations Templates (LGA secure website)		
Required Elements	**Y / N**	**Evidence**
1. **Are delegations of the Chief Executive Officers powers and functions established in accordance with the Act?**	Y	Council Minutes/Register
2. **Are sub-delegations of Council's powers, functions and duties legitimate and refer to the delegation by the Council to the Chief Executive?**	Y	Register
3. **Is each Act and section correctly identified?**	Y	"
4. **Is a record of delegations (and sub-delegations) readily available (hard or soft copy) to the public for inspection?**	Y	Website & by request
5. **Does the Council have a process in place to ensure that where a power or function is delegated to an employee of the Council, the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function?**	Y	Verbal advice of the process – no written process
Good Practice Elements	**Y / N**	**Evidence**
6. Are delegations and sub-delegations appropriate for the level of experience and expertise of the respective staff?	Y	Register
7. Is consistent terminology used in the drafting of delegations and sub-delegations by the Chief Executive Officer?	Y	Register
3.2 Delegations – Chief Executive Officer		Continued

8.	What evidence is there that staff understand their delegations and sub-delegation, and any limitations?	Y	Discussion between staff
9.	Is each record of delegation attached to the personnel file?	Y	
10.	Are appropriate delegations and sub-delegations made for staff acting in a position and are they for a definite period?	Y	Viewed notification of delegation
11.	Do financial delegations reflect actual practice?	Y	Regular checks by Acct.
12.	Do the purchasing delegations reflect actual practice?	Y	Regular checks by Acct
13.	Do staff receive training in the operation of delegations and sub-delegations as a part of their induction program?	Y	Governance Induction Checklist
14.	Are there human resource management delegations for the appointment, dismissal and suspension of staff included? If so, are they appropriate?	N	CEO only has delegation

Validator's Rating of Topic: 4

Comments: Required Elements: All required elements in place however one process has not been documented

Good Practice Elements: All good practice elements are in place

Recommended Actions: Required Elements: Develop a written process to ensure that when a power or function is delegated to an employee of Council that the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function

Date: 28/06/2011

3.3 Statutory Policies

The *Local Government Act 1999* requires Councils to adopt a range of policies/codes/registers as part of a set of governance measures. The policies/codes/registers should all be regularly reviewed. Most have stipulated timeframes for review, but it is good practice to review all policies/codes/registers annually.

3.3	Statutory Policies		
LGA Guidelines: Various Model Policies			
Required Elements Please indicate whether the following policies are in place:		**Y / N**	**Evidence**
1.	**Annual Business Plan and Budget [s.123]**	Y	Viewed Sighted 2010/2011 Plan
2.	**Code of Conduct - Council Members [s.63]**	Y	Viewed Code
3.	**Code of Conduct – Employees [s.110]**	Y	Viewed Code
4.	**Code of Practice for Access to Meetings and Documents [s.92]**	Y	Viewed Policy
5.	**Code of Practice for Meeting Procedures (if Council has adopted one) [Reg 7, LG (Procedures at Meetings) Regulations 2000]**	Y	Viewed Code
6.	**Contracts and Tenders Policy (including Sale and Disposal of Land and other Assets) [s.49]**	Y	Viewed Code
7.	**Public Consultation Policy [s.50]**	Y	Viewed Policy
8.	**Reimbursement of Council Member Expenses Policy [s.77(1)(b)]**	Y	Viewed Policy
9.	**Provision of Facilities & Support for Council Members Policy [s.78]**	Y	Viewed Policy
10.	**Council Members Training and Development Policy [s.80A]**	Y	Viewed Policy
11.	**Internal Control Policy [s.125]**	Y	Viewed Policy
12.	**Order Making Policy [s.259]**	Y	Viewed Policy (last update 1/12/09)
13.	**Internal Review of Council Decisions Policy [s.270]**	Y	Viewed Policy
14.	**Community Land Register [s.207]**	Y	Viewed Policy
15.	**Public Roads Register [s.231]**	Y	Viewed Register
16.	**Community Management Plans [s.196]**	Y	Viewed Plans
17.	**Register of Salaries [s.105]**	Y	Viewed Register
18.	**Register of Interests – Council Members [s.68]**	Y	Viewed Register
19.	**Register of Interests – Staff [s.116]**	Y	Viewed Register
20.	**Register of Allowance and Benefits – Council Members [s.79]**	Y	Viewed Register

3.3	Statutory Policies		Continued	3

Good Practice Elements		Y / N	Evidence
21.	Are all statutory policies, codes and registers reviewed on at least an annual basis?	N	Not all
22.	Are all other policies, codes and registers (not required under statute) reviewed at least every 2 years?	N	Not all
23.	Are all policies and codes available at the Council's principal office and on the Council website?	Y	Princ. Office & website

Validator's Rating of Topic: 3

Comments: Required Elements: All adhered to

Good Practice Elements: Not fully in place

Recommended Actions: Good Practice Elements: Review all Statutory Policies on an annual basis (Caretaker Policy (19/01/2010) and Order Making Policy (1/12/2009) were not reviewed)

Review all other Policies at least every 2 years (Footpath Development and Maintenance (16/10/2007) and Parking Policy (16/10/2007) were not reviewed

Date: 28/06/2011

3.4 Community Engagement

The *Local Government Act 1999* requires the Council to formally consult with the community on a cross section of topics. It also stipulates that a Council must adopt a Public Consultation Policy as outlined under section 50 of the *Local Government Act 1999*. Some Council's have also adopted public consultation strategies so that their communities understand how a Council will consult in regard to a certain topic, for example tree planting on road reserves or requests for permits for outdoor dining.

3.4	Community Engagement		
LGA Guidelines: "*Public Consultation – LGA Discussion Paper*", and "*Community Engagement Handbook*".			
Required Elements		**Y / N**	**Evidence**
1.	**Has the Council adopted a Public Consultation Policy?**	Y	Viewed Policy
2.	**Does the policy:**		
	a) **Set out the steps that the Council will follow in cases where *the Local Government Act 1999* requires that a Council must follow its Public Consultation Policy, and**	Y	Viewed Policy
	b) **Set out steps that the Council will follow in other cases involving Council decision-making.**	Y	Viewed Policy
3.	**Do the steps referred to in 2 above:**		
	a) **provide interested persons with a reasonable opportunity to make submissions in the relevant circumstances; and**	Y	Viewed Policy
	b) **vary according to the classes of decisions that are within the scope of the Policy.**	Y	Viewed Policy
4.	**Does the Public Consultation Policy for a case referred to in 2 (above) provide for:**		
	a) **the publication in a newspaper circulating within the area of the Council a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice,**	Y	Viewed Policy
	b) **the consideration by the Council of any submissions made in response to an invitation under paragraph 4.1.**	Y	Viewed Policy
5.	**Does the policy address statutory public consultation requirements:**		
	a) **Representative Reviews**	Y	Viewed Policy
	b) **Status of a Council or change of various names**	Y	"
	c) **Principal Office – opening hours**	Y	"
	d) **Commercial Activities – prudential requirements**	Y	"
	e) **Altering Public Consultation Policy**	Y	"
	f) **Code of Practice – access to meetings and documents**	Y	"
	g) **Strategic Management Plans**	Y	"
3.4	**Community Engagement**		Continued

h)	**Annual Business Plan**	Y	Viewed Policy
i)	**Proposed change to basis of rating of land**	Y	"
j)	**Basis of Differential Rates**	Y	"
k)	**Community Land - classification k) Community land – classification**	Y	"
l)	**Revocation of classification of land as community land**	Y	"
m)	**Management Plans for community land**	Y	"
n)	**Amendment or revocation of management plans**	Y	"
o)	**Alienation of community land by lease or licence**	Y	"
p)	**Authorisation and Permits – Public Consultation**	Y	"
q)	**Roads – trees**	Y	"
r)	**Removal of vehicles**	N	"
s)	**Passing By-laws (Note: No specific reference to Council's Public Consultation Policy, but minimum standards apply)**	Y	"
t)	**Power to make orders**	Y	"
6.	**Is the policy available at the Council's principal office and on the Council's website?**	Y	Princ Office & website
Good Practice Elements		**Y / N**	**Evidence**
7.	Is there evidence that Council follows its policy? In what form is the evidence?	Y	Council Reports/Minutes
8.	Does the policy distinguish between mandatory and discretionary consultation?	Y	Viewed Policy
9.	Has the Council developed a community engagement model, in consultation with its community, that genuinely seeks to engage that community in all aspects of Council's planning and operational activities?	Y	IAP2 Framework

3.4	Community Engagement	Continued	3.

Validator's Rating of Topic: 2

Comments: Required Elements: Removal of Vehicles not included in the Policy
Good Practice Elements: All good practice elements in place

Recommended Actions: Required Elements: Add public consultation requirements for the removal of vehicles to the Policy

Date: 28/06/2011

3.5 Strategic Management Planning

A principal governance role of the Council is the adoption, review and monitoring of its strategic management plans. Section 122 of the *Local Government Act 1999* mandates a series of consultative processes and required elements in developing the council's strategic management plans.

The plans are required to be aligned to regional, State and national objectives where there is a common interest. Council's plans are to be consistent with the Planning Strategy and the Development Plan for the area.

3.5	Strategic Management Planning		
LGA Guidelines: "*Approaches to Strategic Management Planning in Local Government Manual***" and various Financial Sustainability information papers.**			
Required Elements		**Y / N**	**Evidence**
1.	Has the Council adopted a suite of strategic management plans that comply with the requirements of section 122 of the Act?	Y	Viewed
2.	Has the Council stipulated what documents comprise its strategic management plans?	Y	Documented
3.	Has the Council had regard to regional, State and national planning objectives in developing its plans?	Y	"
4.	Has the community had reasonable opportunity to have input to the development and review of the Council's strategic management plans?	Y	"
5.	Are the plans consistent with the Planning Strategy and the Development Plan for the area?	Y	"
6.	Have the plans been reviewed as soon as practicable after adopting the Council's annual business plan for a particular financial year, and in any event undertake a comprehensive review of it strategic management plans within two years of the last general election?	Y	"
7.	Are copies of the plans available at the Council's principal office and on the Council's website?	Y	Princ. Office & website
8.	Has a long term financial plan (at least 10 years) been adopted by the Council.	Y	Viewed Plan
9.	Has a long term infrastructure and asset management plan (at least 10 years) been adopted by the Council?	Y	Viewed Plan
10.	Have both financial and non-financial performance indicators been adopted?	Y	Viewed Plan
11.	Do the strategic management plans have regard to Council's financial sustainability?	Y	Viewed Plan
12.	Do the strategic management plans have regard to the services and infrastructure required to achieve Council's objectives?	Y	Viewed Plan
13.	Do the Strategic Management Plans have regard to the Council's roles, responsibilities, and objectives for its area?	Y	Viewed Plan

3.5	Strategic Management Plans	Continued	3.5
Validator's Rating of Topic: 4			
Comments: **Required Elements:** **All adhered to – excellent result**			
Recommended Actions:			
Date: **28/06/2011**			

3.6   Complaints Management

Councils' decision making processes are often under scrutiny in the public domain and the volume of decisions made by a Council corporately means that not all residents will be satisfied. Complaints can be an important source of information on service delivery methods and customer needs and expectations, and can also provide opportunities to put things right, learn from mistakes and improve customer service.

To ensure openness, transparency and public accountability Councils are subject to a range of checks and balances. Section 270 of the *Local Government Act 1999* requires Councils to establish a Review of Council Decisions Procedure for the internal review of decisions. Externally, Councils are subject to review by the State Ombudsman and the Minister of State/Local Government Relations and the courts. The *Development Act* 1993 allows appeals to the Environment, Resources and Development Court. The *Freedom of Information Act* 1991 allows internal and external review. The Courts are available in respect to a Section 255 Order to the Environment, Resources and Development Court, in respect to fire orders under the *Fire and Emergency Services Act* 2005 and the Public and Environmental Council under the Public and Environmental Health Act 1987.

The media also monitors Local Government decision-making and regularly pursues stories where residents are aggrieved by Councils' decision-making processes or decisions.

3.6	Complaints Management		
LGA Guidelines: "*Internal Review of Council Decisions – LGA Discussion Paper***"**			
Required Elements		**Y / N**	**Evidence**
1.	**Has the Council adopted an Internal Review of Council Decisions Procedure that contains the following legislative requirements:**		Included in the Policy
	a) the manner in which an application for review may be made;	Y	
	b) the assignment of a suitable person to reconsider a decision under review;	Y	
	c) the matters that must be referred to the Council itself for consideration or further consideration;	Y	
	d) in the case of applications that relate to the impact that any declaration of rates or service charges may have had on a ratepayer – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the *Local Government Act 1999;*	Y	
	e) the notification of the progress and outcome of an application for review; and	Y	
	f) the timeframes within which notifications will be made and procedures on a review will be completed.	Y	
2.	**Is the procedure available for inspection and purchase at the Council's principal office and available on the Council's website?**	Y	Princ Office & website

3.6	Complaints Management		Continued
3.	**Does the Council, on an annual basis, initiate and consider a report that relates to –**		Viewed Annual Report
	a) **the number of applications for review made under Section 270 of the *Local Government Act 1999;***	Y	
	b) **the kinds of matters to which the applications relate; and**	Y	
	c) **the outcome of applications under this Section.**	Y	
Good Practice Elements		**Y / N**	**Evidence**
4.	Does Council have a Complaints Handling Policy or procedure with the objective of using complaints as a valuable tool for improving Council processes and customer service?	Y	Viewed Policy
5.	Are complaints to the Ombudsman and matters referred to the Courts monitored by the Council (eg through its Audit Committee)?	N	Discussion with Officer
6.	If Courts hand down adverse findings against Council are the circumstances of the case reviewed and relevant policy and procedures reviewed and altered (where necessary)?	Y	Viewed documentation
7.	Does the Council meet with the Ombudsman to periodically monitor history and pattern of complaints to that Office?	N	
8.	Is the Internal Review of Council Decision Procedure and process well understood by decision makers?	Y	Viewed documentation
9.	Are residents made aware of Council's Complaint Handling Policy and their rights to seek a review of a Council decision under the *Local Government Act 1999* and other Acts?	Y	Viewed documentation
10.	Are complaints treated as opportunities to put things right, learn from mistakes and improve customer service?	Y	

3.6 Complaints Management	Continued

Validator's Rating of Topic: 3

Comments: **Required Elements:**   **All adhered to**

               Good Practice Elements: **The majority of Good Practice Elements in place.**

Recommended Actions: **Good Practice Elements: Report to Council on matters referred to the Ombudsman and matters referred to the Courts (or report to the Audit Committee)**

Date: **28/06/2011**

Appendix 2

Validator's Additional Recommendations to Council's Good Governance Action Plan

GOOD GOVERNANCE ACTION PLAN - VALIDATOR'S ADDITIONAL RECOMMENDATIONS

(NOTE: 'Responsibility Assigned to', 'Timeframe' and 'Status' are not noted as these are decisions of Council pending their endorsement of the Validator's recommendations)

Topic	Rating	Issue(s) Identified	Action Recommended	Validator Report Reference
1.1 Code of Conduct – Council Members	3	Code not developed/amended through a Workshop process	When next reviewing the Code do this through a Workshop process with Council members and carry out a public consultation process	Working Papers P15/16
		Fraud and Corruption not specifically mentioned	Insert a specific section in the Code regarding Fraud & Corruption	
		Distinguish between illegality and impropriety in the Code	Insert definitions or a specific clause	
		Code not signed by Council Members and a signed copy not on public display	Council Members to endorse the Code and a signed copy to be placed on public display	
1.2 Code of Conduct – Council Staff	3	Clauses for Fraud and Corruption and Use of the Internet not specifically included	Insert specific sections in the Code regarding Fraud & Corruption and Use of the Internet	Working Papers P17/18
		Distinguish between illegality and impropriety in the Code	Insert definitions or specific clauses	
		Code not linked to other Council Policies	Link the Code to other relevant Policies	
		Does not directly identify that a breach of any Council Code or Policy is a	Directly identify that a breach of any Council Code or Policy is a breach of this Code	

		breach of this Code		
		No specific Conflict Resolution process	Include a Conflict Resolution Process	
		Code not signed by staff indicating that they have received a copy, read and understood it	Staff to sign that they have not only received a copy but they have read and understood it	
		A record of the receipt of the Code not retained by Council	A record of the receipt of the Code to be retained by Council	
1.4 Council Committees	4	Council does not report to LGAMLS annually on any members of Committees who are not Council Members	Voluntarily report to LGAMLS annually on any members of Committees who are not Council Members	Working Papers P21/22
1.5 Council Meetings	2	Council does not always make copies of Codes/Policies available to the public for inspection prior to adopting or amending them	Before the Council adopts, alters or substitutes a Code/Policy, ensure that copies of the proposal are available for inspection by the public and comments invited	Working Papers P23/25
2.3 Fraud and Corruption	1	Terms of Reference of the Audit Committee does not include that it considers, assesses and makes recommendations on fraud and corruption	Include in the Terms of Reference of the Audit Committee that it considers, assesses and makes recommendations on fraud and corruption	Working Papers P32/33
		Fraud and Corruption training for staff not specifically included in Induction Training	Include Fraud and Corruption training for staff in Induction Training	
2.4 Legislative Compliance	2	Policies not all reviewed on an annual basis as per Council Policy Framework	Review all Policies on an annual basis	Working Papers P34/35
		A Key Dates Diary to assist with compliance with legislation is not kept	Maintain a Key Dates Diary to assist with compliance with legislation	

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2.5 Purchasing	3	Information relative to the public nature of Local Government tenders, Freedom of Information legislation and the role of the Ombudsman is not included in Purchasing information	Include in your Purchasing information clauses relative to the public nature of Local Government Tenders, Freedom of Information legislation and the role of the Ombudsman	Working Papers P36/37
		Policy does not provide for the use of a probity auditor for high risk/high value purchases	Amend the Policy to provide for the use of a probity auditor for high risk/high value purchases	
2.6 Audit Committee	3	The names of the independent members of the Audit Committee are not voluntarily reported to LGAMLS	On a voluntary basis report the names of the independent members of the Audit Committee to LGAMLS	Working Papers P38/40
		No procedure in place for the appointment of Council's Independent Auditor	Develop a Procedure for the appointment of Council's Independent Auditor	
2.7 Sale and Disposal of Assets	2	No specific clauses in the Policy to prevent fraud and corruption	Include specific clauses in the Policy to prevent fraud and corruption	Working Papers P41/42
		No specific clauses in the Policy which detail when tenders will be called	Include specific clauses in the Policy which detail when tenders will be called	
		No clauses which detail that disposal should include leases	Include a definition of Disposal which should cover leases	
		The use of a Probity Auditor for high risk/high value disposals is not included	Include a clause which states that high risk/high value disposals requires the use of a probity auditor	
3.1 Delegations – Council	3	Development of Delegations not carried out through a Workshop process	Consider a Workshop with Council Members for the development of delegations when next carrying out a review	Working Papers P43/44

		Employees have not signed off on their individual delegations	Require employees to sign off on their individual delegations	
3.2 Delegations – Chief Executive Officer	2	A process has not been developed to ensure that when a power or function is delegated to an employee of Council that the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function	Develop a written process to ensure that when a power or function is delegated to an employee of Council that the employee is responsible to the CEO for the efficient and effective exercise or performance of that power or function	Working Papers P45/46
3.3 Statutory Policies	3	A number of Statutory Policies not reviewed on an annual basis

All other Policies are not reviewed every two years | Review all Statutory Policies on an annual basis

Review all other Policies at least every two years (Council Policy Framework determines annually) | Working Papers P47/48 |
| 3.6 Complaints Management | 2 | Matters referred to the Ombudsman and matters referred to the Courts not reported to Council | Report to Council or the Audit Committee on all relevant matters referred to the Ombudsman and relevant matters referred to the Courts | Working Papers P54/56 |

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