

# **INTERNAL AUDIT REPORT: LEGISLATIVE COMPLIANCE REVIEW**

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CITY OF  
ADELAIDE



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<b>Distribution</b>			
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Janet Crook	Team Leader Corporate Governance & Legal	City of Adelaide	Audit & Risk Committee
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## 1. EXECUTIVE SUMMARY

In accordance with the 2023/24 Internal Audit Plan for the City of Adelaide (CoA) an internal audit focussing on compliance within legislation was performed. The objective, scope, approach and findings are outlined below.

## 2. OBJECTIVES

This audit focused on the on-going assessment of CoA's legislative compliance work plan, auditing one Act at a time with actions monitored and managed in Process Manager. This review is included in the 2023/24 Internal Audit Plan to provide a level of assurance to the CoA Executive, the Executive Strategic Risk & Internal Audit Group (SRIA) and subsequently the CoA's Audit & Risk Committee (ARC).

## 3. METHODOLOGY

Over the past two months, two (2) Acts were reviewed:

- *Local Government Act 1999 (SA)*
- *City of Adelaide Act 1998*

Engagement was performed using the following approach:

- CoA staff members Annette Pianezzola, Risk & Audit Analyst and Sia Orman, Corporate Governance Advisor, performed the audit.
- One on one discussions were held with relevant stakeholders throughout the Corporation requesting evidence of each section being reviewed.
- Review of relevant documentation received against the relevant provisions of the legislation.
- Review of previous findings and actions from the 2023 legislative compliance review.

## 4. FINDINGS

The number of findings identified during this audit is shown in the table below. A full list of findings identified and agreed management actions can be found further in the *Summary of Findings* section of the report.

Act	Total Reviewed	Compliant	Exceptions Noted
<i>Local Government Act 1999 (SA)</i>	214	210	4
<i>City of Adelaide Act 1998</i>	9	9	0

## 5. CONSULTATION

The following CoA stakeholders were involved in meetings or via the survey throughout this audit:

- Janet Crook, Team Leader Corporate Governance & Legal
- Sia Orman, Corporate Governance Advisor
- Simon Cope, Team Leader Procurement & Contract Management

- Kathryn Goldy, Acting Manager Governance
- Charlotte Oldfield, Acting Team Leader Council Governance
- Karen Crompton, Team Leader Customer Centre
- Simone Lavelle, Coordinator Community Engagement
- Megan Procenko, Corporate Governance Officer
- Louise Williams, Manager People
- Caitlin Evans, Manager Infrastructure Planning
- Michelle Arbon, Acting Manager Strategy, Insights & Performance
- Scott McFarland, Corporate Accountant
- David Burgess, Team Leader Rates & Receivables
- Matt Rodda, Manager Property Development
- Matt Field, Manager Park Lands & Sustainability
- Rocky Fryar, Senior Property Specialist
- Nick Morrow, Team Leader Strategic Asset Management
- Steph Paprzycki-Baker, Team Leader Community Safety
- Sharon Harvey, Council Liaison & Admin Support
- Karen Harvey, Team Leader Business Centre
- Robert Donoghue, Enforcement Officer
- Bryn Adams, Project Manager Property Strategy
- Mark Di Gianni, Event Facilitator

## 6. SUMMARY OF FINDINGS ASSESSED AS EXCEPTIONS NOTED

The risk rating assigned has been re-assessed in context of the actions already completed and the actions outstanding.

<p><b>Local Government Act 1999 (SA)</b></p> <ul style="list-style-type: none"> <li>- Chief Executive Officer to keep assessment record</li> <li>- Alterations to assessment record</li> <li>- Inspection of assessment record</li> </ul>	<p><b>Rating: High</b></p>
<p><b>Requirement of the Act</b>  <i>Section 172(4) &amp; (5)</i>  <i>Suppression of names and addresses from the assessment record have been done in accordance with these subsections.</i></p> <p><i>Section 173(2)</i>  <i>The Chief Executive Officer has determined the manner and form for application to alter the assessment record</i></p> <p><i>Section 173(5)</i>  <i>The Council has determined a procedure for the review of decisions under this section</i></p> <p><i>Section 174(3)</i>  <i>A person who inspects the record is advised that the information contained in the record must not be used for a commercial purpose</i></p>	<p><b>Testing Methodology</b></p> <p>Details of the procedure observed by the Council for the suppression of information regarding a ratepayer from the Assessment Record.</p> <p>Details of the procedure observed by the Council for alterations to the Assessment Record.</p> <p>Details of the procedure that information contained in the record must not be used for a commercial purpose.</p>
<p><b>Description of finding</b></p>	<p><b>Agreed Actions</b></p>
<p><b>Identification:</b></p> <p>The Rates and Receivable team manage the assessment records for the City of Adelaide. This record is being maintained but there is no formalised procedure that ensures the processes are followed.</p>	<p>Review requirements as per the legislation. Create appropriate procedures and make available to relevant CoA staff.</p> <p>Incorporate in the Corporate Complaint Handling Operating Guideline a section on s173(5) review of decisions for an application to alter the assessment record.</p>

<b>Recommendations:</b> Finalise the procedures and make them available to the team.		The Register of Delegation to be reviewed to determine whether a sub-delegation is required for s173(5).
<b>Position Responsible:</b>	Manager Finance & Procurement / Manager Governance	
<b>Target Date:</b>	31 December 2024	

## APPENDIX 1: REGISTER OF ACTS REVIEWED AND METHODOLOGY

The following information details the sections of the Acts reviewed and the testing methodology.

### Local Government Act 1999 (SA)

Description	Section of Act	Requirement of the Act	Testing Methodology	Results	Findings
Composition & Wards	12(4)	Council must ensure that all aspects of its composition are reviewed at least once in the relevant period (Local Government (General) Regulations 2013, Reg 4)	Section 12 – Representation Review If the Council has undertaken a representative review in the last 4 years obtain copies of the following: 1.1. the representation options paper; 1.2. the public notice regarding preparation of the options paper as published in the newspaper in the Council’s area (including the date of the notice); 1.3. report prepared following consultation on the options paper; 1.4. notice published in the newspaper circulating in the Council’s area informing of the preparation of the report and inviting written submissions; and 1.5. minutes of the Council meeting at which the matter was considered and the Council report	Compliant	Last rep review conducted in 2021 1.1 Options paper - ACC2021/101428 1.2 Gazette notice, Advert and CoA website ad - ACC2021/109707, ACC2021/115964 1.3 Presentation ACC2021/135332 1.4 Advert - ACC2021/157303 1.5 Minutes of meeting of 26 Oct 2021 sighted. Agenda item 4.2



<b>Ward Quotas</b>	33(1)	In addition to the other requirements of this Chapter, the following matters must be taken into account, as far as practicable, in the formulation of a proposal that relates to the boundaries of a ward or wards: (a) the desirability of reflecting communities of interest of an economic, social, regional or other kind; (b) the population of the area, and of each ward affected or envisaged by the proposal; (c) the topography of the area, and of each ward affected or envisaged by the proposal; (d) the feasibility of communication between electors affected by the proposal and their elected representatives; (e) the nature of substantial demographic changes that may occur in the foreseeable future; (f) the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).	Do the Representation Options Paper and Representation Review Report appropriately address these matters.	Compliant	Refer to above, last rep review conducted in 2021
	33(2)	A proposal that relates to the formation or alteration of wards of a council must also observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal were in operation), vary from the ward quota by more than 10 per cent.	Are the ward models presented in the Representation Options Paper and Representation Review Report within the 10% tolerance.	Compliant	Refer to above, last rep review conducted in 2021
<b>Provision relating to contracts and transactions</b>	37	Contracts are entered into either under the common seal of the Council or by an officer, employee or agent authorised by the Council to enter into the contract on its behalf	Contracts and Transactions and the Common Seal - Select a sample of contracts not executed under common seal and assess: Whether they were executed by an officer with appropriate delegation	Compliant	Sighted 3 signed contracts with the appropriate officer signing off on each. ACC2024/31225

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<b>The common seal</b>	38(1)	Common seal is not affixed to a document except to give effect to a resolution of the Council	<ul style="list-style-type: none"> <li>Select a random sample of 3 Sealing legal documents (from the common seal register) and ensure that there is a specific resolution authorising its affixation.</li> </ul>	Compliant	Sighted minutes authorising affixing of seal 12/09/23 481 - Item 9.3 Rec 1 - Item 4.1 GMG Enterprises 09/08/2022 474 - Item 10.3 Hocking Crt 12/07/2022 471 - Item 10.9 EV Charging Station
	38(2)	Affixation of the common seal is attested to by the principal member and the Chief Executive Officer	<ul style="list-style-type: none"> <li>Check if the common seal in the sample is attested by the principal member and the CEO</li> </ul>	Compliant	As above
<b>Committees</b>	41(2)	Council committees are established by resolution of the Council within the purposes allowed by the Act	Obtain copies of minutes evidencing Council resolutions to establish existing section 41 committees (including the audit committee) and, in respect of each committee, copies of the following: 3.1 terms of reference and meeting procedures  3.2 list of committee members	Compliant	Minutes Council meeting 29/11/2023 sighted. Item 17.1 - Meeting Structure established City Finance and Governance, City Planning, Development and Business Affairs, City Community Services and Culture and Infrastructure and Public Works Committees established Minutes Council meeting 13/12/2023 sighted Item 10.3 Noting of terms of reference of Risk and Audit Committee
	41(3)	Membership of committees has been determined by the Council	As above	Compliant	ARC minutes 13 Dec 2022 sighted of membership of committee Appointment of Council Member to Council Assessment Panel - minutes 13 Dec 2022 -sighted Establishment & appointment to Rec Committee - 13 Dec 2022 - sighted Appointment to Kadaltilla - 13 Dec 2022 sighted Appointment to ACMA - 13 Dec 2022 sighted
	41(4)	The Council has either appointed a presiding member for a committee or made provision of appointment	As above	Compliant	As above

	41(8)	Council has determined the reporting and other accountability requirements that are to apply in relation to the committee	As above	Compliant	As above
	41(9)	Committees performing regulatory activities report at least quarterly to the Council	As above	Compliant	Committees are held every month or at least quarterly as per the schedule in Modern Gov
<b>Ability of council to establish a subsidiary</b>	42(1)	Council has established subsidiaries to provide a specified service(s), to manage or administer property/facilities/activities on behalf of Council, or to perform a function of the council under this/another Act	Obtain copy of all Council subsidiary or regional subsidiary and the charters for those subsidiaries	Compliant	Subsidiaries hold a Charter that spells out what the subsidiary must do - Charters sighted
	42(2)	Subsidiaries established by the Council do not perform regulatory activities	As above	Compliant	Charters updated in Oct / Nov 2023
	42(3)	Ministerial approval has been obtained for the establishment of subsidiaries	As above	Compliant	Gazetted - sighted
<b>Ability of councils to establish a regional subsidiary</b>	43(1)	Council has resolved to establish regional subsidiaries with at least one other Council to provide a specified service(s), carry out a specified activity or to perform a function of the councils under this/another Act.	As above	Compliant	A -s above
	43(2)	Regional subsidiaries performing a regulatory activity do not perform any significant and related service activity	As above	Compliant	N/A
	43(3)	Ministerial approval has been obtained for the establishment of regional subsidiaries	As above	Compliant	N/A

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<b>Delegations</b>	44(2)	Delegations have only been made to Council committee, a subsidiary of the council, an employee of the council, the employee of the council for the time being occupying a particular office/position, or an authorised person.	5.1. the Council resolution to adopt its existing schedule of delegations; and  5.2. the schedule of delegations under the Local Government Act  5.3. an instrument of delegation for 2 Council officers	Compliant	Council adopted the delegation 26 Sept 2023 - sighted
	44(3)&(3a)	Council has not delegated any of the powers under this subsection.	As above	Compliant	As above
	44(6)	A separate record is kept of all delegations under this section and is reviewed at least once in every financial year	Check TRIM to ascertain if a separate record is kept of all delegations, and Council resolutions to ensure there has been annual review of them.	Compliant	2023 delegations folder in TRIM with all the signed paperwork 2024 folder has been set up
	44(7)	The record of delegations is available for inspection (without charge) at the principal office of the Council during normal business hours	Check that the register is available in the Customer Centre	Compliant	Available on the external website, it will be printed when requested
	44(8)	A person is entitled on payment of a fee fixed by the Council to an extract from the record of delegations under s44(6)	As above	Compliant	Charge per page for generic copy, Fees and Charges - sighted
<b>Principal office</b>	45(1)	Council has nominated a place as its principal office for the purposes of this Act	Check the principal office	Compliant	25 Pirie Street, Adelaide
	45(2)	The principal office of the Council is open to the public for the transaction of business during hours determined by the Council	Check the opening hours of the principal office	Compliant	The Customer Centre opening hours are Monday to Friday 8.30am to 5.00pm and have not been changed in the last 4 years. Public Holidays, the centre is not open.
	45(3)	Council has consulted with its local community about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to those arrangements.	Have there been changes to the opening hours/days	Compliant	No, not for the last 4 years. Opening days and hours remain the same

<b>Prudential requirements for certain activities</b>	48(aa1)	Council has developed and maintained prudential management policies, practices and procedures in accordance with the section.	review the following documents to ensure the requirement of the act is met: 6.1. if a prudential report has been prepared by the Council, a copy of the prudential report and the officer report to Council accompanying the prudential report and minutes relating to the agenda item 6.2. copies of Council's prudential management policy and procedures adopted under section 48(aa1)	Compliant	Sighted Prudential Management Policy ACC2023/153503
	48(a1)	The prudential management policies, practices and procedures are consistent with the regulations (no prescribed regulation)	As above	Compliant	Sighted Prudential Management Policy ACC2023/153503
	48(1) & 48(2)	Before engaging in any project, the council has given consideration to this section.	As above	Compliant	Sighted Prudential Management Policy ACC2023/153503
<b>Contracts and tenders policies</b>	49(a1)	Council must develop and maintain procurement policies, practices and procedures in accordance with this section	Copies of the Council's contracts and tenders policy and any other tendering procedures observed by the Council	Compliant	Sighted documents/templates/operating guidelines on Sharepoint page: Procurement & Contract Management Policies and Operating Guidelines
	49(1)	Council must prepare and adopt policies on contracts and tenders in accordance with this section	As above	Compliant	Sighted documents/templates/operating guidelines on Sharepoint page: Procurement & Contract Management Policies and Operating Guidelines
	49(2)	The policies must cover the matters set out in this subsection	As above	Compliant	Sighted documents/templates/operating guidelines on Sharepoint page: Procurement & Contract Management Policies and Operating Guidelines
<b>Public Consultation Policies</b>	50(1)	Council must prepare and adopt a public consultation policy	Review the Council's public consultation policy	Compliant	Sighted Community Consultation Policy



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	50(2)	The policy must cover the matters identified in subsections (2), (3), (4) and (5)	As above	Compliant	Sighted Community Consultation Policy
	50(6)	Council has followed the steps in this subsection before adopting, altering or substituting its public consultation policy (unless Council determines the change is only of minor significance that would attract little (or no) community interest – s50(7))	As above	Compliant	Sighted Community Consultation Policy
	50(8)	A policy of the Council under this section must be available for inspection at the principal office of the Council during ordinary office hours	Review the Council policy for material conflict of interest and ensure it available for inspection	Compliant	Printed copy available at the customer centre
	50(9)	A copy of a policy under this section must be available for purchase on payment of a fee fixed by the Council	Review if a fixed fee is on the Fees and Charges register available for purchase under this policy	Compliant	Printed copy available at the customer centre
<b>Principal member of council</b>	51(3)	The deputy mayor (if any) has been appointed by resolution	View council minutes of appointment	Compliant	Minutes sighted 13 Dec 2022
	51(4)	The deputy mayor (if any) was chosen by the member of council from amongst their own number and holds office for a term determined by the Council (not exceeding 4 years)	As above	Compliant	As above
<b>Declaration to be made by members of councils</b>	60	Members have made an undertaking in the prescribed manner and form at or before the first meeting attended (Local Government (General) Regulations 2013, Reg 6)	Review copies of declarations signed by each Council member - check date to ensure it was signed at or before first meeting following the November 2022 elections, check content to ensure it meets requirements, and is witnessed by appropriate person.	Compliant	These now go to ESCA

<b>Register of Interest</b>	64	The register of interest must be maintained for ordinary and primary returns of incumbent members and the members of any council committees and subsidiaries to whom the register of interest provisions apply.	Register of Interests for Elected Members The Register of Interest comprising all ordinary and primary returns of incumbent members and the members of any council committees and subsidiaries to whom the register of interest provisions apply	Compliant	We do this for ACMA, AEDA, CAP and Council. When returns are received, they are filed in TRIM and ACMA, AEDA and Council are published online (sighted)
<b>Lodging of primary returns</b>	65	Each member of the Council has submitted to the Chief Executive Officer a primary return within six weeks after election or appointment (Local Government (General) Regulations 2013, Regs 8 and 9(5))	As above	Compliant	Yes, returned within 6 weeks. Confirmed.
<b>Lodging of ordinary returns</b>	66	Each member of Council has submitted to the Chief Executive Officer an ordinary return on or within 60 days after 30 June each year in accordance with Schedule 3 (Local Government (General) Regulations 2013, Reg 8)	As above	Compliant	Yes, this occurs. Confirmed and sighted.
<b>Register of Interests</b>	68(1)	The Chief Executive Officer maintains a Register of Interests and has caused to be entered in the Register all information furnished pursuant to this Division and Schedule 3	As above	Compliant	Governance maintains the record on behalf of the CEO in Content Manager, by primary / ordinary returns and sub containers
<b>Inspection of Register</b>	70(a1)	Council has published on the website the required details from the register as set out in this section,	As above	Compliant	Yes, confirmed and sighted
	70(1)	The Register is available for inspection without charge at the principal office of the Council during ordinary office hours	As above	Compliant	Yes, online, external website
	70(2) &(3)	A copy of a Register under this section must be available for purchase for a fee fixed by the Council	As above	Compliant	Yes, Customer Centre will compile, a fee will be charged as per the Fees and Charges.
<b>Application of Division to members of committees and subsidiaries</b>	72(1)	Council committee members submit returns if resolved by the Council	Determine if Council has resolved for Committee members to submit returns, and if so, check that they have been submitted.	Compliant	Yes, confirmed and sighted
	72(2)	Subsidiary Board Members must submit returns if the Charter provides for it	Determine if charters require returns be submitted. Ascertain if all required returns were submitted by Board Members.	Compliant	Yes, ARC and Reconciliation did not have this in the Charter but will in the future.

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Material conflict of interest	73	Material conflict of interest must be recorded	<p>Sections 73 – 75 - Conflict of Interest for Elected Members</p> <p>12.1 Copies of minutes of three different Council meetings held since 1 April 2016 at which a material, actual or perceived conflict of interest has been disclosed</p> <p>12.2 Details of Conflict of Interest training provided to elected members and members of Committees or subsidiaries</p> <p>12.3 Details of any protocols in place to assist an elected member in seeking clarification in regards to conflict of interest requirements and whether or not the member has a material, actual or perceived conflict of interest.</p>	Compliant	<p>Sighted draft minutes where a material conflict of interest was declared and recorded.</p> <p>13/02/2024 30/01/2024 28/11/2023</p> <p>Conflict of interest training was held and attended by all CMs on 26/04/2023 except for Cr Siebentritt who did his training on 20/09/2023 28/11/2023</p> <p>Section 4.6 of the Code of Practice for Meeting Procedures details the process with respect to conflict of interest, including seeking advice from the Manager Governance.</p>
	74	If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must— (a) inform the meeting of the member’s material conflict of interest in the matter; and (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.	As above	Compliant	<p>Sighted draft minutes where a material conflict of interest was declared and recorded, and it was recorded that the CM left the room and re-entered when the item was concluded</p> <p>13/02/2024 30/01/2024 28/11/2023</p>
	74(1), 75A & 75B	A council or committee member with a conflict of interest to be discussed at a meeting has informed the meeting of the conflict, and left the meeting room	As above	Compliant	<p>Sighted draft minutes where a material conflict of interest was declared and recorded, and it was recorded that the CM left the room and re-entered when the item was concluded</p> <p>13/02/2024 30/01/2024 28/11/2023</p>

	74(5)	The Chief Executive Officer has recorded a member of council's disclosed conflict of interest in accordance with this section	Evidence of documented allowances	Compliant	Sighted draft minutes where a material conflict of interest was declared and recorded, and it was recorded that the CM left the room and re-entered when the item was concluded 13/02/2024 30/01/2024 28/11/2023
<b>Allowances</b>	76(8) & 76(11)	Allowances commence on the conclusion of the relevant periodic election and conclude on certification of the last results of the next periodic election	As above	Compliant	Sighted spreadsheets that list monthly allowances to CMs from Nov 22 to now ACC2023/7853
	76(9)	Allowances are adjusted on the first, second and third anniversaries of the relevant periodic elections	As above	Compliant	Sighted spreadsheets that list monthly allowances to CMs from Nov 22 to now ACC2023/7853. Allowances for 23/24 indicates an increase from 12/11/2023 ACC2023/120945
	76(12)	An allowance is paid in accordance with the regulations (no prescribed regulation)	As above	Compliant	Sighted spreadsheets that list monthly allowances to CMs from Nov 22 to now ACC2023/7853. Allowances for 23/24 indicates an increase from 12/11/2023 ACC2023/120945
<b>Reimbursement of expenses</b>	77(1)(b) & 77(2)	Council has approved, either specifically or under a policy approved by the Council to reimburse expenses of a kind prescribed by the regulations since the last periodic election (no prescribed regulation)	13.1 Copy of Council's elected member allowances and benefits policy (or policies) addressing reimbursement of elected member expenses and facilities and support provided to members  13.2 Copy of any minutes of a Council meeting that including a resolution to provide a benefit or reimbursement to a member that is not otherwise provided for in the Council's policy.	Compliant	Sighted Council Member Allowances and Benefits Policy ACC2023/151032

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<b>Provision of facilities and support</b>	78(2)	Council has specifically resolved the provisions of facilities and support in accordance with this section.	Council provide facilities and other forms of support to its members to assist members in performing or discharging official functions and duties	Compliant	Sighted Council Member Allowances and Benefits Policy ACC2023/151032 approved by council on 26/09/2023 Item 9.2 Recommendation 10 - Item 4.10
<b>Register of allowances and benefits</b>	79(1)	A register of allowances and benefits is kept by the Chief Executive Officer in accordance with this section	Review the register of allowances and benefits for elected members - for a sample of a quarter	Compliant	Sighted Council Member Allowances and Benefits Policy Register ACC2023/120945 both in Content Manager and on the External website
	79(2)	An appropriate record is made in the Register of the matters contained in this section	As above	Compliant	As above
<b>Insurance of members</b>	80	Council has in place a policy of insurance for every member of the Council, and a spouse domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members	Evidence of certificate of insurance policies	Compliant	Insurance certificates sighted and added to CM folder VS2023/6773
<b>Training and development</b>	80A(1)	Council has prepared and adopted a training and development policy for its members	Training and Development Council's training and development policy for members	Compliant	Sighted Council Member Training and Development Policy ACC2023/154918 approved by council on 26/09/2023 Item 9.2 Recommendation 12 - Item 4.12
	80A(2)	The policy is aimed at assisting members in the performance and discharge of their functions and duties and complies with any requirements prescribed by the regulations (Local Government (General) Regulations 2013, Reg 8AA)	As above	Compliant	As above
<b>Frequency and timing of ordinary meetings</b>	81(1)	Council has resolved the times and places for the holding of ordinary Council meetings	Meeting schedule setting out dates of all Council ordinary meetings	Compliant	Council meetings held fortnightly on Tuesday evenings and begin at 5.30pm and is recorded on calendar available to the public
	81(2)	The resolution provides for at least one ordinary meeting in each month	As above	Compliant	As above



	81(5)	Ordinary meetings are not held on Sundays, or on public holidays	As above	Compliant	As above
	81(6)	In relation to municipal councils, Ordinary meetings are not held before 5pm unless the Council resolves otherwise by a resolution supported unanimously by all members of the Council	As above	Compliant	As above
<b>Calling of special meetings</b>	82(1)	The Chief Executive Officer has called a special meeting of the council in accordance with this section	82.2 A copy of an agenda for the special meeting	Compliant	Sighted a copy of a Special Council meeting - 31/10/23
<b>Notice of ordinary or special meetings</b>	83(1)	Each member of Council is given at least three clear days' notice of an ordinary meeting	17.1 A copy of a public notice given for a Council and Committee meeting and details of the method adopted by Council to give public notice of committee and Council meetings 17.2 Copy of a Notice and Agenda for a special meeting of the Council	Compliant	Yes, sighted and confirmed in ModernGov
	83(2)	In the case of a special meeting, Council members are given at least four hours' notice of the meeting	As above	Compliant	Correct, sighted and confirmed with Council Governance
	83(3)	Notice of a meeting of the Council complies with the requirements of this section	As above	Compliant	Correct, sighted and confirmed with Council Governance
	83(4)	The Chief Executive Officer provides an agenda to members with items that are described with reasonable particularity and accuracy, and supplies a copy of any documents or reports that are to be considered at the meeting (as far as this is practicable)	As above	Compliant	Correct, sighted and confirmed with Council Governance
	83(6)& (7)	Notice is given to Council members in accordance with this requirements of this section	As above	Compliant	Correct, sighted and confirmed with Council Governance

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<b>Public notice of council meetings</b>	84(1)	The Chief Executive Officer gives notice to the public of the times and places of meetings of the Council	As above	Compliant	Correct, this is on external website, under Meeting Calendar
	84(1a)	The Chief Executive Officer gives notice in accordance with this subsection	As above	Compliant	As above
	84(2)	The notice is given at least three clear days before the date of the meeting for ordinary meetings, and as soon as practicable after the time that notice of the meeting is given to members in the case of special meetings	As above	Compliant	As above
	84(3)	The notice and agenda are kept on public display and on the website until completion of the relevant meeting	As above	Compliant	All notices of agendas are placed on Council website
	84(5)& (6)	The Chief Executive Officer ensures that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public in accordance with this section	As above	Compliant	Placed on council website
<b>Calling and timing of committee meetings</b>	87(1)	Ordinary meetings of Council committees are held at times and places appointed by the Council or, subject to a decision of the Council, the Council committee	As above	Compliant	Confirmed on external website
	87(2)	The Council or committee has taken into account that matters in this subsection when appointing a time for the holding of an ordinary meeting of a committee	As above	Compliant	Confirmed with Council Governance
	87(4)	Notice is given to each member of a Council committee of an ordinary meeting at least three clear days before the date of the meeting	As above	Compliant	Confirmed with Council Governance
	87(7)	Notice is given to each member of a Council committee of a special meeting at least four hours before the commencement of the meeting	As above	Compliant	Confirmed with Council Governance
	87(8)	Notice of a committee meeting meets the requirements of this section	As above	Compliant	As above

	87(9)	The Chief Executive Officer provides an agenda to members of a Council committee with items that are described with reasonable particularity and accuracy, and supplies a copy of any documents or reports that are to be considered at the meeting (as far as this is practicable)	As above	Compliant	Confirmed and sighted on external website
	87(11)& (12)	Notice is given to members of a Council committee in accordance with this requirements of this section	As above	Compliant	As above
	87(13)	The Chief Executive Officer maintains a record of all notices of meetings given under this section	As above	Compliant	As above
<b>Public notice of committee meetings</b>	88(1)	The Chief Executive Officer gives notice to the public of the times and places of meetings of a Council committee	As above	Compliant	Confirmed on external website
	88(1a)& (2)	The Chief Executive Officer gives notice in accordance with these subsections	As above	Compliant	As above
	88(3)	The notice and agenda are kept on public display and on the website until completion of the relevant meeting	As above	Compliant	Confirmed on council website
	88(5)& (6)	The Chief Executive Officer ensures that a reasonable number of copies of any document or report supplied to members of the Council for consideration at a meeting of the Council are available for inspection by members of the public in accordance with this section	As above	Compliant	Confirmed on council website
<b>Proceedings of council committees</b>	89(1)	The procedure of a council committee meeting is as prescribed by legislation, as determined by the council, or as determined by the council committee itself.	As above	Compliant	Code of practice for meeting procedures
<b>Meetings to be held in public except in special circumstances</b>	90(1)	Subject to this section, meetings of a Council or Council committee are conducted in a place open to the public	Copies of extracts of the minutes of 5 different Council meetings that relate to agenda items that have been considered in confidence	Compliant	Held in the Chamber

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	90(2), (3) (4) & (5)	A council or council committee meeting excluding the public is held in accordance with these subsidiaries	As above	Compliant	As above
	90(7)	If an order is made under s90(2), a note is made in the minutes of the making of the order and the grounds on which it is made; the basis on which the order falls within each ground; and, if relevant, the reason why the dealing with the matter in the open is not in the public interest	As above	Compliant	As above
<b>Minutes and release of documents</b>	91(1)& (2)	Minutes are kept of the proceedings at every meeting of the Council or a Council committee and, where relevant, contain the information specified under sections 74 and 75A	As above	Compliant	Minutes are placed on the external website / TRIM
	91(3)	Each member of the Council is provided with a copy of all minutes of the proceedings of the meeting kept under this section within five days after the meeting of Council or a Council committee	As above	Compliant	Once minutes are published, email is sent to all members containing the relevant meeting. Also made available on ModernGov app for the members. Only on a couple occasions, failed to meet the 5 clear day legislative timeframe because it was a special meeting and it fell on a Thursday prior to a long weekend.
	91(8)	Council has not made confidentiality orders in relation to matters contained in this subsection	As above	Compliant	Each meeting (if confidential order), will go into confidence each time for each separate report
	91(9)	All confidentiality orders comply with this subsection	As above	Compliant	Each meeting (if confidential order), will go into confidence each time for each separate report
	91(9) (ab)	In the case of an order of specified duration, the duration is not extended after the expiry date or trigger; and no delegation has been given by the council to extend the duration of an order of specified duration	As above	Compliant	Extensions are only granted by Council, once a year in November.

<b>Access to meetings and documents— code of practice</b>	92(1)	Council has prepared and adopted a code of practice in accordance with this section	Access to Meetings and Documents – Code of Practice 19.1 The Code of Practice adopted by the Council regarding access to meetings and meeting procedures adopted under section 92 and details of when they were last reviewed  19.2 Copy of resolution to adopt the Code of Practice	Compliant	Council does not a code of practice for meeting procedures and access to meetings and documents - sighted
	92(2)	Council has reviewed its code of practice within 12 months of the last periodic election	As above	Compliant	Reviewed in Dec 2023
	92(4)	Council's code of practice includes any mandatory requirements prescribed by the regulations (Local Government (Procedures at Meetings) Regulations 2013, Reg 6)	As above	Compliant	Council does not a code of practice for meeting procedures and access to meetings and documents - sighted
	92(5)	Council has complied with the requirements of this subsection before it has adopted, altered or substituted its code of practice and has made a copy of the code available on the website	As above	Compliant	As above
<b>Meetings of electors</b>	93(2)	The Chief Executive Officer has given notice of the time and place of a meeting of electors convened under this section at least 14 days (and not more than 28 days) before the date of the meeting	Evidence of council meetings	Compliant	Meeting calendar online
	Schedule 5	The Chief Executive Officer has made available (so far as is reasonably practicable) for inspection on the internet, an up-to-date schedule of the dates, times and places set for meetings of the Council and Council committees	Council meetings provided on the internet	Compliant	Council/Committee meetings schedule available on public website
<b>Chief Executive Officer</b>	96(1)	Council has a Chief Executive Officer	Appointment of Chief Executive Officer	Compliant	CEO appointed - Acting CEO in place at the moment
<b>Appointment procedures</b>	98(1) & (2)	The Council has appointed a person to act in the position of Chief Executive Officer if the position is vacant and until the vacancy is filled	Acting CEO position	Compliant	Confirmed by Louise that this is in place



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<b>Role of chief executive officers</b>	99(2)	The Chief Executive Officer has consulted with the council when changing the council's organisational structure or the processes, terms or conditions of senior executive officers	Evidence of last organisational change	Compliant	2020 was the last organisational change 'reshaping'. People hold copies of Council briefings/presentations etc.
<b>Appointment of other staff</b>	103 (2) (3)	2) The chief executive officer must ensure that an appointment under subsection (1) is consistent with strategic policies and budgets approved by the council. (3) The chief executive officer must, in acting under subsection (1), comply with any relevant Act, award or industrial agreement.	Appointment of Employees by CEO and General Principles of HR Management Details of Council's human resource policies and procedures including details of employee disciplinary procedures	Compliant	People team hold an Oscar page with all relevant details. Information is stored here and available for all staff, including HR policies and procedures - sighted on Sharepoint
<b>Register of remuneration, salaries and benefits</b>	105(1)&(2)&(5)	The Register of Salaries is kept by the Chief Executive Officer in accordance with these sections	Register of Remuneration, Salaries and Benefits Copies of the Council's register of remuneration, salaries and benefits under section 105 of the Act and details of the frequency at which the register is updated	Compliant	The Register of Salaries is on the external website and last update was 7 Feb 2024
	105(3)	The Register under this section is to be available for inspection at the principal office of the Council during ordinary office hours	As above	Compliant	As above
	105(4)	An extract from the Register under this section is available for purchase on payment of a fee fixed by the Council	As above	Compliant	Register of Salaries is on the Fees & Charges schedule for a fee
<b>General principles of human resource management</b>	107	The chief executive officer must ensure that sound principles of human resource management are applied to employment in the administration of the council, and must take reasonable steps to ensure that those principles are known to all employees.	As 103	Compliant	Oscar page available to all staff, Business Partners assigned to look after different areas of the business
<b>General duty</b>	109	An employee of a council must at all times act honestly and with reasonable care and diligence in the performance of official duties.	Complaint Handling Procedure for Complaints Against Employees Council's complaint handling procedure for complaints against employees, including under the employee code of conduct	Compliant	Behavioural Standards in place as well as complaints handling procedures

	110	Council employees must observe the code of conduct (Local Government (General) Regulations 2013, Reg 8A0	Behavioural Standards	Compliant	Behavioural Standards in place
<b>Application of Division</b>	111(b)	Council has resolved whether any other officers or class of officers of Council are subject to the requirements of Chapter 7, Part 4, Division 2	Register of Interests for CEO and other Officers as Declared Register of interest in respect of the Chief Executive Officer and staff declared by the Council to be subject to the operation of sections 111 - 119 of the Act.	Compliant	Yes, expanded to include Managers, Directors, Associate Directors.
<b>Lodging of Primary / Ordinary returns</b>	113,114 & 115(1)	The Chief Executive Officer and officers or class of officers under section 111(b) have lodged a primary and ordinary return in accordance with these sections	Primary is performed on appointment Ordinary is performed annually (July)	Compliant	Yes, confirmed and received
<b>Register of Interests</b>	116(1)	The Register of Interests is maintained and includes all information furnished pursuant to this Division	As above	Compliant	Yes, confirmed and received
	116(2)	Where a person has not provided a return in the time allowed, the Chief Executive Officer has notified any person, in writing, of that fact as soon as practicable	As above	Compliant	Follow up reminders has been sent, CEO delegated this to an officer to do this
<b>Inspection of Register</b>	118	The Register must be available for inspection at the request of a member of Council	As above	Compliant	Yes, this is available (sighted)
<b>Restrictions on disclosure (1)</b>	119	A person must not disclose to any other person any information furnished pursuant to this Division unless the disclosure— (a) is necessary for the purposes of the preparation or use of the Register by the chief executive officer; or (b) is made at a meeting of the council, a council committee or a subsidiary of the council.	As above	Compliant	Confirmed, folders in TRIM restricted so limited to relevant staff to access and view

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<b>Conflict of Interest</b>	120	The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties— (a) must disclose the interest to the council; and (b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter. Maximum penalty: \$5 000. (2) An employee of a council (other than the chief executive officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties— (a) must disclose the interest to the chief executive officer; and (b) must not, unless the chief executive officer otherwise determines, act in relation to the matter	Details of conflict of interest training for employees	Compliant	Good Governance module includes conflict of interest information for all staff on appointment and then repeated every 2 years
<b>Strategic management plans</b>	122(1), (1b),(2), (3)	Council has developed and adopted strategic management plans in accordance with this section, including having financial projections in the long term financial plan consistent with those in the infrastructure and asset management plan	25.1 copies of all documents comprising the Council’s strategic management plan including the Council’s Long Term Financial Plan and Asset Management Plan  25.2 copies of the reports to Council and minutes regarding the adoption of the plans  25.3 details of when the plans were last reviewed and related report(s) to Council	Compliant	All AMPs are currently under review to be finalised and endorsed by Council by June 2024. Urban Elements is currently in Consultation.
	122(1a)	The Council has developed and adopted a long term financial plan for a period of at least 10 years and an infrastructure and asset management plan for a period of at least 10 years	As above	Compliant	LTFP of 10 years is indicated in the AMP
	122(1b)	The Council's long term financial plan is consistent with the Council's infrastructure and asset management plan	As above	Compliant	As above
	122(4), (4a)	Council has undertaken a review of its strategic management plans in accordance with the requirements of this subsection	As above	Compliant	As above

	122(6)	Council has adopted a process or processes to ensure members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans	As above	Compliant	Consultation via YourSay, the Urban Elements AMP is currently in this phase as well as the Transport AMP. Others will follow
	122(7)	The strategic management plans under this section are available for inspection (without charge) and purchase (fixed fee determined by the council) at the principal office of the Council during ordinary office hours	As above	Compliant	Online on our website
	122(8)	Council has specifically declared which plans constitute the strategic management plans of the Council	As above	Compliant	There are 6 plans
<b>Annual business plans and budgets</b>	123(1)	Council has, for each financial year, an annual business plan and a budget	<p>26.1 copy of the Council's most recently adopted annual business plan;</p> <p>26.2 copy of the notices published in the newspaper regarding the draft annual business plan and inviting persons to attend a public meeting and to make submissions</p> <p>26.3 details of public meetings held by the Council regarding the draft ABP</p> <p>26.4 the report to Council and minutes regarding adoption of the ABP</p> <p>26.5 a copy of the summary of the Council's ABP</p> <p>26.6 Copies of minutes and report regarding the adoption of Council's most recent budget</p>	Compliant	Sighted Business plan and Budget for 23/24 on website
	123(2)	Council's annual business plan meets the requirements of this subsection (Local Government (Financial Management) Regulations 2011, Reg 6)	As above	Compliant	As above

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	123(3)& (4)	Before adoption of the annual business plan, Council prepared a draft annual business plan and followed the steps of its public consultation policy and subsection (4)	As above	Compliant	<p>Item 9.3 - Recommendation 1 - Item 5.1 - Draft 2023/24 Business Plan &amp; Budget Consultation Close-out Decision:</p> <p>THAT COUNCIL:</p> <ol style="list-style-type: none"> <li>1. Notes the consultation outcomes on the 2023/24 Draft Business Plan and Budget, as set out in the updated Attachment A to Item 5.1 as tabled and attached to the minutes for the meeting of the City Finance and Governance Committee held on 20 June 2023 and that the outcomes will inform the 2023/24 Annual Business Plan and Budget that will be presented to Council for adoption on 27 June 2023.</li> <li>2. Receives the submissions and from the community on the 2023/24 Draft Business Plan and Budget, as set out in the updated Attachment B to Item 5.1 as tabled and attached to the minutes for the meeting of the City Finance and Governance Committee held on 20 June 2023.</li> </ol> <p>Refer Below key dates for the consultation.</p> <ul style="list-style-type: none"> <li>• Update on the 2023-24 Annual Business Plan and Budget went to City Finance and Governance Committee - 23rd May 2023, 27th June 2023</li> <li>• Draft 2023/24 Business Plan &amp; Budget Consultation Close-out went to City Finance and Governance Committee – 20th June 2023</li> <li>• Draft 2022-2023 Business Plan and Budget Engagement Outcomes – 14th June 2023</li> </ul>
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					<ul style="list-style-type: none"> <li>• Draft Annual Business Plan and Budget went to Public Consultation from the 25th May – 18th June 2023</li> <li>• Draft Annual Business Plan and Budget went to A&amp;R committee – 12th April 2023 &amp; 14th June 2023</li> </ul>
123(5)	Copies of the draft annual business plan are available at the meeting and for inspection and purchase at the principal office of the Council at least 21 days before the date of that meeting and a copy of the draft is placed on the website	As above	Compliant	As above	
123(5a)	Provision is made for the asking and answering of questions and the receipt of submissions on the Council website during the public consultation period	As above	Compliant	As above	
123(6)	Council has adopted the annual business plan after considering the matters in this subsection	As above	Compliant	As above	
123(7)	The budget has been considered in conjunction with the Council’s annual business plan, is consistent with that plan is adopted after adoption of the annual business plan	As above	Compliant	As above	
123(8)	The annual business plan and budget is adopted after 31 May and before 31 August	As above	Compliant	As above	
123(9), (11)	After adoption of the annual business plan and budget, a summary has been prepared and is available in accordance with this subsection, and a copy of the annual business plan and the budget (as adopted) is available on the website	As above	Compliant	As above	
123(10)	The preparation, form and content of the annual business plan, summary and budget meet the requirements of the regulations (Local	As above	Compliant	As above	

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		Government (Financial Management) Regulations 2011, Regs 6 & 7)			
	123(13)	Council has reconsidered the annual business plan or budget as required by the regulations (no prescribed regulation)	As above	Compliant	As above
<b>Internal control policies</b>	125	Council has implemented and maintained appropriate policies, practices and procedures of internal control in accordance with this section	Copy of Council's internal controls policy and details of other internal control policies and procedures	Compliant	Risk audit sighted and added to CM folder VS2023/6773
<b>Audit and Risk Committee</b>	126(1)	Council has an audit committee	Evidence of Audit & Risk Committee	Compliant	Audit and Risk Committee details available on public website
	126(2)	Membership of Council's audit committee complies with the requirements of this subsection	Evidence of membership	Compliant	Audit and Risk Committee terms of reference sighted on public website
<b>Financial statements</b>	127(1), (2)	Council has prepared for each financial year financial and other statements required by this section and the regulations (Local Government (Financial Management) Regulations 2011, Reg 15)	28.1 Copies of Council's most recent audited financial statements and the minutes adopting them.  28.2 Details of the Council's auditor and Minutes reflecting the appointment of the Auditor by Council	Compliant	Sighted, copies of the last audited financial statements and auditor appointed
	127(3)	The statements prepared for each financial year must be audited by the Council's auditor	As above	Compliant	As above
	127(4)	A copy of the audited statements have been submitted by the Council to the persons or bodies prescribed by the regulations on or before the day prescribed (Local Government (Financial Management) Regulations 2011, Reg 16)	As above	Compliant	As above
	127(5)	The audited statements are available for inspection and purchase at the principal office of the Council during ordinary office hours	As above	Compliant	Available online to be viewed. Listed on the Fees and Charges Schedule

<b>The auditor</b>	128(1)	Council has appointed an auditor	As above	Compliant	As above, minutes sighted
	128(2)	Council's auditor has been appointed on the recommendation of the Council's audit committee	As above	Compliant	As above, minutes sighted
	128(2a)	The audit committee has taken into account the matters in the regulations when making a recommendation for appointment (Local Government (Financial Management) Regulations 2011, Reg 17)	As above	Compliant	As above, minutes sighted
	128(3)	The auditor is a registered company auditor or a firm comprising at least one registered company auditor	As above	Compliant	Confirmed and checked
	128(4)	The auditor is not a member of Council or a nominated candidate for election as a member of Council	As above	Compliant	Confirmed, membership of audit committee confirmed
	128(4a)	The term of appointment of the auditor does not exceed 5 years	As above	Compliant	Confirmed, minutes sighted and recorded
	128(6)	The auditor is not disqualified from holding office due to the conditions under this subsection	As above	Compliant	Confirmed and checked
	128(7)	The appointment of the auditor is subject to the terms and conditions prescribed in the regulations (Local Government (Financial Management) Regulations 2011, Reg 22(1))	As above	Compliant	Confirmed and checked
	128(8)	The Council and Council's auditor are compliant with the requirements prescribed in the regulations regarding the auditor's independence (Local Government (Financial Management) Regulations 2011, Reg 22)	As above	Compliant	Confirmed and checked
	128(9)	Council's annual report contains the information required by this subsection	As above	Compliant	Annual report sighted and confirmed
<b>Conduct of audit</b>	129(1)	Council's audit includes the matters contained in this subsection	As above	Compliant	Annual report sighted and confirmed



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	129(2)	Council's audit has been carried out in accordance with the standards prescribed by the regulations (Local Government (Financial Management) Regulations 2011, Reg 19)	As above	Compliant	Annual report sighted and confirmed
	129(3), (4), (5)	The auditor has provided to the Council an audit opinion in accordance with these subsection	As above	Compliant	Sighted in the financial statements
	129(5a)	The audit opinions and advice are provided to members of the Council and the audit committee in accordance with this subsection	As above	Compliant	Sighted in the financial statements
	129(5b), (5c)	The audit opinion and advice are placed on the agenda for consideration in accordance with these subsections	As above	Compliant	Sighted in the financial statements
	129(9)	The opinions provided under s129(3) accompany the financial statements of the Council	As above	Compliant	Sighted in the financial statements
<b>Annual report to be prepared and adopted</b>	131(1)	Council has prepared and adopted an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June by 30 November	Copy of the Council's most recent Annual Report and Minutes of its adoption	Compliant	Council - Meeting Minutes, Tuesday, 24 October 2023, at 5.33 pm 12.10 Recommendation 10 - Item 7.10 - City of Adelaide Annual Report 2022/23 Moved by Councillor Noon, Seconded by Councillor Elliott - THAT COUNCIL: 1. Adopts the draft City of Adelaide Annual Report 2022/23 as provided in Attachment A to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023. 6. Notes that the Chief Executive Officer will make any editorial amendments resulting from a recommendation of Council and any formatting changes to the 2022/23 Annual Report. Carried unanimously
	131(1a)	The annual report must include the amount of legal costs incurred by the council in the relevant financial year	As above	Compliant	As above

	131(2)	The annual report includes the material and matters specified in Schedule 4 as amended by regulation (no prescribed regulation)	As above	Compliant	As above
	131(3)	The annual report complies with the regulations (no prescribed regulations)	As above	Compliant	As above
	131(4)	The annual report has been provided to each member of the Council	As above	Compliant	As above
	131(5)	The annual report has been submitted in accordance with the subsection (Local Government (General) Regulations 2013, Reg 10)	As above	Compliant	As above
<b>Access to documents</b>	132(1), (2)	<p>The documents referred to in Schedule 5 are available for inspection and purchase at the principal office of the Council during ordinary office hours</p> <ul style="list-style-type: none"> <li>- Representation options papers and reports of council composition or ward structure</li> <li>- Registers and returns</li> <li>- Codes of practice</li> <li>- agenda and minutes, solutions, schedule of dates, times and places set for meetings</li> <li>- information and briefing session papers</li> <li>- policy and administrative documents (delegations, contract / tender policies, reimbursement of members' expenses, draft/final annual business plan, audited financial statements, annual report, fees and charges, public consultation policies, behavioural management policies, behavioural support policies, employee behavioural standards, management plans for community land, policy on making of orders, procedures for the review of council decisions, charter for subsidiaries established by council</li> <li>- by-laws</li> </ul>	Evidence of documents being accessible (i.e. council website) and on fees & charges	Compliant	All documents have been sighted and are published on the website.

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	132(3)	The documents required by this subsection are available for inspection on the website within a reasonable time after they are available at the principal office of the Council	As above	Compliant	On website
<b>Borrowing and related financial arrangements (1)</b>	134(3) & (4)	The Council has obtained and considered independent and impartial advice about proposed financial arrangements before entering into financial arrangements for the purpose of managing, hedging or protecting against movements in interest rates or other costs of borrowing	Copies of Council's Treasury or other Finance Policies that address Council's position regarding borrowing, provision of security and investments	Compliant	Sighted in the financial statements
	139(2)(a)	The Council has exercised the care, diligence and skill of a prudent person of business in exercising its power of investment.	As above	Compliant	Sighted in the financial statements
<b>Review of investments</b>	140	Council, at least once in every year, reviews the performance (individually and as a whole) of its investments	Copy of a report to the Council regarding a review of its investments under section 140 and related minutes to adopt report	Compliant	There is a Treasury Policy , address investments and borrowings Council does not hold any funds as investments greater than 6 months.
<b>Duty to insure against liability</b>	142(1)	Council has taken out and maintained insurance to cover its civil liabilities at least to the extent prescribed by regulation (Local Government (Financial Management) Regulations 2011, Reg 24)	Evidence of insurance certificates	Compliant	MLS certificates sighted and added to CM folder VS2023/6773
<b>Writing off bad debts</b>	143(2)	Bad debts are not written off unless the Chief Executive Officer has made the certification required under this subsection	Copy of Debt Management policy	Compliant	Sighted Debt Collection Policy ACC2022/64542
	143(3)	The delegation to write off debts include an amount above which the delegation will not apply	As above	Compliant	Bad Debt write off: Chief Operating Officer - up to \$10,000 Manager, Finance & Procurement - up to \$5000 Team Leader, Rates & Receivables – up to \$1000

<b>Rates and charges</b>	150	A council may impose rates and charges of the following kinds on land within its area: (a) general rates; (b) separate rates; (c) service rates; (d) service charges.	33.1 Copies of the notices of declaration of rates published in the gazette and local paper (including date of publication)  33.2 a copy of the minutes of the Council's most recent rate declaration  33.3 a Copy of any rating policy adopted by the Council	Compliant	Sighted the Gazette notice from 13 July 2023 and advertisement from paper  Sighted minutes of meeting from Council 27 June 2023 where rates were declared along with Business Plan and Budget  Sighted Rating Policy for 2023/2024 - ACC2024/13873
<b>Basis of rating</b>	151(5)	Before changing the basis of the rating/value of any land or imposing rates on land, the Council has prepared a report on the proposed change and followed the relevant steps set out in the public consultation policy	Evidence of report	Compliant	Rates haven't changed over the past 10 years, only change is vacant land., no pension rebates
<b>Declaration of general rate (including differential general rates)</b>	153(2), (3) & (5)	Before declaring general rates, the Council has considered issues of consistency and comparability across Council areas and the implication of rates on businesses and the community	Evidence of report	Compliant	Rates haven't changed over the past 10 years, only change is vacant land., no pension rebates
<b>Notice of differentiating factors</b>	157	If the Council has declared differential rates, the council has specified the differentiating /combination factor/s in each rates notice.	Evidence of report/minutes	Compliant	Sighted Gazette notice which specifies differential rates
<b>Rebates of Rates</b>	159(3)	The Council has granted a rebate of rates in accordance with Part 1 Division 5	34.1 Details of at least 3 mandatory rebates provided and copies of corresponding rates notices  34.2 Copy of the Council's rate rebate application form (if any)  34.3 Copy of report regarding a discretionary rebate granted under section 166	Compliant	Sighted examples of Religious, Educational and Health Rebates applied by Council  Sighted Council's Application for Mandatory/Discretionary Rebate Form  Sighted Discretionary rebate (40%) applied to Adelaide Repertory Theatre Inc dated 12 January 2024

## Legislative Compliance Review

<b>Valuation of land for the purpose of rating</b>	167(1)	The Council has not declared a rate for a particular financial year before adopting the valuations that are to apply to land within its area for rating purposes	Evidence of report and minutes	Compliant	Part of the business plan and budget process at the EOY, declaration of rates and valuations go up to Council, sighted Business Plan Summary and Business Plan
<b>Notice of declaration of rates</b>	170	Notice of the declaration of a rate or service charge has been published in the Gazette and in a local newspaper within 21 days after the date of declaration	Evidence of publication Gazette	Compliant	Sighted Gazette No 53 dated 13 July 2023 where rates were declared
<b>Chief executive officer to keep assessment record</b>	172(1)	The Assessment Record is kept by the Chief Executive Officer in accordance with this subsection	35.1 Copy of extract from the Council's Assessment Record for 3 rateable properties within its area	Compliant	Sighted copy of Assessment book and 3 rateable properties
	172(2)	The Chief Executive Officer has determined the manner and form for an occupier to make application under this subsection	As above	Compliant	Sighted copy of Assessment book and 3 rateable properties
	172(3)	The Chief Executive has entered occupier's names in the assessment record where an application has been made	As above	Compliant	Sighted copy of Assessment book and 3 rateable properties
	172(4), (5)	Suppression of names and addresses from the assessment record have been done in accordance with these subsections	Details of the procedure observed by the Council for the suppression of information regarding a ratepayer from the Assessment Record	Exceptions noted	Currently just in job description tasks no formal process document
<b>Alterations to assessment record</b>	173(2)	The Chief Executive Officer has determined the manner and form for application to alter the assessment record	Details of the procedure observed by the Council for alterations to the Assessment Record	Exceptions noted	Currently just in job description tasks no formal process document
	173(5)	The Council has determined a procedure for the review of decisions under this section.	As above	Exceptions noted	Currently just in job description tasks no formal process document

<b>Inspection of assessment record</b>	174(1)	The assessment record is available for inspection at the principal officer of the Council during ordinary office hours	Evidence of assessment records made available	Compliant	Sighted assessment folder kept behind Customer Centre Service Desk in locked office and available to MoP when required
	174(2)	A copy of an entry made in the assessment record is available on payment of a fee fixed by the Council	Evidence on fees and charges	Compliant	Sighted fees and charges list
	174(3)	A person who inspects the record is advised that the information contained in the record must not be used for a commercial purpose	As above	Exceptions noted	When a person inspects the record they are informed not to use for a commercial purpose. The folder with the assessment record should contain these conditions when inspecting the record.
<b>Service of rate notice</b>	180(1)	After the declaration of a rate, the imposition of a service charge, or a change in the rates liability of land, the Council has sent a rates notice to the owner or occupier of the relevant land.	A copy of a Council rates notice	Compliant	Sighted a copy of a rates notice
	180(2) & 181(5)	The Council's rates notice sets out the amount of the instalment and the date of which the instalment is due (or information prescribed by the regulations if payment is to be postponed) (Local Government (General) Regulations 2013, Reg 17)	As above	Compliant	Sighted a copy of a rates notice with all details specified
<b>Sale of Land for Non-payment of Rates</b>	184 (2), (3) & (4)	Before selling land for non-payment of rates, the council has sent a notice to the principal ratepayer in accordance with this section's provisions.	Where the Council has sold land for non-payment of rates under section 184, copies of the following: 37.1 the notice sent to the ratepayer as required under 184(2)  37.2 the reports to Council in relation to the sale and related minutes  37.3 details of procurement of the auctioneer and the application of money received from the sale	Compliant	Need to run through Council prior to actioning anything. Last property sold was 10 years ago.

## Legislative Compliance Review

<b>Certificate of liabilities</b>	187(1)	On application by/on behalf of a person with interest in land, the Council has issued a certificate stating the amount of any liability for rates or charges on the land, and any amount received on account of rates or charges on the land that is held in credit against future liabilities for rates or charges	Evidence of this occurring	Compliant	Sighted a copy of a certificate issued by Council with respect to this section
<b>Fees and charges</b>	188(6)	The Council keeps a list of fees and charges imposed under this section on public display at the principal office of the council	Copy of Council's schedule of fees and charges	Compliant	Fees and Charges sighted and this is available on the external website
<b>Classification of Community Land</b>	193(2)	Before resolving to exclude land from classification as community land, the Council has followed the relevant steps set out in its public consultation policy	Copy of any resolution of Council to exclude newly acquired land from classification as community land under section 193(4a) an copy of Gazette notice relating to this resolution	Compliant	Sighted Council Minutes from 13 July 2021, No 16, Item 10.13 (page 9&10) - Council resolution for Pirie St Volleyball Courts land.
<b>Revocation of Community Land</b>	194(1)	A council may (subject to the following exceptions and qualifications) revoke the classification of land as community land in accordance with a prescribed procedure Adelaide Park Lands classification cannot be revoked unless by provision of another Act; Classification cannot be revoked if the land is required to be held for the benefit of the community Classification cannot be revoked if the power is excluded by regulation; Classification of other land cannot be revoked unless the Minister approves and if the land is controlled but not owned by Council - the owner approves	Where Council has revoked the classification of land as community land, a copy of the relevant reports to Council for this purpose	Compliant	Sighted Council Agenda from 13 July 2021 which contains Council report for Item 10.13 (pages 295-300)

	194(2)	Before the council revokes a classification, the council must prepare and make publicly available a report on the proposal containing: (i) a summary of the reasons for the proposal; and (ii) a statement of any dedication, reservation or trust to which the land is subject; and (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and (iv) an assessment of how implementation of the proposal would affect the area and the local community; and (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and (b) the council must follow the relevant steps set out in its public consultation policy.	Evidence that a council has prepared and made publicly available report containing the relevant information.	Compliant	Sighted Council report (in Council Agenda for meeting of 13 July 2021 - page 297) that indicated that public consultation commenced 25 February 2021 and closed 29 March 2021
	194(3)	After complying with the requirements of subsection (2), the council— (a) must submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and (b) if the Minister approves the proposal—may make a resolution revoking the classification of the land as community land.	Evidence of submission to the Minister	Compliant	Sighted Council report (in Council Agenda for meeting of 13 July 2021 - page 297) that indicated that the Minister had approved the revocation on 5 July 2021
<b>Management plans</b>	196(1), (7)	Council has prepared and adopted management plans for its community land where required by these subsections	Copy of Council’s management plan(s) for community land and details of when it was adopted including copies of relevant minutes and report to Council	Compliant	Sighted Management plan that went to council 10 October 2023 Recommendation 5 - Item 7.5
	196(3), (5)	The Council's management plans meet the requirements of these subsections	As above	Compliant	Sighted Management plan that went to council 10 October 2023 Recommendation 5 - Item 7.5



## Legislative Compliance Review

<b>Public Consultation on Proposed Management Plan</b>	197(1)	Before adopting a management plan for community land, the Council has made copies of the proposed plan available for inspection or purchase, and has followed the relevant steps set out in its public consultation policy	Evidence of copies	Compliant	Sighted copy of minutes from Council 12 September 2023 Item 9.4 Recommendation 2 Item 5.2 and Evidence of consultation 7.5 3 October 2023 City Planning, Development and Business Affairs Committee
<b>Effect of Management Plan</b>	199	Community land is managed in accordance with any management plan for the relevant land	Sample of approvals, permits etc for activities undertaken on Community Land, and assess whether it has occurred in accordance with the relevant CLMP	Compliant	River Permit – Dragonboat SA have an annual river permit for 2 boats, which hold 50 people in total, for Dragonboat racing. River permits are renewed annually on 1 September and fees are charged according to Council’s annually endorsed fees and charges. Permit can be found: ACC2024/44748
<b>Use of Community Land for Business Purposes</b>	200(2)	Council has not approved the use of community land for a business purpose contrary to a management plan	Sample of approvals, permits etc for business use of Community Land, and assess whether it has occurred in accordance with the relevant CLMP	Compliant	PT Permit – Chi PT have an annual Fitness Activity Permit and operate in Light Square. There are two PT’s, however, only one can operate at each time. Both PT’s hold individual Public Liability Insurance. They hold sessions Monday to Friday at 6:15am, 7:15am, 12pm and 12:30pm. Permit is attached. Fitness Activity Administration is tracked in folder: 2012/02152
<b>Alienation of Community Land by Lease of Licence</b>	202(4)	Leases and licences over community land have not been granted for a term exceeding 42 years.	Sample of leases/licences of community land and assess whether appropriate consultation was conducted, or whether exceptions applied.	Compliant	Park 9 (21-year Lease/Licence term) – original Council Decision Report printed: 14/10/2015. Item 14 - Recommendation 5.5, evidence of consultation. Report can be found: ACC2015/209069
	202(6)	Leases and licences are consistent with any relevant management plan		Compliant	Park 9 (21-year Lease/Licence term) – original Council Decision Report printed: 14/10/2015. Item 14 - Recommendation 5.5, evidence of consultation. Report can be found: ACC2015/209069

<p><b>Register of Community Land</b></p>	<p>207(1)</p>	<p>Council has a register of all community land in its area</p>	<p>The Council's register of community land</p>	<p>Compliant</p>	<p>Sighted online</p>
	<p>207(2)</p>	<p>The register contains:                      (a) the information required by the regulations; -                      (a) the legal description of the land (Certificate of Title Register Book Volume and Folio Numbers); and                      (b) the street address of the land (if any); and                      (c) the name of the locality or suburb in which the land is situated; and                      (d) the name by which the land is commonly known (if any); and                      (e) the area of the land; and                      (f) the name of the owner of the land (see sections 4 and 189 of the Act); and                      (g) the following details concerning any lease or licence granted over the land:                      (i) the name of the lessee or licensee;                      (ii) the term of the lease or licence (including information on the term of any extension or renewal stated in the lease or licence);                      (iii) the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register);                      (iv) the purpose for which the lease or licence has been granted.<sup>1</sup>                      and                      (b) copies of current management plans; and                      (c) may consist (if the council so decides) of a computer record of the relevant information.</p>	<p>As above</p>	<p>Compliant</p>	<p>Sighted online</p>

## Legislative Compliance Review

<b>Ownership of public roads</b>	208(4)	The Council has published a copy of a resolution declaring a road or land to be a public road in the Gazette		Compliant	Council has not exercised this power in at least 20 years
<b>Conversion of Private to Public Road</b>	210(2)	At least three months before declaring that a private road is a public road, the Council has acted in accordance with this section	Where Council has exercised its power to convert a private road to a public road the following: 43.1 a copy of the required notice to the owner of the private road regarding the proposed declaration or any public notice published in the newspaper in respect to the declaration; and  43.2 a copy of the gazettal notice of the declaration	Compliant	Sighted article - ACC2024/34381
<b>Special provisions for certain kinds of roadwork</b>	215(1)	The Council has acted in accordance with this section when changing the level of a road		Compliant	Evidence provided by team 11/04/2024
<b>Power to assign a name, or change the name, of a road or public place</b>	219(1a) & (4)	The Council has assigned a name to a public road created after land division, and given public noticed	Copy of reports/minutes	Compliant	Council has not exercised this power in at least 20 years
	219(2) & (3)	If the council proposes to change the name of a public road running into the area of an adjoining Council, the Council has given two months' notice of the proposed change, considered representations made by the adjoining council and immediately notified the Registrar-Council, Surveyor-General and the Valuer-General of the assignment of a name or name change		Compliant	Council has not exercised this power in at least 20 years
	219(5) & (7)	Council has prepared and adopted a policy relating to the assigning of names under this section and a notice of adoption or alteration to the policy has been published on the website	44.2 A copy of the Council's policy regarding the assigning of names to roads and public places	Compliant	Policy sighted - ACC2024/34388 In the process of being rewritten - should be completed by April 2024

<b>Numbering of premises and allotments</b>	220(1a) & (1b)	The council has assigned a number to all buildings or allotments adjoining public roads created by land division within 30 days after the issue of certificate of title		Compliant	Sighted a copy of a letter for 26 Hurtle Square assigning street/unit numbers November 2021
<b>Public consultation</b>	223(1) & (2)	Before granting the authorisation or permit to use a public road for business purposes, the Council has followed the public consultation policy and given written notices to agencies prescribed by the regulations (Local Government (General) Regulations 2013, Reg 25)		Compliant	Council has not exercised this power in at least 20 years
<b>Cancellation of authorisation or permit</b>	225(2)(a)	Before cancelling an authorisation or permit to alter public road the council has given written notice to the holder of the authorisation or permit and consider any representations made in response to the notice		Compliant	Procedure documented for team to use in instances of non compliance and example of when non compliance goes to expiation. Documented sighted.
<b>Register</b>	231(1)	Council has a register of public roads in its area	An extract from the Council's register of public roads for at least 5 roads	Compliant	Sighted extracts from register
	231(2)	The register contains the information required by this subsection	As above	Compliant	Sighted extracts from register ACC2024/34409 ACC2024/34411 ACC2024/34412 ACC2024/34415 ACC2024/34419
<b>Trees</b>	232	Before a council plants vegetation, or authorises or permits the planting of vegetation, on a road, the council must (in addition to complying with any other statutory requirement)—	Copy of Council's tree/vegetation management policy	Compliant	Asset management plan - Park Lands and Open Space
<b>Council's power to remove objects etc from roads</b>	234A(1), (3) & (6)	Council's decisions to close a road have been made by an absolute majority of the council; resolutions only operate to close the road for 30 days or less in a year; and the resolution did not take effect before it had met the procedures set out in subsection (6)	Evidence of permit to close a road	Compliant	Road closure permit issued has been sighted

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<p><b>Removal of vehicles</b></p>	<p>237</p>	<p>If a vehicle has been left on a public road or place, or on local government land for at least 24 hours, an authorised person may place a prescribed warning notice on the vehicle.                  (2) After 24 hours has expired since the placement of a prescribed warning notice, an authorised person may have the vehicle removed to an appropriate place.</p>	<p>48.1 Copy of any Council policy or procedure regarding the removal of vehicles under section 237 of the Act</p> <p>48.2 Where the Council has exercised powers to remove a vehicle under section 237, copies of the following:                  - the towing warning notice;                  - the notice to the owner of the vehicle advising that it has been moved, or notice published in the newspaper advising same; and                  - details of how the vehicle was disposed of.</p>	<p>Compliant</p>	<p>ACC2023/49176 - SOP for Parking and Information Officer Regulatory Services - Updated 28 October 2022</p> <p>The last two dot points are completed by the Customer Centre Towed and Abandoned Vehicles (sharepoint.com)                  Towed Vehicle Process (sharepoint.com)</p> <p>Report an Illegally Parked or Abandoned Vehicle (sharepoint.com)</p> <p>Attached Images;</p> <p>Image                  Image (1)                  The two green slips are the notice we place on the vehicle prior to removal</p> <p>Image (2)                  The green paperwork is our paperwork.</p> <p>Image (3)                  The pink copy goes to SAPOL. We send that.</p>
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	<p>246-253</p>	<p>a council may make by-laws—                  (a) that are within the contemplation of this or another Act; or                  (b) that relate to a matter in relation to which the making of by-laws is authorised by the regulations under this or another Act.</p>	<p>By-laws                  49.1 the Council’s register of By-laws                    49.2 the public notice published in the paper inviting submissions in relation to the proposed by-laws                    49.3 the minutes and report regarding the adoption of Council’s by-laws including the report that addresses the bylaws impact upon National Competition Policy and the certificates of Validity signed by a legal practitioner                    49.4 the gazette notice advising of the adoption of the By-laws and of the related notice published in the local paper                    49.5 a gazette notice advising of any Council resolution regarding the areas to which provisions of a by-law apply and the related notice published in the local paper</p>	<p>Compliant</p>	<p>By-laws                  49.1 the Council’s register of By-laws 2018/02876: HEALTH MANAGEMENT - REGULATING - 2017 / 2018 City of Adelaide By-Law Review                    Sighted - City of Adelaide By-laws   City of Adelaide                  49.2 the public notice published in the paper inviting submissions in relation to the proposed by-laws                    ACC2018/120156 - public consultation doc                    Sighted - Legislated By-Law Review 2018   Your Say Adelaide (cityofadelaide.com.au)                  I was unable to locate a copy of a public notice in the paper, but I found the above document.                  49.3 the minutes and report regarding the adoption of Council’s by-laws including the report that addresses the bylaws impact upon National Competition Policy and the certificates of Validity signed by a legal practitioner                    ACC2019/140640 - Report - Item 8.4 - Legislated By-Law Review - Council - 14 August 2018                    ACC2019/140643 - 2018_08_14 Council Minutes By-Laws Approval                  49.4 the gazette notice advising of the adoption of the By-laws and of the</p>
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Legislative Compliance Review

					<p>related notice published in the local paper</p> <p>ACC2019/140294 - Government Gazette City of Adelaide By-Laws Implementation</p> <p>ACC2019/140646 - CST18-038 CoA By-Laws Notice in City Messenger Newspaper</p> <p>49.5 a gazette notice advising of any Council resolution regarding the areas to which provisions of a by-law apply and the related notice published in the local paper</p>
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## Legislative Compliance Review

<b>Register of by-laws and certified copies</b>	252(1)	Council has a register of all by-laws made or adopted by the Council	Evidence of this register	Compliant	2018/02876: HEALTH MANAGEMENT - REGULATING - 2017 / 2018 City of Adelaide By-Law Review  Sighted - City of Adelaide By-laws   City of Adelaide
	252(2)	The register includes copy of any code, standard or other document referred to or incorporated in a by-law	As above	Compliant	As above
<b>Power to Make Orders</b>	254-255	A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.	A file relating to the issue of an Order under section 254 including a copy of the order and notice of intention	Compliant	ACC2016/108254: Maxcon Construction - ORDER - SECTION 254 OF THE LOCAL GOVERNMENT ACT 1999
<b>Councils to develop policies</b>	259(1)	Council has taken reasonable steps to prepare and adopt policies concerning the operation of Chapter 12, Part 2	The Council's order making policy	Compliant	The City of Adelaide "Order Making Policy" is available on the City of Adelaide website at policy-order-making.pdf (d31atr86jnqrq2.cloudfront.net) - Sighted document
<b>Appointment of authorised persons</b>	260(3)	Council has issued identify cards to all authorised persons in accordance with this subsection	52.1 Copy of an instrument of appointment of an authorised person and ID card  52.2 Details of training provided to authorised persons	Compliant	ID cards are issued, the authorisations are sent to the business team who organise with security Training is performed by business team and authorised by AD
<b>Powers under this Act</b>	261	An authorised person may— (a) after giving reasonable notice to the owner or occupier of land, enter land— 31.3.2016—Local Government Act 1999 Regulatory functions—Chapter 12 Authorised persons—Part 3 [1.3.2017] This version is not published under the Legislation Revision and Publication Act 2002 13 (i) for a purpose related to the operation, administration or enforcement of this or another	As above	Compliant	The form details what the authorisation is and the sign off of the qualifications in order to have these authorisations



		Act by the council (including to ascertain whether an order should be made or other action taken by the council under this or another Act);			
<b>Procedures for review of decisions and request for services</b>	270(a1), (a2), (1), (2), (4a)	Council has developed and maintained policies, practices and procedures as required by these subsections	53.1 Council’s policy for internal review of decisions under section 270  53.2 Details of practices or procedures for dealing with reasonable requests for services and complaints handling procedure and a copy of any related policy and a copy of any other complaint handling policies/procedures adopted by the Council	Compliant	Sighted Corporate Complaint Handling Operating Guidelines on external CoA website
	270(8)	Council considers a report on an annual basis in accordance with this subsection	As above	Compliant	Sighted in the Annual Report (p23)
<b>Public health emergency</b>	302B	Council has a member of staff designated as a responsible officer in accordance with this section	Evidence of a designated person	Compliant	Security & Emergency Management Coordinator / Council Commanders

**City of Adelaide Act 1998**

Description	Section of Act	Requirement of the Act	Testing Methodology	Results	Findings
<p><b>Reimbursement of Expenses</b></p>	<p>Sec 25</p>	<p>A member of the council is entitled to receive reimbursement of prescribed expenses while discharging or performing their official functions and duties. Reimbursement of expenses must be approved by the Council (either specifically or under a policy) A policy under subsection (1)(b) lapses at a general election of the Council</p>	<p>Select sample of expenses - have they been reimbursed in accordance with regulations and policy. Has the policy being used been endorsed since the last general election.</p>	<p>Compliant</p>	<p>Council Member Allowances and Benefits Policy (ACC2023/151032) has been approved and childcare invoice from Cheyanne Lewis sighted and paid in accordance with approved policy</p>

<p><b>Provision of Facilities and Support</b></p>	<p>Sec 26</p>	<p>The Council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.</p> <p>The provision of facilities and services under this section is at the discretion of the Council subject to complying with the following requirements:</p> <p>(a) the Council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;</p> <p>(b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the Lord Mayor);</p> <p>(c) any property provided to a member remains the Council's.</p> <p>(3) A member of the Council must not use a facility or service provided by the Council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the</p>	<p>Check Council Member Allowances and Benefits Policy for details on what facilities and services are available to Council Members.</p> <p>Did the Council specifically resolve that the provision is necessary or expedient to the performance of official duties. Are the facilities and services available on a uniform basis.</p>	<p>Compliant</p>	<p>Council Member Allowances and Benefits Policy (ACC2023/151032)</p>
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		Council and the member has agreed to reimburse the Council for any additional costs or expenses associated with this use).			
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<b>Strategic Plans</b>	30	The Council should take reasonable steps to undertake, or to participate in, strategic planning for its area, and the State more generally (so far as is relevant to the City of Adelaide).	Council's Strategic Plan	Compliant	Strategic Plan for 2024-2028 is now on the website (cannot attach link)
<b>Financial Reporting</b>	34	The Adelaide City Council must include in its financial statements under Chapter 8 Part 3 Division 3 of the Local Government Act 1999 for each financial year specific information that shows its expenditure, in actual terms and as a percentage of the total expenditure of the Council, in relation to—(a) the Council's commitments under the Capital City Development Program; and(b) works, services and activities that are directly related to the Council's economic development program for the City of Adelaide.The Council must include in its annual report specific information on the relationship between its annual business plan, general revenue raising policies and expenditure policies.	3.1 Copy of the 2022/2023 financial statements;3.2 Copy of the 2022/2023 annual report.	Compliant	Annual report and Audited financial statements for 2022/2023 are on the City of Adelaide website (cannot attach link)

## Legislative Compliance Review

<b>Rundle Mall</b>	37A	(2) A person must not— (a) drive a vehicle on any part of the Mall; or (b) allow a vehicle to be or remain on any part of the Mall, otherwise than in accordance with a notice or permit published or given by the Council.	4.1 Copy of an expiation notice issued under this section  4.2 Gazettal notice specifying the vehicles that may enter or remain in Rundle Mall  4.3 Notice permitting a vehicle to enter and remain in the Mall outlining the purpose, period and conditions (if any)	Compliant	Sighted permit for vehicles entering/remaining on the Mall No expiations issued in current financial year Gazette notice 6 May 2021 - sighted
<b>Enrolment</b>	sch 1 part 2 clause 2	Subject to this Schedule1— (a) a natural person of or above the age of majority is entitled to be enrolled on the voters roll for an area or ward if that person— (i) is enrolled as an elector for the House of Assembly in respect of a place of residence within the area or ward;	5.1 Council’s application for enrolment on the Voter’s Roll  5.2 Copy of an application for enrolment for the 2022 elections by a person eligible to vote and the corresponding extract in the Voter’s Roll evidencing enrolment occurred	Compliant	Sighted Forms 1, 2 and 3 on public website Enrol to vote in the council elections   City of Adelaide - link provided in email
<b>The Voters Roll</b>	sch 1 part 2 clause 3	The voters roll must set out: the full name of the person, body corporate, or group if person, the residential address the address of the rateable property for entitlement at the option of the person, an additional address for voting papers (application in manner and form determined by CEO)	6.1 Extract of the Voter’s Roll for a person, body corporate and group  Details of procedure for nominating address for service of ballot papers  6.2 Details of procedure for suppression of information from the Voter’s Roll	Compliant	Sighted enrolment forms for each of individual, body corporate and group. Details in folder VS2023/06773 Details of suppressions process with ECSA. Ballot papers sent to building/residential address

		any prescribed particulars ward entitlements			
<b>Returns for Candidates</b>	Schedule 1 Part 8 Division 2 Clause 23 & 24	A person who is a candidate for election to an office of the Adelaide City Council must, within 30 days after the conclusion of the election, furnish to the chief executive officer of the Council, in accordance with the requirements of this Part— a campaign donations return under this division and a campaign expenditure return under this division.	Copies of campaign donations & expenses returns for candidates in the 2018 general election	Compliant	The campaign donations & expenses returns was sent to the ECSA not CoA.
	Schedule 1 Part 8 Division 2 Clause 30	If a candidate fails to submit returns, the CEO must notify the person by registered mail	Did candidate fail to submit return. Was notification of failure sent, and by registered post	Compliant	As above



## APPENDIX 2: RISK MATRIX OF INTERNAL AUDIT FINDINGS

The following framework for the internal audit ratings is consistent with the CoA Risk Management Operating Guidelines and the Risk Management International Standard ISO31000:2018. The descriptions have been tailored to illustrate risk to the business operations.

### 6.1 CoA Risk Matrix

CoA Risk Matrix		CONSEQUENCE				
		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD	Almost Certain	Medium	High	Extreme	Extreme	Extreme
	Likely	Medium	High	High	Extreme	Extreme
	Possible	Low	Medium	High	High	Extreme
	Unlikely	Low	Low	Medium	Medium	High
	Rare	Low	Low	Low	Medium	Medium



## 8.3 Risk &amp; Finding Descriptions

Rating	Definition	Action	Indicative Timeframe (variations to be agreed by SRIA)
<b>Extreme</b>	<p>The finding represents a control weakness which could have or is having an extreme adverse impact on the business and the ability to meet objectives.</p> <ul style="list-style-type: none"> <li>• Extreme decline in quality and customer service leading to a decrease in community's confidence in Council</li> <li>• Extreme breakdown in process that leads to illegal activity</li> <li>• Breach of legislation or contractual non-compliance that will result in litigation, prosecution and/or penalty</li> </ul>	<p>Finding reported to Director immediately and response plan developed with appropriate Associate Director. Implementation updates and status reporting managed through Promapp.</p>	<p>Actions managed in Promapp with a timeframe of no more than 3 months for completion.</p>
<b>High</b>	<p>The finding represents a control weakness which could have or is having a high adverse impact on the business and the ability to meet objectives.</p> <ul style="list-style-type: none"> <li>• Major decline in quality and customer services leading to a decrease in community's confidence in Council</li> <li>• Serious breakdown in process that may lead to increased and unacceptable risk</li> <li>• Breach of legislation or contractual non-compliance that will result in litigation, prosecution and/or penalty</li> </ul>	<p>Finding reported to the appropriate Associate Director immediately and response plan developed with appropriate Manager. Managed through Promapp.</p>	<p>Actions managed in Promapp with a timeframe of no more than 6 months for completion.</p>
<b>Medium</b>	<p>The finding represents a control weakness which could have or is having a medium adverse impact on the business and the ability to meet objectives.</p> <ul style="list-style-type: none"> <li>• Medium decline in quality and customer services leading to a decrease in community's confidence in Council</li> <li>• Medium operational breakdown in process that may lead to increased and unacceptable risk</li> <li>• Minor breach of legislation or contractual non-compliance that will <u>not likely</u> result in litigation, prosecution and/or penalty</li> </ul>	<p>Finding reported to appropriate Manager through Internal Audit Report and managed through Promapp.</p>	<p>Actions managed in Promapp with a timeframe of no more than 9 months for completion.</p>
<b>Low</b>	<p>The finding represents a minor control weakness which could have or is having a low/ minimal but reportable adverse impact on the business and the ability to meet process objectives.</p> <ul style="list-style-type: none"> <li>• Minimal decline in quality and customer services</li> <li>• Minor breakdown in process that is not likely to affect risk</li> <li>• Minor breach of legislation or contractual non-compliance that will <u>not likely</u> result in litigation, prosecution and/or penalty</li> </ul>	<p>Finding reported to appropriate Manager through Internal Audit Report and managed through Promapp.</p>	<p>Actions managed in Promapp with a timeframe of no more than 12 months for completion.</p>