



Local Government

Compliance Audit Return

1 January 2000 to 31 December 2000



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INSTRUCTIONS

1. Each local government is to carry out a compliance audit for the period 1 January to 31 December 2000 in accordance with Section 7.13(i) of the *Local Government Act 1995* and Audit Regulation 13. On completion of the compliance audit, the local government is to complete this Compliance Audit Return.
2. The compliance audit return is to be:
 - (a) presented to Council at a meeting of the Council;
 - (b) adopted by the Council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.
3. After the Compliance Audit Return has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the **Executive Director by 31 March 2001**. (Certified means signed by the Mayor or President and the CEO)
4. The Mayor/President or Chief Executive Officer may delegate the responsibility to complete any sections of Part A or B to another person or persons. The delegated person's initials must be clearly identified by name, position and signature in the section indicated in the return.
3. Each item should be completed by the person responsible initialling and dating the appropriate box and providing the relevant information. In the case of multiple answers, or if full compliance is not achieved, the additional information should be attached to the Compliance Audit Return as an appendix. If necessary, a brief comment may be included adjacent to the appropriate box, or, if required, more details may be provided on the comment area at the end of both Part A and Part B.
4. It should be noted that this Compliance Audit Return does not contain many of the provisions of the *Local Government (Financial Management) Regulations 1996*. These matters remain the responsibility of the auditor to verify compliance.
5. Please use a pen or some other form of indelible print in black or blue when completing this Return.
6. All references to the Act mean the *Local Government Act 1995* unless otherwise stated.

Please note the Act is referred to by section and sub-section. The first time that Regulations are referred to they are given their full title. Following references are covered by the initials.

PART A

1. LOCAL LAWS

YES NO N/A Initials & Date

- 1.1 The local government gave statewide public notice stating the purpose and effect of the proposed local law.

s3.12(3)(a)

☒ ☐ ☐ S. 26/2

- 1.2 On all occasions, as soon as the notice referred to in 1.1 was published, a copy of the proposed law, together with a copy of the notice, was given to the Minister and, where applicable, to the Minister who administers the Act under which the local law was made.

s3.12(3)(b)

☒ ☐ ☐ S. 26/2

- 1.3 All of Council's resolutions to make local laws were by special majority and recorded as such in the minutes of the meeting.

s3.12(4)

☒ ☐ ☐ S. 26/2

- 1.4 Each local law was given statewide public notice after gazettal.

s3.12(6)

☒ ☐ ☐ S. 26/2

- 1.5 On all occasions, the decision to repeal or amend a local law was determined by absolute majority.

s3.16(4)

☒ ☐ ☐ S. 26/2

- 1.6 Council's decision on each local law review was given statewide public notice, so as to conform with section 3.16(5).

s3.16(5)

☒ ☐ ☐ S. 26/2

2. EXECUTIVE FUNCTIONS

YES NO N/A Initials & Date

2.1 The Council has satisfied itself that the services and facilities that it provides:

- a) Ensure integration and co-ordination of services and facilities between governments;
- b) Avoid unnecessary duplication of services or competition, particularly with the private sector; and
- c) Ensure services and facilities are efficiently and effectively managed.

☒ ☐ ☐ JA 1/3

☒ ☐ ☐ JA 1/3

☒ ☐ ☐ JA 1/3

2.2 The process Council used to indicate its satisfaction was:

Overall Review
Communication with other govt depts
Performance Indicators

s3.18(3)

3. THOROUGHFARES

3.1 The Council, on all occasions, when proposing to wholly or partially close a thoroughfare to the passage of vehicles for a period exceeding four weeks but not exceeding four years, gave local public notice of the proposed order.

s3.50

☒ ☐ ☐ JA 22/1

3.2 The local government has kept plans of the levels and alignments for all the public thoroughfares that are under its control or management in the metropolitan area or on land that has been constituted a townsite under section 10 of the *Lands Act 1933* and made those plans available for public inspection.

s3.54

☒ ☐ ☐ JA 22/1

4. COMMERCIAL ENTERPRISES BY LOCAL GOVERNMENTS

YES NO N/A Initials & Date

4.1 As required by the *Local Government Function and General (F & G) Regulations 1996*, the local government has:

- a) Prepared a business plan for each major trading undertaking. (Note: major trading undertaking is defined as \$250,000 or 10% of the operating expenditure incurred from the municipal fund in the last completed financial year, whichever is the lowest);

☐ ☐ ☒ gt 23/2/2001

s3.59(2)(a)
(F & G) Reg 9

- b) Prepared a business plan for each major land transaction that was not exempt. (Note: major land transaction is defined as \$500,000 or 10% of operating expenditure incurred from the municipal fund in the last completed financial year, which ever is the lowest); and

☒ ☐ ☐ gt 23/2/2001

s3.59(2)(b)
(F & G) Reg 7

- c) Prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction.

☒ ☐ ☐ gt 23/2/2001

s3.59(2)(c)

4.2 The local government gave statewide public notice, as required by section 3.59(4)(a), for each proposal to commence a major trading undertaking or enter into a major land transaction.

☒ ☐ ☐ gt 23/2/2001

s3.59(4)

4.3 Council resolved to proceed with each major land transaction or trading undertaking by absolute majority which was recorded as such in the minutes.

☐ ☐ ☒ gt 23/2/2001

s3.59(5)

5. TENDERS FOR PROVIDING GOODS OR SERVICES

YES NO N/A Initials & Date

- 5.1 The local government invited tenders, in accordance with the F & G Regulations, before it entered into contracts for the supply of goods or services, where consideration under the contract was, or expected to be, worth more than \$50,000.

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RF. 22/2

s3.57

(F&G) Reg 11, 12

- 5.2 The local government's invitation to tender under F & G Regulations 11(1), 12 or 13 was given statewide public notice on all occasions.

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RF. 22/2

(F&G) Reg 14(1), (3)

- 5.3 On all occasions, tenders submitted remained confidential and were kept in safe custody until after the closing time for the submission of tenders.

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RF. 22/2

(F&G) Reg 16(1)

- 5.4 All tenders received by the local government were:

- a) Not opened until the time after tender submissions had closed;
b) Opened in the presence of one or more employees; and
c) Immediately entered into the Tender Register.

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RF. 22/2

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RF. 22/2

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RF. 22/2

(F&G) Reg 16(2), (3)

- 5.5 Any member of the public, who requested to do so, was able to be present at the opening of all tenders received by the local government.

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RF. 22/2

(F&G) Reg 16(3)

- 5.6 A Tender Register was kept by the Chief Executive Officer (CEO), entered up to date and was available for public inspection.

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RF. 22/2

(F&G) Reg 17

- 5.7 On all occasions, the tender was rejected where a tender was not submitted at a place and within the time specified in the invitation for tenders.

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RF. 22/2

(F&G) Reg 18(1)

- | | YES | NO | N/A | Initials & Date |
|---|-------------------------------------|--------------------------|--------------------------|-----------------|
| 5.8 The local government advised each tenderer in writing of the particulars of the successful tender or that no tender was accepted.
<i>s3.57</i>
<i>F&G Reg 19</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RP</u> 22/2 |
| 5.9 The local government complied with the requirements of the Regulations on all occasions when expressions of interest were sought for the supply of goods or services.
<i>(F&G) Regs 21, 22, 23, 24</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RP</u> 22/2 |
| 5.10 The local government determined a tender amount and delegated the power to the CEO to accept tenders up to that amount.
<i>s5.42(1)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RP</u> 22/2 |
| 5.11 The CEO did not accept any tender that exceeded the amount referred to in 5.10.
<i>s5.43(b)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>RP</u> 22/2 |

6. DISPOSING OF PROPERTY

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|---------------------|
| 6.1 Any property not disposed of by public auction or tender was given statewide public notice prior to disposal.
<i>s3.58(3)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>gt 23/1/2001</u> |
| 6.2 Details, as prescribed by section 3.58(4), were given in each statewide public notice for the disposal of property.
<i>s3.58(4)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>gt 13/2/2001</u> |

7. ELECTIONS AND OTHER POLLS

(Ordinary, Extraordinary and Inaugural)

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|----------------|
| 7.1 The person elected as Mayor or President, Deputy Mayor or President, or Councillor, took an oath or affirmation of allegiance, or made a declaration where applicable: | | | | |
| a) before acting in the office; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>RP</u> 26/2 |
| b) in the prescribed form; and | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>RP</u> 26/2 |
| c) before a prescribed person.
<i>s2.29(1), (2), (3)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>RP</u> 26/2 |

- | | YES | NO | N/A | Initials & Date |
|---|-------------------------------------|--------------------------|-------------------------------------|-------------------|
| 7.2 Council, in resolving to appoint a person other than the CEO to be Returning Officer, did so by absolute majority at least 80 days before all election days.
<i>s4.20(2)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 7.3 Council, in resolving to declare the Electoral Commissioner to be responsible for the conduct of any election, did so by special majority at least 80 days before election day.
<i>s4.20(4)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 7.4 Statewide public notice was given by the Returning Officer no later than the 19 th day before all election days, giving details on the conduct of the election and candidates.
<i>s4.64(1), (2)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <i>S. 26/2</i> |
| 7.5 The CEO kept a register of the decisions on the enrolment eligibility claims of non-resident owners and occupiers.
<i>s4.32(6)</i>
<i>(Electoral) Reg 13</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <i>S. 23/2/01</i> |
| 7.6 On or after the 70 th day, but not later than the 56 th day before all election days, the CEO, where required, gave statewide public notice of the time and date of the close of enrolments for a person to be included on the electoral roll.
<i>s4.39(2)</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <i>S. 23/2/01</i> |
| 7.7 Council, in deciding to conduct a postal election: | | | | |
| a) decided by a special majority; and | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 23/2/01</i> |
| b) decided at least 80 days prior to the election day.
<i>s4.61(2), (3)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 23/2/01</i> |

OWNERS AND OCCUPIERS ROLL

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------|
| 7.8 The CEO, where required, prepared and certified the Owners and Occupiers Roll on or before the 36 th day before all election days.
<i>s4.41</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <i>S. 23/2/01</i> |
|---|--------------------------|--------------------------|-------------------------------------|-------------------|

- | | YES | NO | N/A | Initials & Date |
|--|--------------------------|--------------------------|-------------------------------------|-----------------|
| 7.9 On or before the 22 nd day before all election days, the Returning Officer, where required, deleted from the Owners and Occupiers Roll the name of any person whose name also appeared on the Residents Roll. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>23/02</u> |
| <i>s4.43(1)</i> | | | | |

NOMINATION OF CANDIDATES

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|----------------|
| 7.10 Statewide public notice calling for nominations of candidates was given by the Returning Officer on or before the 56 th day, but not later than on the 45 th day, before all election days. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>S. 26/2</u> |
| <i>s4.47</i> | | | | |

DECLARATIONS TO ACT AS ELECTORAL OFFICERS

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|----------------|
| 7.11 A declaration was made in the prescribed form by the Returning Officer or a person appointed under section 4.21 or 4.23 of the Act. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>S. 26/2</u> |
| <i>s4.27(1)(c)</i>
<i>(Electoral) Reg 7</i> | | | | |

8. ADMINISTRATION

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|----------------|
| 8.1 Each Council member was given at least 72 hours notice of the date, time, place and an agenda of each ordinary meeting. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| <i>s5.5(1)</i> | | | | |
| 8.2 On all occasions where a person presiding at a Council or committee meeting cast a second vote, the details of the outcome of the motion were recorded in the minutes. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| <i>s5.21(3)</i>
<i>(Admin) Reg 11(c)</i> | | | | |
| 8.3 On all occasions, the vote or votes requested by a Council or committee member to be recorded, were recorded in the minutes. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| <i>s5.21(4)</i> | | | | |
| 8.4 The contents of the minutes of all Council and committee meetings include all information as required under the Act. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| <i>s5.22(1)</i>
<i>(Admin) Reg 11</i> | | | | |

	YES	NO	N/A	Initials & Date
8.5 The minutes of all Council and committee meetings have been submitted to the next meeting of Council or committee, as the case requires, for confirmation. <i>s5.22(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
8.6 On all occasions, the person presiding at the meeting at which the minutes of a Council or committee have been confirmed, has signed the minutes certifying their confirmation. <i>s5.22(3)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
8.7 On all occasions, the reason, or reasons, for closing any Council or committee meeting to members of the public was in accordance with the Act. <i>s5.23(2)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
8.8 On all occasions, a decision to close a meeting, or part of a meeting, to members of the public, and the reasons for the decision, were recorded in the minutes of that meeting. <i>s5.23 (3)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
8.9 A summary of each question raised by members of the public at meetings and a summary of the response to each question was included in the minutes of the meetings. <i>s5.25(f)</i> <i>(Admin) Reg 11</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
8.10 Subject to section 5.23(2) of the Act, the following were open to members of the public:				
a) all Council meetings; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S. 26/2</i>
b) all meetings of committees to which a power or duty had been delegated. <i>s5.23</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>S. 26/2</i>

	YES	NO	N/A	Initials & Date
8.11 A minimum of 15 minutes for public question time was allocated by the Council for:				
a) every ordinary meeting of Council;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
b) every special meeting of Council; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
c) every meeting of a committee with a delegated power or duty.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>S.</i> 26/2
<i>s5.24</i> (Admin) Reg 5, 6				
8.12 A period of 30 minutes was allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
<i>s5.25(c)</i> (Admin) Reg 8				
8.13 Voting at Council or committee meetings was conducted so that no vote was secret.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
<i>s5.25(d)</i> (Admin) Reg 9				
8.14 All decisions to revoke or change decisions made at Council or committee meetings were made in accordance with the Act and Regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
<i>s5.25(e)</i> (Admin) Reg 10				
8.15 At least once during the period covered by this Return, the local government gave local public notice of the date, time and place of ordinary Council meetings and those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public for the ensuing 12 months.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
<i>s5.25(g)</i> (Admin) Reg 12(1)				
8.16 The local government gave local public notice of any changes to the dates, times or places referred to in 8.15 above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>S.</i> 26/2
<i>s5.25(g)</i> (Admin) Reg 12(2)				

- | | YES | NO | N/A | Initials & D: |
|---|-------------------------------------|--------------------------|--------------------------|----------------|
| 8.17 Notice papers, agenda and other documents relating to any Council or committee meeting were made available for inspection, other than those referred to in Admin Reg 14(2).
<i>s5.25(j)</i>
(Admin) Reg 14(1), (2) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 8.18 The CEO convened all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.
<i>s5.29</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 8.19 The local government made available for public inspection unconfirmed minutes of all Council and committee meetings: | | | | |
| a) within 10 business days after the Council meetings; or | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| b) within five business days after the committee meetings.
<i>s5.25(j)</i>
(Admin) Reg 13 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 8.20 The CEO caused the minutes of all electors' meetings to be kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.
<i>s5.32</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 8.21 All decisions made at all electors' meetings were considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.
<i>s5.33(1)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |
| 8.22 The reasons for Council decisions, in response to decisions made at all electors' meetings, were recorded in the minutes of the appropriate Council meeting.
<i>s5.33(2)</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>S. 26/2</i> |

DELEGATIONS TO COMMITTEES

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|----------------|
| 8.23 All delegations to committees were in writing and recorded in a register of delegations.
<i>s5.18</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <i>S. 26/2</i> |
|---|--------------------------|--------------------------|-------------------------------------|----------------|

	YES	NO	N/A	Initials & Date
8.24 Council reviewed delegations to committees in the 1999/2000 financial year. <i>s5.18</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>S. 26/2</u>

CODE OF CONDUCT

8.25 Council has defined, within its Code of Conduct, the value of a token gift. <i>s5.103(3)</i> <i>(Admin) Reg 34B</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>S. 26/2</u>
8.26 The CEO has kept a register of all token gifts received by Council members and employees. <i>s5.103(3)</i> <i>(Admin) Reg 34B</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>S. 26/2</u>

9. LOCAL GOVERNMENT EMPLOYEES

9.1 The salary and total value of all remuneration and benefits was stated in all advertisements for the position of CEO and for designated senior employees. <i>s5.36(4), 5.37(3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W. Hooley 21/2</u>
9.2 The CEO informed Council of each proposal to employ or dismiss a designated senior employee. <i>s5.37(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W. Hooley 21/2</u>
9.3 The performance of employees was reviewed, within the most recently completed 12 months of their term of employment. <i>s5.38</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>W. Hooley 21/2</u>
9.4 During the period covered by this Return, written performance based contracts were in place for the CEO and all designated senior employees who were employed since 1 July 1996. <i>s5.39</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>W. Hooley 21/2</u>
9.5 Public notice was given on all occasions where Council made a payment that was more than the additional amount set out in its policy adopted in accordance with section 5.50 (1). <i>s5.50(2)(b)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>W. Hooley 21/2</u>

10 DELEGATION OF POWER/DUTY

YES NO N/A Initials & D:

10.1 Powers and duties of the Council delegated to the CEO:

- a) excluded those as listed in section 5.43(a) to (i) of the Act;
and

s5.43

☒ ☐ ☐ S. 26/2

- b) were by absolute majority decision.

s5.42(1)

☒ ☐ ☐ S. 26/2

10.2 All delegations:

- a) to the CEO were in writing; and

☒ ☐ ☐ S. 26/2

- b) by the CEO to any employee were in writing.

s5.42(2), 5.44(2)

☒ ☐ ☐ S. 26/2

10.3 Decisions to amend or revoke a delegation were made by absolute majority.

s5.45(1)(b)

☒ ☐ ☐ S. 26/2

10.4 The CEO has kept a register of all delegations made to the CEO and to employees under the Act.

s5.46(1)

☒ ☐ ☐ S. 26/2

10.5 Delegations made under the Act were reviewed by the delegator at least once during the financial year ended 30 June 2000.

s5.46(2)

☒ ☐ ☐ S. 26/2

10.6 Persons exercising a delegated power or duty under the Act have, on all occasions, kept a written record as required.

s5.46(3)

(Admin) Reg 19

☒ ☐ ☐ S. 26/2
11. DISCLOSURE OF INTERESTS**FINANCIAL INTEREST**

11.1 All decisions made under section 5.68(1), and the extent of participation allowed, was recorded in the minutes of Council and committee meetings.

s5.68(2)

☒ ☐ ☐ S. 26/2

- | | YES | NO | N/A | Initials & Date |
|---|-------------------------------------|--------------------------|--------------------------|-----------------|
| 11.2 On all occasions, when a member disclosed an interest, he/she did not remain present to participate in any discussion or decision making procedure relating to the matter, if not allowed to do so under section 5.68 and 5.69 of the Act.
<i>s5.67</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| 11.3 Disclosures under section 5.65 or 5.70 were recorded in the minutes of the meeting at which the disclosure was made.
<i>s5.73</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| 11.4 A primary return was lodged by all newly elected members and new designated employees within three months of their start day.
<i>s5.75(1)</i>
<i>(Admin) Reg 22 Form 2</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| 11.5 Continuing elected members and designated employees lodged an annual return in the prescribed form by 31 August 2000.
<i>s5.76(1)</i>
<i>(Admin) Reg 23 Form 3</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| 11.6 On receipt of a primary or annual return, the CEO, on all occasions, gave written acknowledgment of having received the return.
<i>s5.77</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
| 11.7 The CEO kept a register of elected members' and employees' disclosures of financial interests.
<i>s5.88</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |

INTEREST AFFECTING IMPARTIALITY

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|----------------|
| 11.8 The Code of Conduct contains a requirement that a Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting where there is a reasonable belief that the impartiality of the person having the interest would be adversely affected.
<i>s5.103</i>
<i>(Admin) Reg 34C</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <u>S. 26/2</u> |
|--|-------------------------------------|--------------------------|--------------------------|----------------|

YES NO N/A Initials & Date

- 11.9 Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting referred to in 11.8 above, it was recorded in the minutes.

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S. 26/2

s5.103

(Admin) Reg 34C

12. ACCESS TO INFORMATION

- 12.1 The local government allowed any person to inspect, during office hours and free of charge, all information specified in the Act.

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S. 26/2

s5.94

- 12.2 In all cases where the local government refused a person the right of inspection of the information referred to in section 5.94 of the Act, it did so in accordance with the required limits of the Act.

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S. 26/2

s5.95

- 12.3 On all occasions where a person inspected certain information as prescribed under Part 5, Division 7 of the Act and requested a copy, such copies were sold at a cost that did not exceed the cost of providing the copies.

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S. 26/2

s5.96

13. ANNUAL REPORT

- 13.1 The local government prepared an annual report for the financial year ended 30 June 2000 which contained the prescribed information under the Act and Regulations.

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23/02

s5.53

- 13.2 The annual report was accepted by the local government either:

a) by 31 December 2000; or

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23/02

b) if the Auditor's report was not available in time for acceptance by 31 December, it will be accepted no more than two months after the Auditor's report was made available.

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23/02

s5.54(1), (2)

YES NO N/A Initials &

- 13.3 The CEO gave local public notice of the availability of the annual report as soon as practicable after the report was accepted by the local government.

☒ ☐ ☐ 26/1

s5.55

14. FEES, EXPENSES AND ALLOWANCES

- 14.1 The annual allowance for expenses made available to the Mayor or President was within the prescribed range.

☒ ☐ ☐ 26/1

s5.98(5)

(Admin) Reg 33

- 14.2 The fee made available to elected members for attending meetings and for reimbursement of expenses incurred was within the prescribed ranges.

☒ ☐ ☐ 26/1

s5.98

(Admin) Reg 30, 31

- 14.3 Where a local government decided to pay Deputy Mayor or the Deputy President an allowance. it was:

- a) resolved by absolute majority; and
b) within the prescribed ranges.

☐ ☐ ☒ 26/1
☐ ☐ ☒ 26/1

s5.98A

(Admin) Reg 33A

- 14.4 Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication expenses, it was:

- c) resolved by absolute majority; and
d) within the prescribed ranges.

☒ ☐ ☐ 26/1
☒ ☐ ☐ 26/1

s5.99

(Admin) Reg 34A

YES NO N/A Initials & Date

14.5 Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, it was:

e) resolved by absolute majority; and

f) within the prescribed ranges.

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[Signature] 24/2
[Signature] 24/2

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s5.99

(Admin) Reg 34

15. FINANCE

15.1 A Principal Activities Plan for the next four or more financial years was prepared in 1999/2000 which contained the details set out in section 5.56(2) of the Act.

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[Signature] 23/02

s5.56

ANNUAL BUDGET

15.2 Council, prior to 31 August in the review period, adopted by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act.

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[Signature] 23/02

Date of Council Resolution 22/08/00

If 'no', Ministerial approval was sought for an extension.

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[Signature] 23/02

s6.2

15.3 The 2000/01 budget was forwarded to the Department of Local Government within 30 days of its adoption.

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[Signature] 23/02

Date sent 30/08/00

(FM) Reg 33

15.4 Expenditure that the local government incurred from its municipal fund which was not included in its annual budget was:

a) authorised in advance on all occasions by absolute majority resolution; or

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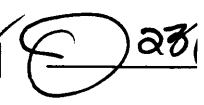
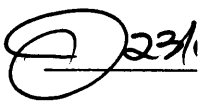
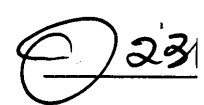
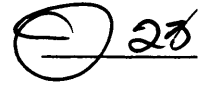

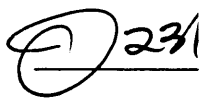
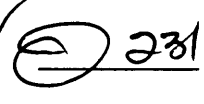
[Signature] 23/02

b) if authorised in advance by the Mayor or President in an emergency, it was reported on all occasions to the next ordinary meeting of Council.

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[Signature] 23/02

s6.8

	YES	NO	N/A	Initials & I
15.5 The CEO reviewed the appropriateness and effectiveness of the financial management systems and procedures and reported to the local government the results of those reviews. <i>s6.10</i> <i>(FM) Reg 5</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	 23/1
15.6 Council determined the following by absolute majority: (apply to money other than rates and service charges).				
a) At the time of adopting its budget, the granting of a discount or other incentive for early payment; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 23/1
b) The setting of interest rates on money owing to Council. <i>s6.12, 6.13</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 23/1
15.7 Council, in granting a discount or other incentive for early payment of any rate or service charge, did so by absolute majority. <i>s6.46</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 23/1
15.8 Council, on all occasions where it was resolved to waive a rate or service charge or grant other concessions in relation to a rate or service charge, did so by absolute majority. <i>s6.47</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	 23/1
15.9 Council, in setting an interest rate on a rate or service that remained unpaid, did so by absolute majority. <i>s6.51</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	 23/1
15.10 Ministerial approval was sought and obtained to adopt a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency. <i>s6.34</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	 23/1

YES NO N/A Initials & Da

15.11 Where a service charge was imposed in the budget, the local government used the income raised under the service charge for the purpose of:

- a) television and radio rebroadcasting;
- b) volunteer bush fire brigades;
- c) underground electricity; and
- d) property surveillance and security.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(E) 23/0
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(E) 23/0
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(E) 23/0
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(E) 23/0

s6.38(4)
(FM) Reg 24, 54

RATES AND SERVICE CHARGES

15.12 All rates imposed by the Council complied with the provisions of the Act Part 6, Division 6.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(E) 23/0
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15.13 A minimum payment was not imposed on more than 50% of the number of separately rated properties in a district unless the general minimum was less than \$200.00.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(E) 23/0
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s6.35(4)
(FM) Reg 53

16. FINANCIAL REPORTING

16.1 Financial reports, other than the annual financial report, and where Council made a resolution as per question 16.2, as prescribed, have been prepared, presented to Council and recorded in the minutes of the meetings where submitted.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(E) 23/02
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s6.4(1)
(FM) Reg 34(1)(a)

16.2 Council resolved, by absolute majority, not to prepare a quarterly or triannual report for the period ending 30 June 2000.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(E) 23/0
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Date of Resolution _____

s6.4(1)
(FM) Reg 34(1a)

YES NO N/A Initials & I

- 16.3 The annual financial report, prepared for the financial year ended 30 June 2000, was submitted to the Auditor by 30 September 2000 or by the extended time allowed by the Minister.

s6.4(3)(b)
(FM) Reg 36

☒ ☐ ☐  23/

- 16.4 The local government's designated responsible employee has signed and appended to the audited financial statements, a declaration in the prescribed form as provided in Form 1 Schedule 2 FM Regulation 51.

Date signed 30/10/2000

(FM) Reg 51

☒ ☐ ☐  23/

- 16.5 The annual financial report was submitted to the Department of Local Government within 30 days of the receipt by the CEO of the Auditor's report.

(FM) Reg 51(2)

☒ ☐ ☐  23/

17. AUDITOR'S REPORT

- 17.1 The Auditor's report for the financial year ended 30 June 2000 was received by the local government within 30 days of completion of the audit.

s7.9(1)
(Audit) Reg 10

☒ ☐ ☐  23/

- 17.2 The Auditor's report for 1999/00 was received by the local government by 31 December 2000.

s7.9(1)

☒ ☐ ☐  23/

18 MISCELLANEOUS PROVISIONS

- 18.1 Each person who has received an unfavourable decision from Council, or from an employee of local government exercising delegated authority under Part 3 of the Act, or any local law, or any regulation operating as a local law, was informed of their right to object and appeal against the decision.

s9.4

☒ ☐ ☐  1/

YES NO N/A Initials & D

- 18.2 On all occasions, those employees who represented the local government in court proceedings, were appointed by the CEO in writing.

☒ ☐ ☐ SL 1/2

s9.29(2)

19. PRIVATE SWIMMING POOLS

- 19.1 Inspections of known private swimming pools either have been, or are proposed to be, carried out as required by section 245A(5)(aa) of the *Local Government (Miscellaneous Provisions) Act 1960*.

s245A(5)(aa)

Local Government (Miscellaneous Provisions) Act 1960

☒ ☐ ☐ G 22/2

20. CEMETERIES

- 20.1 A register has been maintained in accordance with the provisions of section 40(1)(a) & (b) of the *Cemeteries Act 1986*.

s40(1)(a), (b)

Cemeteries Act 1986

☐ ☐ ☒ SL 24/2

- 20.2 Plans have been kept and maintained in accordance with the provisions of section 40(2) of the *Cemeteries Act 1986*.

s40(2)

Cemeteries Act 1986

☐ ☐ ☒ SL 24/2

21. LOCAL GOVERNMENT GRANTS

- 21.1 The local government supplied to the Grants Commission such financial and other information as to its affairs in the required form and by the specified date.

s12(4)

Local Government Grants Act 1978

☒ ☐ ☐ SL 23/0

22. CARAVAN PARKS AND CAMPING GROUNDS

- 22.1 The local government has inspected each caravan park or camping ground in its district within the period 1 July 1999 to 30 June 2000.

s21(1)

Caravan Parks and Camping Grounds Act 1995

☒ ☐ ☐ G 22/2

COMMENTS

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PART B

23. COUNCIL MATTERS

YES NO N/A Initials & Date

COUNCIL MEETINGS

- 23.1 The granting of leave to a member from attending ordinary meetings of Council, was, on all occasions, by Council resolution.

s2.25(1), (3)

☒ ☐ ☐ S. 26/2

- 23.2 On all occasions, Ministerial approval was sought before leave of absence was granted to an elected member in respect of more than six consecutive ordinary meetings.

s2.25(2)

☐ ☐ ☒ S. 26/2

- 23.3 On all occasions, the resolution of Council granting leave of absence was recorded in the minutes of the meeting where leave was granted.

s2.25(4)

☒ ☐ ☐ S. 26/2

- 23.4 On all occasions where an ordinary or special meeting of Council was called by Councillors, it was called by at least 1/3 (one third) of the number of Councillors.

s5.4(a)(ii)

☐ ☐ ☒ S. 26/2

- 23.5 The Minister approved, on each occasion, as required, a reduction in the numbers needed for a Council meeting quorum, or for certain majorities.

s5.7

☐ ☐ ☒ S. 26/2

- 23.6 The annual general meeting of electors was held within 56 days of the local government's acceptance of the annual report for the previous financial year.

s5.27(2)

☒ ☐ ☐ S. 26/2

- 23.7 On all occasions where a member disclosed a financial interest by written notice, the presiding person brought the notice and its contents to the attention of the meeting immediately before the matter to which the interest related was discussed.

s5.66(b)

☒ ☐ ☐ S. 26/2

COMMITTEES

- 23.8 All Council committees during the review period were established by an absolute majority.

s5.8

*S.* 26/2

- 23.9 All members of Council committees during the review period were appointed by an absolute majority.

s5.10(1)(a)

*S.* 26/2

- 23.10 Each Council member was given their entitlement during the review period to be appointed as a committee member of at least one committee as referred to in section 5.9(2)(a) & (b) of the Act.

s5.10(2)

*S.* 26/2

- 23.11 Presiding members of committees were elected by the members of the committees from amongst themselves.

s5.12

*S.* 26/2

- 23.12 The Mayor or President, if present, conducted the election of the Deputy Mayor or the Deputy President.

s5.12

Schedule 2.3 Division 2*S.* 26/2

- 23.13 On each occasion where the quorum of a committee meeting was reduced, the decision was an absolute majority decision of Council.

s5.15

*S.* 26/2

- 23.14 Within the limits of the Act, any delegations of Council powers and duties to its committees was decided by an absolute majority decision of Council.

s5.16, 5.17

*S.* 26/2**RECEIPT OF FINANCIAL INTEREST RETURNS**

- 23.15 On receipt of a Primary or Annual Return, from the CEO, the Mayor or President, on all occasions, gave written acknowledgment of having received the Return.





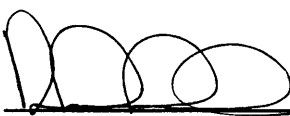





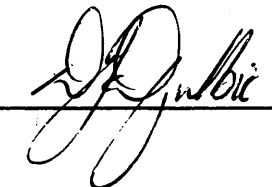


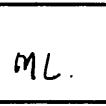
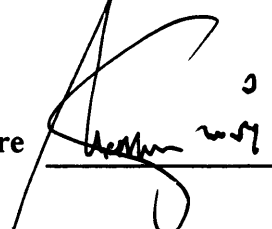
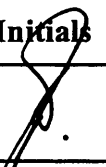
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*S.* 26/2

COMMENTS

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THE INITIALS APPEARING IN THIS RETURN RELATE TO THE FOLLOWING

Full Name	<u>LINDSAY OWEN DELAHANTY</u>	Signature		Initials	
Position	<u>CHIEF EXECUTING OFFICER</u>				
Full Name	<u>JOHN BROOKS TURKINGTON</u>	Signature		Initials	
Position	<u>DIRECTOR RESOURCE MGMT</u>				
Full Name	<u>Raymond Gordon Fischer</u>	Signature		Initials	
Position	<u>Executive Manager Strategic Planning</u>				
Full Name	<u>CLAYTON MORRIS HIGHTON</u>	Signature		Initials	
Position	<u>DIRECTOR PLANNING & DEVELOPMENT</u>				
Full Name	<u>JAMES CHRISTOPHER HALL</u>	Signature		Initials	
Position	<u>DIRECTOR COMMUNITY DEVELOPMENT</u>				
Full Name	<u>David James Gubbie</u>	Signature		Initials	
Position	<u>Director of Infrastructure Man.</u>				
Full Name	<u>MARK LOADER</u>	Signature		Initials	
Position	<u>MANAGER HUMAN RESOURCES</u>				
Full Name	<u>MICHAEL GEORGE SMITH</u>	Signature		Initials	
Position	<u>MANAGER LOUNCH SNAKS SERVICES</u>				

**JOINT CERTIFICATION BY THE MAYOR/PRESIDENT
AND
CHIEF EXECUTIVE OFFICER**

We,

_____ (full name),
being the elected Mayor/President, and

_____ (full name)

being the appointed Chief Executive Officer

of the _____ (local government),

hereby Certify that:

☐ The information contained in Parts A and B of this Return are true and correct to the best of our knowledge.

☐ This Return was included in the agenda papers and considered by Council at the Ordinary/Special Meeting of Council held on _____ (date).

☐ The contents of this Certification were read out aloud to the meeting.

☐ Each Councillor has had the opportunity to review the Return and to make comment to the Council.

☐ The particulars of any matters of concern relating to the Return were recorded in the minutes of the meeting.

☐ The Appendix attached to this Return is a true and correct copy of the relevant section(s) of those minutes.

☐ Subject to the matters of concern raised and recorded, the Council adopted the Compliance Return as the official Return of Council for the period 1 January 2000 to 31 December 2000.

☐ The resolution of adoption was carried _____ (state vote detail) eg 7/2.

_____ (signature)
MAYOR/PRESIDENT

_____ (signature)
CHIEF EXECUTIVE OFFICER

_____ (date)

_____ (date)