

NOTICE OF MEETING



AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

An Audit, Risk and Improvement Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 August 2020
Time	11.30am

Vanessa Adams
Director Corporate and Community Services,

I2020/1198
Distributed 13/08/20

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 3.1 Audit, Risk and Improvement Committee Meeting held on 14 May 2020

4. STAFF REPORTS

Corporate and Community Services

- 4.1 Draft Audit, Risk and Improvment Committee Constitution and 2021 Agenda
Schedule4
- 4.2 Annual Compliance Report 2019-2020.....25

5. CONFIDENTIAL REPORTS

Corporate and Community Services

- 5.1 CONFIDENTIAL - Risk Management- Update.....42
- 5.2 CONFIDENTIAL - Audit Progress Report - August 202043
- 5.3 CONFIDENTIAL - Cyber Security and System Outages Quarterly Update.....44
- 5.4 CONFIDENTIAL - Development Application Processes Audit Review.....46
- 5.5 CONFIDENTIAL - 2020 External Audit Interim Audit Management Letter.....47
- 5.6 CONFIDENTIAL - External Audit Actions - Quarter 4 2020 Update48

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Draft Audit, Risk and Improvement Committee Constitution and 2021 Agenda Schedule

Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/1022

Summary:

The purpose of this report is to present a draft Constitution and 2021 Agenda Schedule for consideration and endorsement by the Audit, Risk and Improvement Committee.

RECOMMENDATION:

That the Audit, Risk and Improvement Committee:

- 1. Considers the draft Audit, Risk and Improvement Committee Constitution (E2020/46708) and provides feedback to the Chair by 3 September 2020**
- 2. Submits the Audit, Risk and Improvement Committee Constitution, with any amendments based on feedback from the Committee, to Council for adoption**
- 3. Considers and endorses the Agenda Schedule for 2021 (E2020/46705)**

Attachments:

- 1 Audit Risk and Improvement Committee Constitution (current), E2020/46719 , page 6 [↓](#)
- 2 Audit Risk and Improvement Committee Constitution (draft), E2020/46708 , page 15 [↓](#)
- 3 Audit Risk and Improvement Committee Annual Agenda Schedule 2021 (draft), E2020/46705 , page 24 [↓](#)

REPORT

The current Constitution was scheduled for review by Council and ARIC in August 2019 (Attachment 1). The Strategic, Risk & Business Coordinator has undertaken a preliminary review of the Constitution and prepared a draft revised Constitution (Attachment 2) and suggested 2021 Agenda Schedule (Attachment 3) for consideration by ARIC.

The draft Constitution clarifies the roles and responsibilities of ARIC as set out in the *Local Government Act 1993* (Act) and with reference to the proposed risk management and internal audit framework developed by the Office of Local Government. The draft Constitution also provides for ARIC to prepare an annual self assessment performance report.

The draft 2021 Agenda Schedule contains items to be considered at each meeting to assist ARIC in fulfilling its obligations under the Constitution and the Act. It should be noted that the meetings in the draft 2021 Agenda Schedule are based on the 2020 meeting schedule as the meeting dates for 2021 are generally finalised in November.

Risk

This review addresses the following risk issues identified in the External Audit 2019 Year End Management Letter (E2020/103):

Risk Issue	Recommendation
16: Risk Management Oversight	The ARIC should undertake a review of its Terms of Reference and identify roles and responsibilities not yet fulfilled. The ARIC Chair should prepare an annual report which assesses the Committee's performance against its Terms of Reference and provide this to Council.

Next steps

It is envisaged that the Committee will review and finalise the Constitution for adoption by Council and prepare an Agenda Schedule annually thereafter.

STRATEGIC CONSIDERATIONS**Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.7	Develop and embed a proactive risk management culture	5.6.7.4	Manage Audit, Risk and Improvement program including coordinating committee recommendations

Consultation

The draft Constitution and 2021 Agenda Schedule were endorsed by the Executive Team at the 1 July 2020 meeting.



**AUDIT, RISK & IMPROVEMENT
COMMITTEE**

CONSTITUTION

E2017/17073

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

Date Adopted by Council	23/10/08	Resolution No.	08-656
Responsibility	General Manager		
Review Timeframe	Annual		
Last Review Date:	August 2018	Next Scheduled Review Date	August 2019

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#807046		Adopted 23/10/08 Res 08-656
#847308	9/4/09	Amended Res 09-189 Ord Meeting 9/4/09
#982110	10/6/10	Amended Res 10-422
#1162057	3/11/11	Amended Res 11-873
#E2012/25442	10/12/2012	27/9/2012 Res 12-769 – New Councillor Appointment 8/11/2012 – reference to WHS Policy
#E2017/17073	15/03/2017	Legislative amendments as per Local Government Amendment Act (Governance and Planning) 2016 (NSW)
#E2017/17073	22/6/2017	Council adopted amended constitution as per the legislative requirements under the Local Government Amendment (Governance and Planning) Act 2016 NSW at its Ordinary Meeting 22 June 2017 (Resolution 17-233)
E2018/71315	27/08/2018	Included information regarding the Committee's responsibilities relating to fraud and corruption prevention, as per recommendation from Council's internal auditors.

Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993) Local Government Amendment Act (Governance and Planning) Bill 2016 – Section 428A
Related Policies	Code of Conduct Code of Meeting Practice Business Ethics Policy Work Health Safety Policy
Related Procedures/ Protocols, Statements, documents	Guide to Operations - Advisory Committees

Table of Contents

1. Authority	4
2. Objectives	4
3. Duties and Responsibilities	4
3.1. Independence	4
3.2. Secretariat	5
3.3. Financial reports	5
3.4. Internal control	5
3.5. External Audit	6
3.6. Internal Audit	6
3.7. Risk Management & Improvement	6
3.8. Compliance	6
3.9. Fraud and Corruption Prevention	7
4. Membership	7
4.1 Ex-officio members	7
4.2 Independent member skills	7
4.3 Independent member appointment process	8
4.4 Obligations of members	8
5 Powers	8
6 Reporting	8
7 Meetings	9
8 Meeting agenda	9
9 Assessing Performance	9
10 Privacy, Conflict of interest & Code of Conduct	9

Audit, Risk and Improvement Committee

1. Authority

This Constitution establishes the authority and responsibilities conferred on the Audit, Risk and Improvement Committee (Committee) by Council and establishes the role of the Committee within Council.

The Committee is an advisory Committee of the Council and does not have executive power or authority to implement actions however, the Committee will at times make recommendations to Council

The role of the Committee is, independently of management, to report to Council and provide appropriate advice and recommendations on matters concerning the good corporate governance of Council including performance improvement and risk management.

The Council and Committee are expected to review the Constitution at least annually. Only Council can amend the Constitution.

2. Objectives

The objective of the Committee is to provide professional, independent advice and assistance to Council in assessing the organisation's audit, compliance, risk and improvement performance.

The Committee assists the General Manager and Council to ensure Council maintains legal compliance and adheres to policy directions from the Office of Local Government.

The primary functions of the Committee are to ensure that:

- Business and governance systems and procedures have been established by the Executive Team and are effectively implemented;
- Appropriate risks and exposures are identified and effectively managed;
- A culture of adherence to Council policies and procedures is promoted;
- Identify and implement performance improvement measures and functions;
- Statutory compliance and fraud control is promoted and monitored;
- The audit processes (both internal and external) are effective;
- The external reporting is objective and credible;
- Monitor and review the implementation of the strategic plan, delivery program and strategies; and,
- Service reviews are conducted.

3. Duties and Responsibilities

The Committee's duties and responsibilities include, but are not limited to:

3.1. Independence

- a) Have unrestricted access to all relevant information for the conduct of audit, including documents and personnel, and have adequate resources in order to fulfil its oversight responsibilities.
- b) Have the right to seek information from the General Manager, Executive Team, elected Councillors and to consult directly with the External Auditor.

- c) External auditor to have the right of access to the Committee.
- d) Circumstances where the Committee may exclude the General Manager from a meeting while it deals with any other matter, if it considers it appropriate to do so in the circumstances of the case, as per section 376 of the Local Government Amendment Act 2016.

3.2. Secretariat

Corporate and Community Services Directorate will provide Secretariat support to the Committee through undertaking tasks including ensuring the agenda for each meeting and supporting papers are circulated at least one week period to the meeting and ensuring minutes are prepared and circulated.

3.3. Financial reports

- a) Review significant accounting, budget and reporting issues and understand their impact on the annual financial reports. These issues include:
 - i. Complex or unusual transactions and highly judgmental areas.
 - ii. Major issues regarding accounting principles and financial statement presentations, including any significant changes in the Council's application of accounting principles.
 - iii. Review and recommend all significant accounting policy changes and consider whether policies reflect appropriate principles and purpose.
- b) Review reports prepared by management setting forth significant financial reporting issues and judgments made in connection with the preparation of the financial report of the Council.
- c) Review and monitor the delivery of Council's Long Term Financial Plan.
- d) Review with management and the external auditor the results of the audit, including any difficulties encountered. This review will include any restrictions on the scope of the independent auditor's activities or on access to requested information, and any significant disagreements with management.

3.4. Internal control

- a) Have the right to enquire of the General Manager about significant risks or exposures and assess the policies and procedures being taken to minimise such risks.
- b) Review and consider whether management whether there are adequate controls and risk management procedures in place including over third parties such as contractors or advisors.
- c) Consider the effectiveness of the Council's internal control system, including information technology security and control.
- d) Understand the scope of the external auditors' reviews of internal control over financial reporting, and obtain reports on significant findings and recommendations together with management's responses.
- e) Investigate and report on any weakness in the method or system of control of Council procedures or practices.

- f) Consider and make recommendations on the organisations approach to embedding an approach to compliance, professional and lawful behaviour.

3.5. External Audit

- a) The Committee has no power of direction over external audit or the manner in which the external audit is planned or undertaken but will act as a forum for the consideration of external audit findings as well as management responses.
- b) At the completion of the annual financial statements, the Committee shall meet to review the audited General Purpose Financial Report and the Audit Report before the documents are presented to Council.
- c) The Committee shall provide input and feedback on the financial statements and performance audit proposed by external auditors.
- d) Consider significant issues raised through external audit reports and monitor to ensure appropriate course of action is taken.

3.6. Internal Audit

- a) The Internal Audit function shall be administered through the General Manager, however ultimate reporting responsibility is to the Audit Committee.
- b) Review and approve the Annual Internal Audit Plan. This plan should be risk based and its preparation to the Audit Committee conducted in accordance with input from the Executive Team, External Audit and Internal Audit.
- c) Monitor the progress of the Annual Internal Audit Plan and review all recommendations in audits completed and the General Manager's implementation of recommendations.
- d) Confirm that the systems, processes, operations and functions of Council are subject to internal audit evaluation, risk analysis and improvement highlighted and implemented.

3.7. Risk Management & Improvement

- a) Review Council's risk profile as developed by internal auditors.
- b) The Committee is to progressively review and monitor Councils risk management framework (comprising a policy, guidelines and tools) and identify opportunity for improvement.
- c) The Committee should encourage an attitude of continuous improvement throughout all aspects of business of the organisation.
- d) The Committee, through working with the General Manager, will ensure a comprehensive risk management strategy, including the policy, is applied to manage all significant risks to the organisation.

3.8. Compliance

- a) Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.

- b) Review the findings of any examinations by regulatory agencies, and any auditor observations.
- c) Review the process of communicating the Council's Code of Conduct and other corruption resistance controls to personnel, and for monitoring compliance.
- d) Obtain regular updates from management and the Council's legal representatives regarding compliance matters.
- e) Consider whether management has included legal and compliance risks as part of risk assessment and management arrangements undertaken.

3.9. Fraud and Corruption Prevention

Oversee Council's fraud and corruption prevention arrangements and:

- a) Review and discuss with management their philosophy with respect to business ethics and corporate conduct, including Council's Code of Conduct and the programme it has in place to promote and monitor compliance with that code.
- b) Monitor the level of and issues raised in relation to Public Interest Disclosures, customer complaints, and internal and external conduct investigations (for example by the Independent Commission Against Corruption).
- c) Review Council's assessment of the level of exposure to fraud and corruption.
- d) Receive and review management's strategies and controls to manage fraud and corruption risks.

4. Membership

The Committee shall comprise six members, consisting of three councillors and three relevantly qualified external representatives.

4.1 Ex-officio members

Council's General Manager and External Auditor shall be available to attend all Audit Committee meetings but are not members of the Committee and do not have voting rights.

All independent members will be appointed by Council for a term of four years.

4.2 Independent member skills

Independent members must have appropriate skills and time to fulfil their role on the Committee with skills and experience in the following areas required:

- a) Financial systems, processes and reporting;
- b) Risk Management;
- c) Governance and Compliance; and
- d) Corporate management and performance.

4.3 Independent member appointment process

Independent members shall be requested to nominate their services through a public invitation process. The initial evaluation of potential members will be undertaken by the General Manager, taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. The General Manager will then nominate selected independent members to Council for approval.

The Chairperson shall be an external member elected by a majority vote by the members of the Committee. The Committee is required to adhere to Council's Code of Conduct and Code of Meeting Practice.

4.4 Obligations of members

Members of the Committee will at all times in the discharge of their duties and responsibilities exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to the Council.

Members must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of the Council.

Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

5 Powers

- a) The Committee can propose and/or request that the General Manager conduct investigations into any matters within the Committee's scope of responsibilities.
- b) The Committee may invite ex-officio members, members of the Executive Team, other Council personnel or external parties to attend any meeting and provide pertinent information within the Committee's scope of responsibilities.
- c) The Committee has no line responsibilities for the audit function, except for the Chairperson of the Committee liaising with the General Manager on the establishment of the meeting agenda or discussion on sensitive matters and issues contained in Internal Audit Reports to the Committee.

6 Reporting

- a) The reports of meetings (Minutes) are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.
- b) Subject to section a) above, the Minutes, recommendations and a status update on the recommendations will be reported to the next Council meeting.
- c) The Committee can at any time consider any other matter it deems of sufficient importance to do so.

7 Meetings

- a) The Committee will meet at least four times per year or more frequently as circumstances require. Matters that must be discussed at a meeting include:
 - i. Review and recommendation of the Annual Internal and External Audit Plan;
 - ii. Review the Annual General Purpose and Special Purpose Financial Reports;
 - iii. Review and assess Internal Audit Progress Reports;
 - iv. Review and assess External Audit management letters;
 - v. Review and monitor Councils Risk Management Framework; and
 - vi. Any other matters within the responsibility of the Committee.
- b) The Chairperson may call a meeting if requested to do so by the General Manager, Committee member, the Internal or the External Auditor.
- c) Minutes will be taken at these meetings, detailing matters discussed and action agreed.
- d) A quorum shall be four Committee members.
- e) If the Chairperson is absent from a meeting, the first business of the meeting will be to elect a Chairperson for that meeting from the independent members present.

8 Meeting agenda

- a) It is the responsibility of the Chairperson of the Committee to set the Committee meeting agenda. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials.
- b) Agenda items for consideration at a Committee meeting can be referred to the Chairperson of the Committee by Council, the General Manager, Committee members, the Internal or External Auditor.

9 Assessing Performance

The Committee shall be subject to a review annually. The review shall be conducted by Council and the General Manager. The conduct of the assessment will be undertaken in accordance with the criteria determined by Council.

10 Privacy, Conflict of interest & Code of Conduct

- a) Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item.
- b) The Committee will comply with Council policies in relation to confidentiality, privacy and reporting. Members of the Committee will not disclose matters dealt with by the Committee to third parties except with approval of the Committee.
- c) Committee members will act in accordance with Council's Code of Conduct at all times during their appointment to the Committee.



**AUDIT, RISK & IMPROVEMENT
COMMITTEE**

CONSTITUTION **DRAFT**

[E2020/43124]

**INFORMATION ABOUT THIS DOCUMENT
(INTERNAL USE ONLY)**

Date Adopted by Council	23/10/08	Resolution No.	08-656
Responsibility	General Manager		
Review Timeframe	Annual		
Last Review Date:	[2020]	Next Scheduled Review Date	[2021]

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
#807046		Adopted 23/10/08 Res 08-656
#847308	9/4/09	Amended Res 09-189 Ord Meeting 9/4/09
#982110	10/6/10	Amended Res 10-422
#1162057	3/11/11	Amended Res 11-873
#E2012/25442	10/12/2012	27/9/2012 Res 12-769 – New Councillor Appointment 8/11/2012 – reference to WHS Policy
#E2017/17073	15/03/2017	Legislative amendments as per Local Government Amendment Act (Governance and Planning) 2016 (NSW)
#E2017/17073	22/6/2017	Council adopted amended constitution as per the legislative requirements under the Local Government Amendment (Governance and Planning) Act 2016 NSW at its Ordinary Meeting 22 June 2017 (Resolution 17-233)
E2018/71315	27/08/2018	Included information regarding the Committee's responsibilities relating to fraud and corruption prevention, as per recommendation from Council's internal auditors.
[E2020/43124]	[2020]	[Council adopted amended constitution at its Ordinary Meeting [date] (Resolution XX-XXX)]

Further Document Information and Relationships

Related Legislation	Local Government Act 1993 Local Government Amendment (Governance and Planning) Act 2016
Related Policies	Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers 2019 (E2019/859)
Related Procedures/ Protocols, Statements, documents	

Table of Contents

1. Preamble.....	4
2. Objectives	4
3. Authority	4
4. Duties and Responsibilities	4
4.1. Compliance.....	5
4.2. Risk Management.....	5
4.3. Fraud Control.....	5
4.4. Financial Management	5
4.5. Governance	6
4.6. Implementation of the Strategic Plan, Delivery Program and Strategies.....	6
4.7. Service Reviews	6
4.8. Collection of Performance Measurement Data by Council	6
4.9. Internal Audit	6
4.10. External Audit.....	6
5. Membership	7
5.1 Ex-officio members	7
5.2 Independent member skills.....	7
5.3 Independent member appointment process	7
5.4 Obligations of members.....	7
6. Meetings	8
7. Attendance at Meetings and Quorum	8
8. Privacy, Conflict of interest & Code of Conduct	8
9. Secretariat.....	8
10. Assessing Performance	9
11. Review	9

Audit, Risk and Improvement Committee

1. Preamble

The Audit, Risk and Improvement Committee (Committee) is a committee of Byron Shire Council (Council) under section 355 of the *Local Government Act 1993* (Act). The Committee is an advisory Committee of Council and does not have financial delegation.

This Constitution establishes the authority and responsibilities conferred on the Committee by Council and the role of the Committee within Council.

2. Objectives

The role of the Committee is to report to Council and provide independent advice and recommendations on matters identified in this Constitution.

The Committee has a legislated duty to keep under review the following aspects of Council's operations:

- a) Compliance
- b) Risk management
- c) Fraud control
- d) Financial management
- e) Governance
- f) Implementation of the strategic plan, delivery program and strategies
- g) Service reviews
- h) Collection of performance measurement data by Council
- i) Any other matters prescribed by the regulations made under the Act.

The Committee is also to provide information to Council for the purpose of improving Council's performance of its functions.

3. Authority

Council authorises the Committee, within the scope of its role and responsibilities, to:

- a) Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- b) Discuss any matters with the external auditor (subject to confidentiality considerations).
- c) Request the attendance of any employee or Councillor at Committee meetings.
- d) With the concurrence of the General Manager or Mayor, obtain external legal or other professional advice considered necessary to meet its responsibilities.

4. Duties and Responsibilities

Audit, Risk and Improvement Committee responsibilities are set out in the Act. The Committee has no executive powers, except those expressly provided by Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with Council and the General Manager as defined by the Act.

The responsibilities of the Committee may be revised or expanded by Council from time to time. The Committee's duties and responsibilities include, but are not limited to:

4.1. Compliance

- a) Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.
- b) Review whether management has considered legal and compliance risks as part of risk assessment and management arrangements.
- c) Review the effectiveness of the system for monitoring compliance with laws and regulations policies and procedures.
- d) Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.2. Risk Management

- a) Review whether management has in place a risk management framework that complies with current Australian risk management standards.
- b) Review whether the risk management framework operates effectively and supports the achievement of Council's strategic goals and objectives.
- c) Review whether management has integrated risk management into decision making processes and operations.
- d) Review whether management has taken steps to embed a positive risk management culture.
- e) Consider the adequacy of resources provided for risk management and whether employees are able to carry out their risk management responsibilities.

4.3. Fraud Control

- a) Review whether management's fraud and control plan and prevention strategies are adequate and effective.
- b) Review whether management has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

4.4. Financial Management

- a) Review whether management's financial management processes are adequate.
- b) Satisfy itself that the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off.
- c) Review the financial statement by Councillors and management made pursuant to section 413(2)(c) of the Act.
- d) Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- e) Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.

4.5. Governance

- a) Review whether appropriate processes and systems are in place for the management and exercise of delegations.
- b) Review whether appropriate processes and systems are in place to govern day to day activities and decision making.
- c) Review whether management has adequate internal controls over external third parties such as contractors and advisors.

4.6. Implementation of the Strategic Plan, Delivery Program and Strategies

- a) Review whether Council is achieving the objectives and goals it set out in its Community Strategic Plan and successfully implementing its Delivery Program, Operational Plan and other strategies.

4.7. Service Reviews

- a) Review the effectiveness of the service review program in improving service delivery performance.

4.8. Collection of Performance Measurement Data by Council

- a) Review whether management has adequate performance indicators and data to measure performance.

4.9. Internal Audit

- a) Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- b) Review the Internal Audit Plan and the risk methodologies used, and approve the plan.
- c) Review the progress of the Internal Audit Plan and the findings/recommendations of internal audit activities.
- d) Monitor the implementation of recommendations by management.
- e) Consider the adequacy of internal audit resources to successfully deliver the audit function.
- f) Periodically review the effectiveness of the internal audit function.

4.10. External Audit

- a) Act as a forum for communication on external audit issues.
- b) Review the findings of external audits and monitor the implementation by management any recommendations for corrective action.

5. Membership

The Committee shall comprise six members, consisting of three councillors and three relevantly qualified external representatives.

5.1 Ex-officio members

Council's General Manager and external auditor shall be available to attend all Committee meetings but are not members of the Committee and do not have voting rights.

5.2 Independent member skills

Independent members must have appropriate skills and time to fulfil their role on the Committee and, taken collectively, must have skills and experience in the following areas:

- a) Financial systems, processes and reporting;
- b) Risk management;
- c) Governance and compliance; and
- d) Corporate management and performance.

5.3 Independent member appointment process

Independent members shall be requested to nominate their services through a public invitation process. The initial evaluation of potential members will be undertaken by the General Manager, taking into account the experience of the nominees and their ability to apply appropriate analytical and strategic management skills. The General Manager will then nominate selected independent members to Council for approval.

The Chair of the Committee shall be an independent member elected by a majority vote of the members of the Committee.

All independent members shall be appointed by Council for a term of up to four years.

5.4 Obligations of members

Members of the Committee must at all times in the discharge of their duties and responsibilities exercise honesty, objectivity and probity and not engage knowingly in acts or activities that have the potential to bring discredit to Council.

Members must also refrain from entering into any activity that may prejudice their ability to carry out their duties and responsibilities objectively and must at all times act in a proper and prudent manner in the use of information acquired in the course of their duties. Members must not use Council information for any personal gain for themselves or their immediate families or any manner that would be contrary to law or detrimental to the welfare of Council.

Further, members must not publicly comment on matters relative to activities of the Committee other than as authorised by Council.

6. Meetings

- a) The Committee will meet at least four times per year, with one of those meetings to include the review of Council's financial statements and external audit opinion.
- b) The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members, Council or the General Manager may make requests to the Chair for additional meetings.
- c) An annual agenda schedule shall be agreed by the Committee each year. The agenda schedule will cover all Committee responsibilities as detailed in this Constitution.
- d) While meetings will generally be conducted in person, telephone or video conference, other methods to conduct meetings including by email communication, may be used.

7. Attendance at Meetings and Quorum

- a) A quorum shall be four Committee members.
- b) If the Chair of the Committee is absent from a meeting, the first business of the meeting will be to elect a Chair for that meeting from the independent members present.
- c) The internal auditor will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may invite ex-officio members, members of the Executive Team, the Manager Finance or other Council employees to participate for certain agenda items.
- d) The Committee members can request ex-officio members and invitees to absent themselves from all or part of the meetings where it is not appropriate for them to be present for the discussion of matters on the agenda.

8. Privacy, Conflict of interest & Code of Conduct

- a) Committee members are required to adhere to Council's Code of Conduct and Code of Meeting Practice.
- b) Committee members and invitees must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item. Details of any conflicts of interests should be appropriately noted in the minutes.
- c) Where Committee members or invitees have a real or perceived conflict of interest, it may be appropriate for them to be excused from Committee deliberations on the issues from which the conflict arises. The final arbiter of such a decision is the Chair of the Committee.
- d) The Committee must comply with Council policies in relation to confidentiality, privacy and reporting. Members of the Committee must not disclose matters dealt with by the Committee to third parties except with approval of the Committee.

9. Secretariat

Corporate and Community Services Directorate will provide secretariat support to the Committee. The secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting and will take minutes at each meeting. Minutes shall be circulated to each member of the Committee within three weeks of the meeting.

10. Assessing Performance

The Chair of the Committee shall initiate a review of the performance of the Committee annually. The review shall be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

11. Review

The Council and Committee shall review the Constitution annually. Only Council can amend the Constitution.

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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 3

Annual Agenda Schedule 2021									
Items	Details	Report Author	Frequency	Feb	May	Aug	Oct	Nov	
Compliance							Finance		
Compliance Monitoring and Reporting	Annual compliance report identifying instances of non-compliance in the previous financial year and the resulting action taken	Governance Coordinator	Annually			X			
Policy Register	Update on policy register	Governance Coordinator	Annually					X	
Risk Management									
Enterprise Risk Management	Strategic and Operational Risk Reports and enterprise risk management updates	Strategic Risk & Business Continuity Coordinator	Quarterly	X	X	X		X	
Business Continuity	Business Continuity Plan review and business continuity management updates	Strategic Risk & Business Continuity Coordinator	Annually		X				
Cyber Security	Update on cyber security incidents and IT service outages	Manager Business Systems & Technology	Quarterly	X	X	X		X	
Fraud Control									
Fraud and Corruption Control	Update on fraud and corruption controls in place and issues arising	Legal Counsel	Annually					X	
Financial Management									
Financial Statements	Present Council's annual financial statements and external audit report	Manager Finance	Annually				X		
Financial Report	Update on Council's financial position and investments	Manager Finance	Quarterly	X	X	X		X	
Governance									
Delegations	Update on delegations in place	Governance Coordinator	Annually					X	
Implementation of strategic plan, delivery program and strategies									
Integrated Planning and Reporting	Present Council's performance against the endorsed Integrated Planning & Reporting	Corporate Planning & Improvement Coordinator	Annually			X			
Service Reviews									
Service Delivery Review	Present outcomes of service delivery review	Executive Officer	As required						
Collection of Performance Measurement Data by Council									
Performance Review	Present annual report on Council's performance	Executive Officer	Annually		X				
Internal Audit									
Internal Audit Plan	Present proposed Internal Audit Plan	Strategic Risk & Business Continuity Coordinator	Annually		X				
Internal Audit Activity Report	Update on internal audit activities against the Internal Audit Plan and the status of open audit recommendations	Strategic Risk & Business Continuity Coordinator	Quarterly	X	X	X		X	
Internal Audit Review	Present the findings of internal audit reviews and agreed management actions	Strategic Risk & Business Continuity Coordinator	As required						
External Audit									
External Audit Engagement Plan	Present the annual External Audit Engagement Plan for the audit of Council's financial statements	Manager Finance	Annually	X					
Year End Audit Management Letter	Present issues identified by the external auditor and management's response	Manager Finance	Annually	X					
External Audit Activity Report	Update on the status of open external audit recommendations	Manager Finance	Quarterly	X	X	X		X	
Other									
Committee Performance Review	Review Committee's performance on a self assessment basis	Committee	Annually			X			
Committee Calendar	Review calendar and annual agenda schedule	Committee	Annually					X	

Report No. 4.2 **Annual Compliance Report 2019-2020**
Directorate: Corporate and Community Services
Report Author: Mila Jones, Governance Coordinator
File No: I2020/1055

5

Summary:

10 This report presents an update on Council's compliance with legislative reporting requirements for the 2019-2020 financial year.

RECOMMENDATION:

That the Audit, Risk and Improvement Committee notes Council's compliance with legislative reporting requirements as at 30 June 2020.

15 **Attachments:**

1 Legislative Compliance Reporting Status 2019-2020 as at 30/06/20, E2020/55206 , page 28 [↓](#)

20

REPORT

At its meeting on 14 May 2020, the Audit, Risk and Improvement Committee received a report on the new Compliance Monitoring and Reporting Framework. This report outlines Council's compliance with legislative reporting requirements for 2019-2020 and identifies any instances of non-compliance and the corrective action taken.

As a reminder, Council's Legislative Compliance Reporting Register provides:

- a system to retrospectively report on compliance.
- a systematic approach to the compliance calendar produced by the OLG but also includes various other reporting obligations including those required of environmental planning licences, Government Information (Public Access) Act, Protection of the Environment Operations Act and others.

The register itself will not ensure compliance but provides a tool to ensure Council takes a systematic and comprehensive approach to reviewing and reporting on compliance.

Information/Background:

As at 30 June 2020, the status report at Attachment 1 identifies that there were **no breaches or non-compliance** with our registered legislative reporting requirements for the full financial year 2019 to 2020. However, following are two matters that warrant an explanation within this report:

1. Councillor Remuneration

The following item has not been registered as a breach, however an explanation is provided below since the status report shows the completion date has been missed. This was the result of a late determination by the Local Government Remuneration Tribunal, which impacted on the usual due date for staff to prepare a report to Council:

Report	Legislation	Due	Reason for delay
Each council must determine the level of fees for the remuneration of Councillors each year. This is based on the Annual Report and Determination of the Local Government Remuneration Tribunal.	s 241 of the Local Government Act 1993	30 June	The Tribunal is required to make its annual determination by no later than 1 May each year. This year the determination was completed on 10 June 2020 and circulated to councils on 22 June 2020 via OLG Circular 20-23 . A Council report is scheduled for the first available Ordinary Meeting which is being held on 30 July 2020.

2. Pollution Incident

The Register indicates that there were three pollution incidents. Information provided by our Environmental Programs Officer notes that there was one other pollution incident in mid-February 2020, the impact of which, by the definition of s147 of the POEO Act, may be considered trivial since:

- Council was within its licence to discharge leachate when rainfall exceeds 300mm.
- Council ethically managed the pollution incident to minimise environmental harm.
- Council had an opportunity to release a greater amount of leachate by direction of the licence.
- Council captured and treated most of the leachate that had escaped the storage tanks in the overflow event.

The NSW EPA was notified of the incident and a report was submitted. The outcome of that incident is still pending; therefore it is still unknown whether the NSW EPA will determine whether there is an outcome of environmental harm. As at 23 July 2020, the EPA could not yet confirm whether there was any environmental harm.

5

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.10	Use business insights and strategic business planning to continuously improve (SP)	5.6.10.2	Develop a corporate compliance framework which prescribes Council's position and approach to corporate compliance

10 **Legal/Statutory/Policy Considerations**

This report meets the requirements of the Office of Local Government's proposed Risk Management and Internal Audit Framework, and Council's Corporate Compliance Framework.



15


Financial Considerations

Nil

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Consultation and Engagement

This status report was presented to the Executive Team on 29 July 2020 following consultation with relevant managers and staff for the completion of this status update.

Legislative Compliance Reporting Status as at 30 June 2020											
Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Access to Information	Access Disclosure Log	Maintain a register that records information about formal access applications (Disclosure Log)	Government Information (Public Access) Act 2009	s 25	N/A	N/A	Council	Business Systems & Technology	Annually	Ongoing	council weblink (DM980277)
Access to Information	Contributions Plans	Councils must keep certain records available for public inspection (contributions plans)	Government Information (Public Access) Act 2009		Environmental Planning and Assessment Regulation 2000	cl 37, 38		Business Systems & Technology	Annually	Ongoing	council webpage
Access to Information	DA/CDC Report	Council to keep certain records available for public inspection (DA/CDC)	Government Information (Public Access) Act 2009		Environmental Planning and Assessment Regulation 2000	cl 268		Business Systems & Technology	Annually	Ongoing	link to DA/Certificate tracker
Access to Information	Development Application Advertising	Public notice requirements in advertising of DAs	Environmental Planning and Assessment Act 1979	Sch 1 cl 8	Environmental Planning and Assessment Regulations			Sustainable Development	Weekly	Per media contract weekly	Advertised weekly in Council Notices
Access to Information	Environment Protection Licences	Maintain a public register regarding environment protection licences in accordance with section 308 of the POEO Act	Protection of the Environment Operations Act 1997	s 308	N/A	N/A	Public	Open Space & Resource Recovery	Annually	Ongoing	Link to website
Access to Information	GIPA Annual Report	GIPA Annual Report information to be included in Council's Annual Report *OLG Calendar item	Government Information (Public Access) Act 2009	s 125(1)	N/A	N/A	Council	Business Systems & Technology	Annually	30-Nov	OP 5.6.5.1
Access to Information	GIPA Annual Report	GIPA Annual Report to be lodged with the OLG (the Minister) and the Information Commissioner within 4 months of EOFY *OLG Calendar item	Government Information (Public Access) Act 2009	s 125(1)	N/A	N/A	OLG	Business Systems & Technology	Annually	31 October	E2019/80517
Access to Information	GIPA Information Guide	Council must review its publication information guide and adopt a new information guide at intervals of not more than 12 months *OLG Calendar item	Government Information (Public Access) Act 2009	s 21	N/A	N/A	Other	Business Systems & Technology	Annually	30 June	Council weblink (E2019/90213)
Access to Information	Open Access Information	Maintain a register of the open access information (if any) that is not publicly available. Maintain register for website	Government Information (Public Access) Act 2009	s 6(5)	N/A	N/A	Other	Business Systems & Technology	Annually	Ongoing	OP 5.6.5.1
Access to Information	Privacy Management Plan	Council must prepare and implement a Privacy Management Plan and provide a copy to the Privacy Commissioner each time it is amended.	Privacy and Personal Information Protection Act 1998	s 33	Privacy and Personal Information Protection Regulation 2019, Privacy Code of Practice for Local Government	s 6	Privacy Commissioner NSW	Business Systems & Technology			E2020/5151
Budget	Budget Variances	Responsible Accounting Officer (RAO) to report material budget variances from the budget to the following Council meeting *OLG Calendar item	Local Government Act 1993		Local Government (General) Regulation 2005	cl 202(b)	Council	Finance	Monthly	As required	N/A
Budget	Quarterly Budget Review 1	QBRs reported to Council by 30 Nov *OLG Calendar item	Local Government Act 1993		Local Government (General) Regulation 2005	cl 203(1)	Council	Finance	Annually	30 November	28/11/19 Council Agenda
Budget	Quarterly Budget Review 2	QBRs reported to Council by 28 Feb *OLG Calendar item	Local Government Act 1993		Local Government (General) Regulation 2005	cl 203(1)	Council	Finance	Annually	28 February	27/02/20 Council Agenda

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Budget	Quarterly Budget Review 3	QBRs reported to Council by 31 May *OLG Calendar item	<u>Local Government Act 1993</u>		Local Government (General) Regulation 2005	cl 203(1)	Council	Finance	Annually	31 May	<u>28/05/20 Council Agenda</u>
Cemeteries and Crematoria	Cemeteries Activity Statement	Councils are required to provide Annual Operator Survey and NSW Cemeteries and Crematoria Register. Key statistics on cemeteries, including number of burials and ash placements for the financial year (1 July to 30 June). eg E2019/71122	<u>Cemeteries and Crematoria Act 2013</u>	Part 5			NSW Cemeteries and Crematoria	Open Space & Resource Recovery	Annually	30-Jun	N/A (2018-2019 is E2019/71122)
Children's Services	Children's Services Reporting	Legal obligations for approved providers, nominated supervisors and educators. Accreditation by Dept of Education, Office of Early Childhood reviews compliance with many requirements eg Location/premise. Educational Program and Practice. Incidents, injury, trauma and illness (Child Safe Standards incorporated). Minimum requirements for persons in day to day charge and nominated supervisors. Staffing arrangements. Educational Leader. Age and supervision requirements. Minimum number of Educators as per licensed capacity. Staffing qualifications, and more	Education and Care Services National Law		Education and Care Services National Regulations 2018		NSW Department of Education, Office of Early Childhood	Social & Cultural Planning	N/A	As required by NSW Department of Education	Most recent accreditation outcome and reading received on 9-10/10/2018. Awaiting date of next accreditation.
Citizenship	Citizenship Ceremonies	Provision relating to Council holding at least 5 Citizenship ceremonies per year. Reporting to Home Affairs on attendance			Australian Citizenship Regulation 2016 (Cth), Australian Citizenship Ceremonies Code		Other	Corporate Services	Annually	As required	OP 2.1.5.2 - 7 ceremonies held (as at April 2020)
Cleaning	Graffiti Removal Work Register	Maintain a register of graffiti removal work	<u>Graffiti Control Act 2008</u>	s 13	N/A	N/A		Works	Annually	Not applicable	40 requests made. Works registered in CRM system in Authority
Concessions	Pensioner Concessions	Closing date for Pensioner Concession subsidies claims *OLG Calendar item	N/A	N/A	N/A	N/A	OLG	Finance	Annually	2 October	E2019/72575
Conduct	Code of Conduct Complaints	Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager. Refer Procedures of the Administration of the Code of Conduct clauses 11.1 for reports to Council and cl11.2 for report to OLG on complaint statistics *OLG Calendar item	<u>Local Government Act 1993</u>	s 440AA	Local Government (General) Regulation 2005	N/A	Council and OLG	Legal Counsel	Annually	31 December	Reporting Register is E2016/34212
Conduct	Corrupt conduct suspected	Report suspected corrupt conduct to ICAC. Provisions relating to Council's responsibility to promote integrity and accountability of public administration by investigating, exposing and preventing corruption.	<u>Independent Commission Against Corruption Act 1988</u>	ss 10, 11	Independent Commission Against Corruption Regulation 2017	N/A	ICAC	General Manager	Each incident	As required	N/A

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Conduct	Delegations	Council must review all its delegations during the first 12 months of each term of office *OLG Calendar item	Local Government Act 1993				Council	Corporate Services	Within 12 months of Ordinary Council Elections	Mid September	N/A
Conduct	Disclosures of Interest	Councillors political donations to be disclosed on councils' website (via link to Electoral Commission site)	Local Government Act 1993	s 328A				Corporate Services	NA	ongoing	Link to website
Conduct	Disclosures of Interest	Lodge completed Pecuniary Interest returns for Councillors & designated persons who held office at 30 June *OLG Calendar item	Local Government Act 1993	s 440	N/A	N/A	Council	Corporate Services	Annually	30 September	17/10/2019 Council Meeting minutes refer pg 5
Conduct	Disclosures of Interest	Lodgment of Pecuniary Interest returns for newly elected Councillors *OLG Calendar item	Local Government Act 1993	s 440AAB	N/A	N/A	Council	Corporate Services	4 yearly	Within 3 months of election	N/A
Contracts	Contracts Register	Maintain a register of contracts \$150,000 or more. Maintain register for website	Government Information (Public Access) Act 2009	s 27(1)	Local Government (General) Regulation 2005	cl 217(1)(a2)	Other	Corporate Services	Annually	Ongoing	Register of contracts online
Contracts	Environmental Protection Licence 6057 - Myocum Landfill	Council must provide an offsets report accompanied by a prescribed audit report prepared by a registered greenhouse and energy auditor - 3rd and final subsequent audit. Assurance on claim for carbon credits under the Carbon Farming Initiative / Emissions Reduction Fund Environmental Protection Licence 6057 - Myocum Landfill	Carbon Credits (Carbon Farming Initiative) Act 2011	s23(d), s76 4c	Carbon Farming (Capture and Combustion of Methane in Landfill Gas from Legacy Waste) Methodology Determination 2012		Clean Energy Regulator	Open Space & Resource Recovery	Audit schedule	15 February 2022	E2019/48291 & E2019/45854
Contracts	Environmental Protection Licence 6057 - Myocum Landfill	Council must provide the Regulator an offsets report for a period that is expressed to be a reporting period for the project. An authorised representative can only apply for an abatement statement. The Myocum Landfill Gas Extraction project captures and combusts the landfill gas collected. Council has a Carbon Abatement Contract (CAC102122) with the Clean Energy Regulator which generates Carbon Credits to ANREU (AU1373) Environmental Protection Licence 6057 - Myocum Landfill	Carbon Credits (Carbon Farming Initiative) Act 2011	s12, s23, s75-76, s192	Carbon Farming (Capture and Combustion of Methane in Landfill Gas from Legacy Waste) Methodology Determination 2012		Clean Energy Regulator	Open Space & Resource Recovery	Min. 6 mths and Max. 2 yrs	31 May	E2019/45856
Control of companion animals	Animal Registration	All registration fees receipted during the month must be entered into the Companion Animals Register in that month. Registration fees must be remitted to the OLG as detailed on monthly invoices issued *OLG Calendar item	N/A	N/A	N/A	N/A	OLG	Business Support & Community Enforcement	Monthly	Monthly	see Companion Animal Register

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Control of companion animals	Dog attacks	Council is required to report on any dog attacks they are made aware of to the OLG within 72 hours of being notified via the Companion Animal Register *OLG Calendar item	<u>Companion Animals Act 1998</u>		Companion Animals Regulation 2018	<u>cl 31(3)</u>	OLG	Business Support & Community Enforcement	Within 72 hours of attack	As required	see Companion Animal Register
Control of companion animals	Pound Data Report	Survey of seizures of cats and dogs due *OLG Calendar item	<u>Companion Animals Act 1998</u>		N/A	N/A		Business Support & Community Enforcement	Annually	31 August	E2019/963068
Councillor Support	Councillor Remuneration	Each council must determine the level of fees for the remuneration of Councillors each year. This is based on the Annual Report and Determination of the Local Government Remuneration Tribunal.	<u>Local Government Act 1993</u>	s 241	N/A	N/A	Council	Corporate Services	Annually	30 June	Report from Tribunal was delayed to June 2020 (instead of May 2020). Reporting to Council at first possible Ordinary Meeting on 30/07/2020
Development Control	Local Strategic Planning Statement	Each council will prepare a local strategic planning statement (LSPS) which will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future. The statements will implement actions in the regional and district plans, and the council's own priorities in the community strategic plan it prepares under local government legislation. The statements will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main tool to deliver the council and community's plan.	Environmental Planning and Assessment Act 1979	Part 3			Council, Dept PIE	Environmental & Economic Planning	7 years	30 June	<u>Ordinary Planning Meeting Res 20-287 endorsed LSPS</u>

E2020/26496

4 of 14

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Development Control	SEPP 1 Variations	Report on SEPP 1 Variations as required by the NSW Department of Planning Circular. For reporting on exceptions to development standards for applications made under Clause 4.6 of the Standard Instrument LEP and Clause 6 of SEPP 1. SEPP 1 applies to development applications submitted under Byron Local Environmental Plan 1988. Clause 4.6 applies to development applications submitted under Byron LEP 2014. Requirements are to: 1. Maintain public register on Council's website (https://www.byron.nsw.gov.au/Services/Building-development/Development-applications/Variations-to-development-standards); 2. Report of all variations approved (including under delegation) submitted through the NSW Planning Portal (https://www.planningportal.nsw.gov.au/reporting/online-submission-planning-data) within four weeks of the end of each quarter; 3. A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter			Planning Circular PS20-002		Council, Dept of Planning	Sustainable Development	Quarterly	March, June, September and December	Council website register updated; reports to Dept of Planning: To 30 Sept E2019/81029, To 31 Dec E2020/17055, to 31 Mar E2020/25845, 30 June due to Dept of Planning on 28/07/20 via portal.
DIAP	Disability Inclusion Action Plan	Council must have a plan (a <i>disability inclusion action plan</i>) setting out the measures it intends to put in place (in connection with the exercise of its functions) so that people with disability can access general supports and services available in the community, and can participate fully in the community.	Disability Inclusion Act 2014	s12	Disability Inclusion Regulation 2014		Department of Communities and Justice	Social & Cultural Planning	Updated as required	Updated as required	Within Delivery Program 2017-2021
DIAP	Disability Inclusion Action Plan - Consultation	Council must consult with people with disability in development of their DIAP	Disability Inclusion Act 2014	s12	Disability Inclusion Regulation 2014		Department of Communities and Justice	Social & Cultural Planning	As required	As required	N/A
DIAP	Disability Inclusion Action Plan - Implementation Report	Council must, as soon as practicable after preparing its annual report, give the Minister a copy of the part of the annual report relating to the department's or council's report on the implementation of its disability inclusion action plan.	Disability Inclusion Act 2014	s13	Disability Inclusion Regulation 2014		Department of Communities and Justice	Social & Cultural Planning	Annually	31 December	Link to Annual Report - ref pg 69
DIAP	Disability Inclusion Action Plan - Review	A public authority must review its disability inclusion action plan before the end of each 4-year period after the day the authority is required to have the plan.	Disability Inclusion Act 2014	s14	Disability Inclusion Regulation 2014		Department of Communities and Justice	Social & Cultural Planning	4 yearly		N/A

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Drinking Water	Drinking Water Management Plan Annual Report	The Public Health Act 2010 and the Public Health Regulation 2012 require drinking water suppliers to have and comply with a 'quality assurance program' (or drinking water management system). This requirement applies to water suppliers defined in the Act, including water utilities, private water suppliers and water carters. The DWMS must be internally reviewed by the water utility at least annually and a report provided to the local Public Health Unit (PHU)	<u>Public Health Act 2010</u>	Part 3, Div 1, Section 25	Public Health Regulation 2012	Part5, Div 2		Utilities	Annually	Not applicable	E2018/56990
EEO	EEO Management Plan	Councils must prepare and publish an EEO Management Plan. They must also report on implementation of the plan in their annual report.	<u>Local Government Act 1993</u>	s 345	Local Government (General) Regulation 2005	cl 217(1)(a9)	Public	People & Culture	Annually	30 June	Link to Annual Report
Environment Protection	Environment Protection Licence 13266 - Brunswick Valley Sewerage Treatment Plant	Brunswick Valley Sewerage Treatment Plant EPL 13266 return to EPA. #E2019/44332 Annual Report to determine environmental management category and calculate annual licence administration fee.	<u>Protection of the Environment Operations Act 1997</u>	s63	N/A	N/A	Other	Utilities	Annually	Not applicable	E2019/44332
Environment Protection	Environment Protection Licence 2522 - Bangalow Sewerage Treatment Plant	Bangalow Sewerage Treatment Plant EPL 2522 return to EPA. #E2019/44076 Annual Report to determine environmental management category and calculate annual licence administration fee.	<u>Protection of the Environment Operations Act 1997</u>	s63	N/A	N/A	Other	Utilities	Annually	Not applicable	E2019/44076
Environment Protection	Environment Protection Licence 3404 - Byron Bay Sewerage Treatment Plant	Byron Bay Sewerage Treatment Plant EPL 3404 return to EPA. #E2019/43953 Annual Report to determine environmental management category and calculate annual licence administration fee.	<u>Protection of the Environment Operations Act 1997</u>	s63	N/A	N/A	Other	Utilities	Annually	Not applicable	E2019/43953
Environment Protection	Environment Protection Licence 784 - Ocean Shores Sewerage Treatment Plant	Ocean Shores Sewerage Treatment Plant EPL 784 return to EPA. #E2019/44857 Annual Report to determine environmental management category and calculate annual licence administration fee.	<u>Protection of the Environment Operations Act 1997</u>	s63	N/A	N/A	Other	Utilities	Annually	Not applicable	E2019/44857
Environment Protection	Environment Protection Licences - 6057 Myocum Landfill and 13127 Byron Resource Recovery Centre	Monthly prepare waste tonnage data for waste levy contribution reporting in the NSW EPA Waste and Resource Recovery Portal. The POEO Act requires Council's licenced waste facilities to pay a contribution for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery. EPL 6057 and EPL 13127	Protection of Environment Operations Act 1997	s88	Protection of the Environment Operations (Waste) Regulation 2014	c22	NSW EPA	Open Space & Resource Recovery	Monthly	By 16th of following month	(Via NSW EPA 'WaRRP' portal) https://warrp.epa.nsw.gov.au/Default.aspx

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Environment Protection	Environmental Protection Licence 6057 - Myocum Landfill	Biannually prepare data for a Volumetric Survey Report at Myocum Landfill facility. Volumetric surveys provide the EPA with information relating to the: rate at which available landfill capacity is being consumed; management of stockpiles of waste awaiting recycling or processing; functioning of the waste levy (levy) system. Environmental Protection Licence 6057 - Myocum Landfill	Protection of Environment Operations Act 1997	s88	Protection of the Environment Operations (Waste) Regulation 2014	c10A, c23- 24, c33	NSW EPA	Open Space & Resource Recovery	Semiannual	June & December each year	o Volumetric Survey E2020/29461 & E2020/29462 o EPA 6 monthly Data E2020/29460
Environment Protection	Pollution Incident	Any pollution incident that meets the definition of 'causing or threatening material harm to the environment' must be reported. Incidents that involve the contamination of land or becoming aware of contamination of land, must be reported, if the contamination meets stated criteria.	Protection of Environment Operations Act 1997 Contaminated Land Management Act 1997	s148 and 151 s60			NSW EPA	All	For each notifiable incident	Immediately after becoming aware	3 incidents self reported to EPA: Bangalow STP 18/02/20 E2020/55115, Brunswick Valley STP 24/06/20 E2020/50510, Ocean Shores STP 18/02/20 E2020/11950
Environment Protection	Pollution Incident Response Management Plan	Prepare and test a Pollution Incident Response Management Plan for each licence activity. Licensees are required to prepare pollution incident response management plans for each licensed activity, in accordance with the requirements set out in Part 5.7A of the POEO Act.	Protection of Environment Operations Act 1997	s148, s153A-153F	Protection of the Environment Operations (General) Regulation 2009	Part 3A	NSW EPA	Open Space & Resource Recovery			E2018/79180
Environment Protection	Waste Levy Deduction	Monthly prepare Operational Purpose Deductions to claim a deduction from the waste levy for any waste the occupier uses. A scheduled waste facility may apply to the EPA for approval to use at the facility any waste received from off-site for the purpose of roads or other construction works.	Protection of Environment Operations Act 1997	s88	Protection of the Environment Operations (Waste) Regulation 2014	s14-15, s18, s30	NSW EPA	Open Space & Resource Recovery	Monthly	Maximum of two years from date of acceptance	(Via NSW EPA 'WaRRP' portal) https://warrp.epa. nsw.gov.au/Default. aspx
Financial data	Audited Financial Statements	Audited financial statements & Financial Data Returns are to be lodged with OLG	<u>Local Government Act 1993</u>	s417(5)	Local Government (General) Regulation 2005	Regs 52-66	OLG	Finance	Annually	31 October	E2019/82097
Financial data	Audited Financial Statements	Audited Reports to be presented to the public *OLG Calendar item	<u>Local Government Act 1993</u>	s418	Local Government (General) Regulation 2005	reg 137, 144	Public	Finance	Annually	5 December	<u>Council Meeting 24/10/19 Res 19- 542</u>
Financial data	Audited Financial Statements	Notice of presentation of audited Financial Reports due by 28 November *OLG Calendar item	<u>Local Government Act 1993</u>	s 418(2)	N/A	N/A	Public	Finance	Annually	28 November	<u>Council Meeting 24/10/19 Res 19- 542</u>
Financial data	Ledger Balances	Last day for council's ledgers to be balanced and a list balances to be prepared for six-monthly inspections by council's auditor *OLG Calendar item	<u>Local Government Act 1993</u>	N/A	Local Government (General) Regulation 2005	cl 228(2)(a)	Auditors	Finance	Annually	31 January	This task is completed by Auditors

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Financial data	Proposed Loan Borrowings	Proposed Loan Borrowings Return to be submitted to TCORP *OLG Calendar item	N/A	N/A	Local Government (General) Regulation 2005	cl 230	TCORP	Finance	Annually	5 July	E2019/50628
Fire safety	Fire Safety - Inadequate Provisions Report	Fire safety inspection report - if inadequate provisions for fire safety, council must table any report and recommendations it receives to the next meeting of council in order to determine whether it will exercise its powers to give a fire safety order	<u>Environmental Planning and Assessment Act 1979</u>	s 9.32, table to Part 2 of Sch 5, Part 8 cl 17	Environmental Planning and Assessment Regulations		Council	Sustainable Development		As required	N/A
Food Authority	Food Authority Report	Council must report to the Food Authority on it's enforcement actions in accordance with the Food Regulation Partnership requirements.	Food Act 2003					Sustainable Development			E2019/55754
Grant data	Grants Commission Genral Data Return	Electronic lodgment of Grants Commission General Data Returned *OLG Calendar item	<u>Local Government Act 1993</u>	s 613	N/A	N/A	Grant Commission	Finance	Annually	30 November	E2019/75258
GST Reporting	GST Certificate	GST Certificate to be submitted to OLG - 31 July *OLG Calendar item	<u>Local Government Act 1993</u>		N/A	N/A	OLG	Finance	Annually	31 July	E2019/55452
Investments	Investment Report	Responsible Accounting Officer (RAO) to prepare a written report monthly for Council on money invested under s 625 of the LG Act *OLG Calendar item	<u>Local Government Act 1993</u>	s 625	Local Government (General) Regulation 2005	cl 212	Council	Finance	Monthly	Each Ordinary Meeting date	<u>Council agendas online</u>
IP&R	Annual Report	Annual Report to be furnished to the Minister (by submitting to the Division of Local Government) and posted on Council's website *OLG Calendar item	<u>Local Government Act 1993</u>	s 428(5) s 428(1 & 2) s 428(4)(a) s 54P(1) s 67(3)	Local Government (General) Regulation 2005	8(2) 13(1) 18(4) 22f(2) 31 93G(1) 125(1) 132 217(1) (a) 217(1) (a1) 217(1) (a2) 217(1) (a3) 217(1) (a4) 217(1) (a5) 217(1) (a6) 217(1) (a7) 217(1) (a8) 217(1) (a9) 217(1) (b) 217(1) (c) 217(1) (e) 217(1) (e1) 217(1) (f) 220ZT(2) III	OLG	Corporate Services	Annually	30 November	<u>Link to document on website</u>
IP&R	Community Strategic Plan	Community Strategic Plan reviewed and updated *OLG Calendar item	Local Government Act 1993	N/A	N/A	N/A	Council	Corporate Services	4 yearly	30 June following election	N/A

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
IP&R	Delivery Program	Delivery Program reviewed and updated *OLG Calendar item	Local Government Act 1993	s.404(1-4)	IP&R Guidelines		Council	Corporate Services	4 yearly	30 June following election	N/A
IP&R	Operational Plan	Operational Plan adopted	Local Government Act 1993	s 405(1)	N/A	N/A	Council	Corporate Services	Annually	30 June	2019-2020
IP&R	Operational Plan	Operational Plan reviewed and updated *OLG Calendar item	Local Government Act 1993	N/A	N/A	N/A	Council	Corporate Services	Annually	30 June	N/A
IP&R	Resourcing Strategy	Resourcing Strategy reviewed and updated *OLG Calendar item	Local Government Act 1993	N/A	N/A	N/A	Council	Corporate Services	4 yearly	30 June following election	N/A
IP&R - Resourcing Strategy	Asset Management Strategy	Asset Management Planning (10yrs) as part of IP&R Resourcing Strategy (10 years) (Asset Management Policy, Asset Management Strategy and Asset Management Plan)	Local Government Act 1993	s.403(2)	IP&R Guidelines		Council	Assets & Major Projects	10 years	30 June	NA
IP&R - Resourcing Strategy	Long Term Financial Plan	Long Term Financial Plan (10yrs) as part of IP&R Resourcing Strategy (10 years)	Local Government Act 1993 / IP&R Guidelines	s 403(2)			Council	Finance	4 yearly	30-Jun	N/A
IP&R - Resourcing Strategy	Workforce Management Strategy	Workforce Management Strategy (4yrs) as part of IP&R Resourcing Strategy (10 years)	Local Government Act 1993 / IP&R Guidelines	s.403(2)				People & Culture	4 yearly	30 June	N/A
Land value	Estimates of changes in value of land	Requests to Valuer General for estimates of changes in value of land for supplementary valuations by 31 May *OLG Calendar item	Local Government Act 1993	s 513(1)	N/A	N/A	Valuer General	Finance	Annually	31 May	Not required
Learning and development	Training Plan	Training plan required under the Local Govt (State) Award following consultation with the Consultative Committee. Action arising to be included in the Workforce Mgmt Plan & DP & OP, as appropriate *OLG Calendar item	Local Government Act 1993	s 403(2)	Local Government (State) Award 2017	cl 31(iii)(a)		People & Culture	Annually	N/A	E2020/28205
LG Elections	Elections arrangements	Last date for Councils to resolve who is conducting their next Ordinary Elections (18 months before next election)	Local Government Act 1993	s 296AA	N/A	N/A	Council	Corporate Services	4 yearly	18 months before next election	N/A Election postponed
LG Elections	Elections arrangements	Last date to enter into an arrangement with the NSW Electoral Commission for Council's next Ordinary Election (15 months before next election)	Local Government Act 1993	s 296(3)(b)	N/A	N/A	Other	Corporate Services	4 yearly	15 months before next election	N/A Election postponed
LG Elections	Non-residential Roll	Councils to provide non-residential roll to electoral office prior to election	Local Government Act 1993	s 303			Other	Corporate Services	4 yearly	Approx May 2021	N/A
LG Elections	Survey of Election Candidates	Ordinary Elections: Survey of Candidates and Councillors. Refer OLG Circular 16-40 and E2016/94569 *OLG Calendar item	Local Government Act 1993		N/A	N/A	Office of Local Government	Corporate Services	4 yearly		N/A

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Liquid trade waste	Liquid Trade Waste Annual Report	Liquid trade waste annual reporting by LWUs to DPI Water and EPA, detailing discharges approved with assumed concurrence. Bangalow STP, Byron STP, Brunswick Valley STP, Ocean Shores STP. eg E2019/15246 It is a condition of the authorisation for automatic assumed concurrence that Council must provide DPIE with a list of the liquid trade waste dischargers it has approved as Concurrence Classification A.			Liquid Trade Waste Regulation Guidelines	E2019/80269 Page 14	Other	Utilities	Annually	Not applicable	E2019/15246
Local approvals	Local Approvals Policy	Review of Local Approval Policies (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election. *OLG Calendar item	Local Government Act 1993	s 165(4)	N/A	N/A	Other	Sustainable Development	4 yearly	September 2022	E2018/114185
Local road data	ALGA National Local Road Data System Return	Lodgment of ALGA's National Local Road Data System Return (Grants Commission) *OLG Calendar item	Local Government Act 1993	N/A	N/A	N/A	NSW Local Government Grants Commission	Works	Annually	30 November	E2020/59193
Maintaining AFSS register and reminders	Annual Fire Safety Statements	For BCA building classes 1b to 9, councils to maintain register of annual fire safety statements and send reminder letters to owners.	Environmental Planning and Assessment Act 1979	s 157 10.13	Environmental Planning and Assessment Regulation 2000			Sustainable Development	Ongoing	Ongoing	Authority Register maintained
Organisation structure	Organisation Structure	Re-determine organisation structure within 12 months after any Ordinary election of the Council *OLG Calendar item	Local Government Act 1993	s 333	N/A	N/A		People & Culture	Within 12 months of Ordinary Council Elections	30 September	N/A
Organisation structure	Senior Staff	Councils should notify the OLG of any senior staff or address changes via e-mail to enable updating of the directory *OLG Calendar item	N/A	N/A	N/A	N/A	OLG	Corporate Services	Annually	As required	N/A
Performance and Reporting	Delivery Program Progress Report	Delivery Program progress report (2nd half of year) provided to Council at least every 6 months - presented to September Council meeting *OLG Calendar item	Local Government Act 1993	s 404(5)	N/A	N/A		Corporate Services	Annually		22/8/2019 Agenda
Performance and Reporting	Delivery Program Progress Report	Delivery Program progress reports (1st half of year) provided to Council at least every 6 months - presented to March Council Meeting *OLG Calendar item	Local Government Act 1993	s 404(5)	N/A	N/A	Council	Corporate Services	Quarterly	31/03/2020	27/2/20 Agenda
Performance and Reporting	End of Term Report	End of Term Report to be tabled at last meeting of outgoing Council - 31 Aug. Part of IP&R requirements *OLG Calendar item	Local Government Act 1993	s 428(2)	N/A	N/A	OLG	Corporate Services	Annually	31 August	N/A
Performance and Reporting	Long Term Financial Plan	Long Term Financial Plan must be updated as part of the development of the Operational Plan - 30 June *OLG Calendar item	Local Government Act 1993	s 405(1)	N/A	N/A	Council	Finance	Annually	30 June	OP Activity 5.4.5.4

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Pesticide use	Pesticide Use Notification Plan	Public authorities (including local councils) are required to prepare and finalise a pesticide use notification plan, notify the EPA of the plan's existence, and give public notice of any planned use of pesticides according to the plan when using pesticides on land owned by that authority.	<u>Pesticides Act 1999</u>		Pesticides Regulation 2017	cls 40-44	EPA and public	Open Space & Resource Recovery	Ongoing	Ongoing	<u>Pesticide information on website</u>
Policies	Expenses and Facilities Policy	Policy on payment of expenses and provisions of facilities for Mayors & Councillors to be adopted *OLG Calendar item	<u>Local Government Act 1993</u>	s 252	N/A	N/A	Council	Corporate Services	4 yearly	Mid September	N/A
Political contributions	Votes on Planning Matters	Provisions relating to Councils requirement in terms of recording political donations and voting on planning matters. The GM is required to keep a register of Councillors' disclosures of political donations. If not complied with, GM to report to OLG. Council must also maintain a register recording the votes on planning matters.	<u>Local Government Act 1993</u>	ss 328A, 328B and 375A				Sustainable Development	Ongoing	Ongoing	<u>Council Meeting minutes and Council link to Electoral Office for political donations register</u>
Public Interest Disclosures	Public Interest Disclosures 1	PID first half yearly report lodged with the NSW Ombudsman *OLG Calendar item	<u>Public Interest Disclosures Act</u>	s 6CA	N/A	N/A	NSW Ombudsman	Legal Counsel	Annually	31 July	lodged 29/7/19
Public Interest Disclosures	Public Interest Disclosures 2	PID second half yearly report lodged with the NSW Ombudsman *OLG Calendar item	<u>Public Interest Disclosures Act</u>	s 6CA	N/A	N/A	NSW Ombudsman	Legal Counsel	Annually	31 January	lodged 10/2/20
Public Interest Disclosures	Public Interest Disclosures Annual Report	PID Annual Report of obligations to be lodged with the OLG (the Minister) and Ombudsman *OLG Calendar item	<u>Public Interest Disclosures Act</u>	s 31	N/A	N/A	OLG	Legal Counsel	Annually	31 October	E2019/56887
Rates Installments	Making of the Rate	Last day for making rates - 31 July *OLG Calendar item	<u>Local Government Act 1993</u>	s 533	N/A	N/A		Finance	Annually	31 July	<u>Council Meeting 27/06/19 Resolution 19-294</u>
Rates Installments	Rates Installments 1	First quarterly rates installment notice to be sent 31 July (due by 31 August) *OLG Calendar item	<u>Local Government Act 1993</u>	s 562(5), s 562(3)(b)	N/A	N/A	Public	Finance	Annually	31 July	sent 11/07/2019
Rates Installments	Rates Installments 2	Second quarterly rates installment notice to be sent 31 October (due by 30 November) *OLG Calendar item	<u>Local Government Act 1993</u>	s 562(5), s 562(3)(b)	N/A	N/A	Public	Finance	Annually	31 October	date met
Rates Installments	Rates Installments 3	Third quarterly rates installment notice to be sent 31 January (Due 28 February) *OLG Calendar item	<u>Local Government Act 1993</u>	s 562(5), s 562(3)(b)	N/A	N/A	Public	Finance	Annually	31 January	date met
Rates Installments	Rates Installments 4	Fourth quarterly rates installment notice to be sent 30 April (due 31 May) *OLG Calendar item	<u>Local Government Act 1993</u>	s 562(5), s 562(3)(b)	N/A	N/A	Public	Finance	Annually	30 April	date met
Rates Installments	Service of rates and charges	Rates levied by service of rates and charges notice by 1 August *OLG Calendar item	<u>Local Government Act 1993</u>	s 546	N/A	N/A		Finance	Annually	1 August	Complete 11/7/19

2020/26496

11 of 14

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Returns of interest	Annual Return of Land and Stock	Lot 1 Dingo Lane - Easement Council is required to submit an annual return of land and stock to Local Land Services.	Local Land Services Act 2013	s58			NSW LLS	Open Space & Resource Recovery	Annually	31 August	E2019/57427
Roads	Naming of roads	Naming of roads - submission to Geographical Names Board for approval and registration	Roads Act 1993	Part 10 Div 4 Sec 162 (3)	Roads Regulation 2018	Part 2 Div 1 Sec (7)		Works			2 Gazettals E2019/81140, E2019/66452
Roads and bridges data	Roads and Bridges Data Return	Roads and Bridges Data Return (Grants Commission) (eg E2019/67198 request for data) *OLG Calendar item	N/A	N/A	N/A	N/A	NSW Local Government Grants Commission	Assets & Major Projects	Annually	30 September	26/9/2019 Submitted by E Elford (refer note in CM9 attached to E2019/67198)
Senior staff contracts	Performance Review of Senior Staff	Review of General Manager's and other senior staff performance, undertake contract renewal process subject to the terms of the relevant contract/s *OLG Calendar item	Local Government Act 1993	s 338	N/A	N/A	Council	People & Culture	Annually	As required	Reviews undertaken and saved to staff (confidential) personnel files
Statement of Compliance	Environmental Protection Licence 12600	Environmental Protection Licence 12600: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. Supplementary reports include four surface water monitoring reports. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition.	Protection of Environment Operations Act 1997	s42-88, s66			NSW EPA	Works & Resource Recovery	Annually	31 December	E2019/92146
Statement of Compliance	Environmental Protection Licence 13127 - Resource Recovery	Environmental Protection Licence 13127: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition. Environmental Protection Licence 13127 - Resource Recovery	Protection of Environment Operations Act 1997	s42-88, s66	Protection of the Environment Operations (Waste) Regulation 2014	s26-28, s31- 33, s36-37	NSW EPA	Open Space & Resource Recovery	Annually	2 October	E2019/7133

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Statement of Compliance	Environmental Protection Licence 6057 - Myocum Landfill	Environmental Protection Licence 6057: Licensees are required to submit an annual return to the EPA annually. The annual return includes a statement of compliance with the licence conditions and a report of the pollution monitoring of the pollutant loads generated by the activity undertaken at the premises. Supplementary reports include two noise reports, twelve landfill gas reports, four surface water monitoring reports, four groundwater monitoring reports and four leachate monitoring reports. The EPA issues environment protection licences to Council under the POEO Act. Licence conditions relate to pollution prevention and monitoring, and cleaner production through recycling and reuse and the implementation of best practice. Licensees are required to publish pollution monitoring data that has been collected as a result of a licence condition. Environmental Protection Licence 6057 - Myocum Landfill	Protection of Environment Operations Act 1997	s42-88, s66	Protection of the Environment Operations (Waste) Regulation 2014	s26-28, s31-33, s36-37	NSW EPA	Open Space & Resource Recovery	Annually	1 November	E2019/7913
Waste strategy	Domestic Waste Annual Charge	Council may make an annual charge for waste management services. Council levy an annual charge for the provision of domestic waste management services a) domestic rateable land and the waste facility. *OLG Calendar item	Local Government Act 1993	s68 s396, s501, s504- 508			Office of Local Government	Open Space & Resource Recovery	Annually	1 July	E2019/49206
Waste strategy	Environment Protection Licences - 6057 Myocum Landfill and 13127 Byron Resource Recovery Centre	Annually prepare data for the National Environment Protection Council (NEPC) to support reporting against the National Environment Protection Measures (NEPM). The Local Government Waste and Resource Recovery (WARR) survey collects data from all NSW local councils on their waste and recycling collection services. The annual survey provides a comprehensive dataset to inform stakeholders, EPA programs and legislative requirements. This report provides data about domestic waste and recycling in the Shire. Helps local councils and industry measure the success of programs and make evidence-based decisions about waste and recycling. It also helps the NSW Environment Protection Authority (EPA) monitor waste and recycling levels across the state. EPL 6057 and EPL 13127	National Environment Protection Council Act 1994, Waste Avoidance and Resource Recovery Act 2001	s7, s14 (NEPC Act) s12 (WARR Act)	National Environment Protection Measures		NSW EPA	Open Space & Resource Recovery	Annually	31 August	E2020/21355

BYRON SHIRE COUNCIL

Report			Legislation		Regulations		Requirement				2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Water Utilities	Water Utility National Performance Annual Report	National performance reports benchmark the pricing and service quality of Australian water utilities. Indicators include water resource supply and usage, financial operations, bills and pricing, assets, water quality compliance and customer performance. Published annually and prepared independently by the Bureau, State and Territory governments, and the Water Services Association of Australia, the reports support commitments under the National Water Initiative			National Water Initiative			Utilities	Annually	Not applicable	E2020/25606
Work Health and Safety	Workplace Health and Safety Incident	Any serious injury or illness, death or dangerous incident arising out of the conduct of the workplace, that meets the definitions of 'notifiable incident', must be reported.	Work Health Safety Act 2011 (Cth)	ss 35-38			SafeWork NSW	All	For each notifiable incident	Immediately after becoming aware	6 incidents reported: 26/8/19, 25/11/19, 3/2/20, 17/2/20, 13/3/20, 17/4/20

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 **CONFIDENTIAL - Risk Management- Update**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/953

Summary:

The purpose of this report is to provide an update on the Enterprise Risk Management framework.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Risk Management- Update.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Risk Management

Attachments:

- 1 Risk Reports (Quarter 4 2020), E2020/49108

Report No. 5.2 **CONFIDENTIAL - Audit Progress Report - August 2020**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/954

5

Summary:

10 This report presents the Internal Audit Activity Report – August 2020 prepared by Council and the Internal Auditor, O'Connor Marsden and Associates (OCM).

15 The activity report contains the remaining recommendations from each audit review conducted by Council's previous internal audit provider as well as recommendations from recently completed audit reviews conducted by OCM.

RECOMMENDATION:

- 20 1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Audit Progress Report - August 2020.
- 25 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
- 30 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

nature and content of audit report is for operational purposes

Attachments:

- 1 Internal Audit Activity Report - August 2020, E2020/60577

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Report No. 5.3 CONFIDENTIAL - Cyber Security and System Outages Quarterly Update**Directorate:** Corporate and Community Services**Report Author:** Colin Baker, Business Systems and Technology Coordinator**File No:** I2020/1113**Summary:**

This report provides a summary for cyber security incidents and IT service outages.

No significant cyber incidents or extended IT service outages have been reported during the period of 1 April 2020 to 30 June 2020.

Two cyber security events occurred during this period:

1. An internal review of administrator level privileges
2. Remediation work in response to an alert issued by Cyber Security NSW. Three actions from this alert were recommended for immediate action as detailed below:

Recommendation	Council Response
Scan all endpoints to ensure systems have not been compromised	Council does not have a network scanning tool in place. But an Intrusion detection function has been implemented with no internal compromises detected
Apply available security updates to all internet facing services	All internet facing corporate systems were reviewed and patched as required
Implement Multi Factor Authentication (MFA) for remote users	MFA was scheduled to be implemented in FY 21/22 as part of Council's security improvements program. Council have now prioritised this work with the aim of implementing in the current financial year.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Cyber Security and System Outages Quarterly Update.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Exposes security risk and vulnerabilities that could assist unauthorised threats to Council's data and systems

Attachments:

- 1 Confidential - ARIC qtr security incident report July 2020, E2020/56653
- 2 Confidential - ARIC qtr system outage report July 2020, E2020/56652

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Report No. 5.4 **CONFIDENTIAL - Development Application Processes Audit Review**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/1179

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Summary:

10 Council's Internal Auditors, O'Connor Marsden and Associates (OCM), conducted an internal audit review of Development Application Processes. Their report is at Confidential Attachment 1 (E2020/60181).

15 This audit received a review rating of 2 - Satisfactory and it identified two medium risks. Agreed recommendations and actions are included in Confidential Attachment 1 (E2020/60181).

RECOMMENDATION:

- 20 1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Development Application Processes Audit Review.
- 25 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
- 30 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
- nature and content of audit report is for operational purposes

35 **Attachments:**

- 1 Internal Audit Review - Development Application Processes - August 2020, E2020/60181

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Report No. 5.5 **CONFIDENTIAL - 2020 External Audit Interim Audit Management Letter**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1185

Summary:

Council has received an Interim Audit Management Letter from the External Auditor, the Audit Office of NSW, relating to the 2020 Audit. The Interim External Audit Management Letter details two items for management to consider and provides recommendations to improve internal controls and systems.

Each of the audit matters raised in the 2020 Interim External Audit Management Letter has been identified in this report for consideration by the Audit, Risk and Improvement Committee.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report 2020 External Audit Interim Audit Management Letter.

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property

3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Nature and content of audit reports is for operational purposes and report details information about Council's systems, controls and processes.

Attachments:

1 Confidential - 2020 Interim Audit Management Letter from the Audit Office of NSW, E2020/60321

Report No. 5.6 **CONFIDENTIAL - External Audit Actions - Quarter 4 2020 Update**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1187

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Summary:

10 This report provides an update on each of the audit matters raised in the 2019 External Audit Year End Management Letter for the quarter ending 30 June 2020.

15 **RECOMMENDATION:**

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report External Audit Actions - Quarter 4 2020 Update.
- 20 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property
- 25 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Nature and content of audit reports is for operational purposes and report details information about Council's systems, controls and processes.

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Attachments:

- 35 1 Confidential - Activity Report - External Audit Recommendations Year End 2019 Quarter 4 2020, E2020/60417