

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, 14 May 2020
Time	11.30am

A handwritten signature in black ink, appearing to read 'Vanessa Adams', is located below the meeting details table.

Vanessa Adams
Director Corporate and Community Services

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 17 March 2020

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Corporate and Community Services

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **Corporate Compliance Framework**
Directorate: Corporate and Community Services
Report Author: Mila Jones, Governance Coordinator
File No: I2020/26

Summary:







One of the primary functions of the Audit, Risk and Improvement Committee is to ensure that appropriate business and governance systems and procedures have been established by the Executive Team and are effectively implemented.

This report provides the Committee with an overview of Council's newly developed Corporate Compliance Framework and how it will enable the Committee to monitor Council's compliance with legislation and any identified instances of non-compliance with follow up actions.

RECOMMENDATION:

That the Audit, Risk and Improvement Committee notes the contents of this report and the Committee's ongoing role in reviewing any non-compliance with legislative requirements.

Attachments:

- 1 Corporate Compliance Plan 2020, E2020/31148 , page 8  
- 2 Corporate Compliance Standard 2020, E2020/31151 , page 15  
- 3 Legislative Compliance Reporting Register 2019-2020 (for 6 monthly status report to Executive Team), E2020/31200 , page 21  

REPORT

On 29 April 2020 the Executive Team endorsed the Corporate Compliance Framework, which was developed as a result of both internal and external drivers. The implementation of this framework fulfils a number of audit recommendations and will meet at least one of the requirements of the Office of Local Government's (OLG) proposed [Risk Management and Internal Audit Framework](#). It also provides Council staff, auditors and the Audit, Risk and Improvement Committee with a number of uses which are explained below.

The early development and adoption of this Corporate Compliance Framework, ahead of the proposed timeframes set out in the OLG's Risk Management and Internal Audit Framework (and the Local Government Act (s428A once proclaimed)), places Council in a strong position from a governance and risk management perspective.

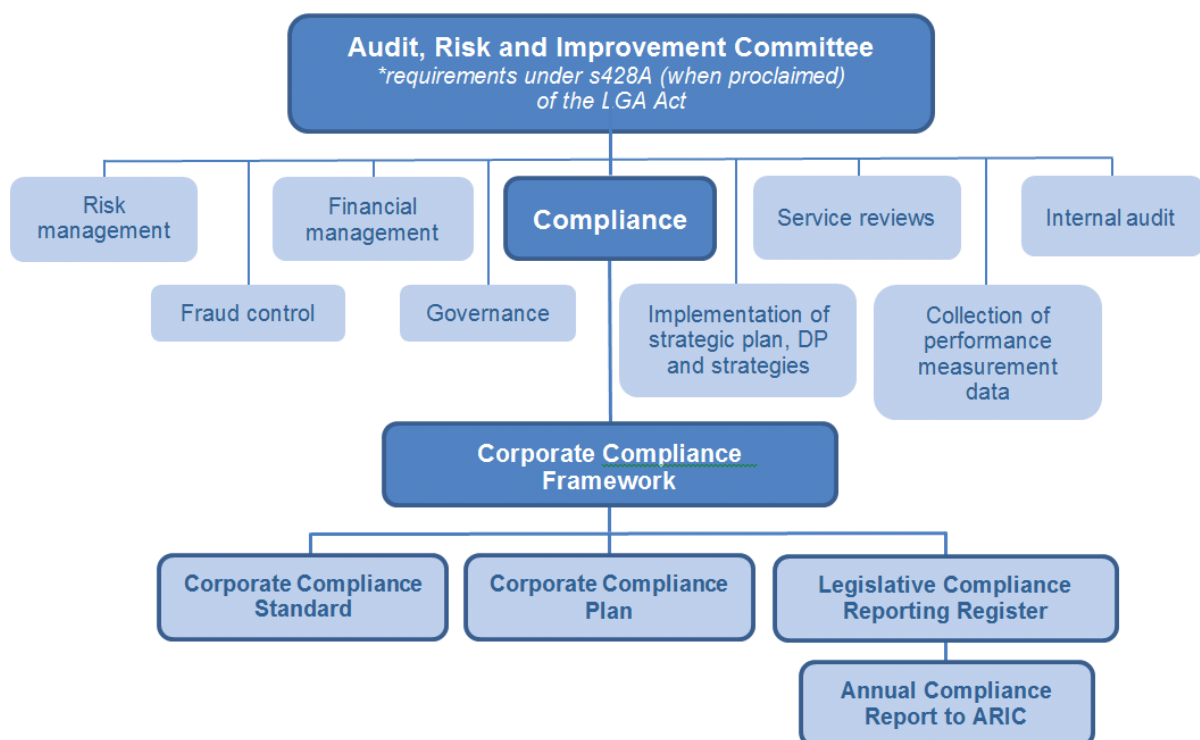
Why is a Corporate Compliance Framework required?

- The Corporate Compliance Framework will enable the Audit, Risk and Improvement Committee to fulfil the following responsibility listed at 3.8 in its Constitution:

"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."

- It's been identified by Council's internal auditors that the absence of a framework is of a medium risk to Council.
- In the proposed Risk Management and Internal Audit Framework, the OLG requires that each council develops a compliance framework as a second line of defence against risk.
- Council's Operational Plan 2019-2020 includes an activity that we develop a corporate compliance framework covering legislative compliance.

What are the components of the Corporate Compliance Framework?



- The *Corporate Compliance Standard* (internal policy) outlines management's approach to the Council's corporate compliance reporting obligations.
- The *Corporate Compliance Plan* has been developed to support Council's internal policy. The Plan lays out the necessary steps for implementing and maintaining corporate compliance management.
- The *Legislative Compliance Reporting Register* is outlined in the next section below.
- The *Annual Compliance Report to the Audit, Risk and Improvement Committee*, which will be used as the system for the Committee to monitor non-compliance with legislation. Any identified instances of non-compliance will include an overview of the follow up actions.

What is the Legislative Compliance Reporting Register?

This register was produced from information in the Office of Local Government Compliance calendar, information provided by other Councils, and research by Council staff.

- It's a system to retrospectively report on compliance.
- It's 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 a systematic and comprehensive approach to review and report on compliance.

How does the Register work?

- The Register details known legislative requirements that apply to Council which require some form of reporting.
- Every six months business owners will be asked to review tasks assigned to them and to provide evidence of compliance. They will also be asked to check for accuracy and currency of requirements.
- The register will be a working document, accessible to Unit Managers throughout the reporting period, allowing them to update timeframes as they are met. In addition, a specific process to ensure the register content is updated will be conducted every six months.
- A six monthly status report will be provided to the Executive Team showing evidence of compliance of each task. In the case of non-compliance, the reported breach will be assessed for risk implications, by the relevant officer. A breach will have either a suggested action plan and/or a suggested change in management of the compliance function.
- This reporting register will inform the Annual Compliance Report to be provided to the Committee.

Key issues

- Council's preference would be an industry wide approach to a legislative compliance framework and register but until that is in place, this is the chosen tool.
- To reduce workload impacts on the business, the Corporate Services Department will only be requesting periodic status updates, however business owners can access and update the Register at any time.

Options

The Register is currently maintained as an Excel spreadsheet however options to streamline and automate reviews and reporting will be investigated, as part of the Pulse Corporate Planning and Reporting module implementation over the next 6-12 months.

Next steps

An annual report will be provided to the first Audit, Risk and Improvement Committee meeting post 30 June, which identifies instances of non-compliance in the previous financial year and the resulting action taken. This report will meet the requirements of the proposed Risk Management and Internal Audit Framework.

The first report is to be provided at the Committee meeting on 20 August 2020.

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

Legal/Statutory/Policy Considerations

- Local Government Amendment (Governance and Planning) Act 2016 (NSW) as reported to the Audit, Risk and Improvement Committee on 18 May 2017
- Audit, Risk and Improvement Committee Constitution

Consultation and Engagement

The following members of staff and external parties have been consulted:

- Corporate Compliance Working Group
- Other relevant staff not on the Working Group
- Central Coast Council (on their newly developed compliance register)
- Manager Council Governance, Office of Local Government
- Council's Executive Team



Corporate Compliance Plan

2020

INFORMATION ABOUT THIS DOCUMENT

Date Endorsed by General Manager	29 April 2020	Document Reference for Endorsement No.	ET Minutes 29/04/2020
Document Owner	Director Corporate and Community Services		
Document Development Officer	Governance Coordinator		
Review Timeframe	4 years		
Last Review Date:		Next Scheduled Review Date	29 April 2024

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
E2019/49579	9 July 2019	Draft
	21 April 2020	Amendments following working group discussions and outcomes
	29 April 2020	Endorsed by Executive Team

Further Document Information and Relationships

List here the related strategies, procedures, references, Strategy or other documents that have a bearing on this Strategy and that may be useful reference material for users of this Strategy.

Related Legislation*	Local Government Act 1993
Related Policies	Draft Corporate Compliance Standard 2020 (E2019/49393)
Related Procedures/ Protocols, Statements, documents	Professional Standards Councils 'A Framework for Compliance'

*Note: Any reference to Legislation will be updated in the Strategy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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1. INTRODUCTION

Council's compliance framework outlines our approach to ensuring the integrity of our Council, and with Council's policies and procedures the framework is designed to achieve compliance across all of Council's operations. With this in mind, the Corporate Compliance Plan should not be seen as a stand-alone activity but that compliance is integrated with all of Council's systems including financial, risk, environmental and other operational requirements and processes.

2. A COMPLIANCE PROGRAM

According to AS-3806 (now superseded by AS ISO 19600:2015 but still relevant), an effective compliance program is supported by the following twelve principles:

Commitment

- i. Commitment by the governing body and senior management to effective compliance that permeates the whole organisation.
- ii. The compliance policy is aligned to the organisation's strategy and business objectives, and is endorsed by the governing body.
- iii. Appropriate resources are allocated to develop, implement, maintain and improve the compliance program.
- iv. The governing body and senior management endorse the objectives and strategy of the compliance program.
- v. Compliance obligations are identified and assessed.

Implementation

- vi. Responsibility for compliance outcomes is clearly articulated and assigned.
- vii. Competence and training needs are identified and addressed to enable employees to fulfil their compliance obligations.
- viii. Behaviours that create and support compliance programs are encouraged, and behaviours that compromise compliance are not tolerated.
- ix. Controls are in place to manage the identified compliance obligations and achieve desired behaviours.

Monitoring and measuring

- x. Performance of the compliance program is monitored, measured and reported on.
- xi. The organisation is able to demonstrate its compliance program through both documentation and practice.

Continual improvement

- xii. The compliance program is regularly reviewed and continually improved.

The purpose of a compliance program is to: enable councils to meet their obligations under relevant laws; help Councillors, staff and committee members to comply with their statutory obligations; maintain good corporate governance; and to meet community expectations.

Failure to adhere to such a program risks exposing Council to a compliance failure.



3. POLICY

The Corporate Compliance Plan 2020 is developed to support Council's internal policy, Corporate Compliance Standard 2020, which was endorsed by the Executive Team on **<insert date once endorsed by ET>**.

The Standard outlines management's approach to the Council's corporate compliance reporting obligations. The objective of the Standard is to ensure that Council consistently and transparently manages its legislative, policy, and other obligations, providing a framework for good public administration.

4. COMPLIANCE MANAGEMENT

4.1. Implementation steps

Steps in the development of Council's compliance framework include:

Step 1: Identify areas of compliance

Implementing a legislative compliance reporting register will provide a central point to record legislative, regulatory and policy reporting requirements.

An internal policy (Standard) will provide an outline of management's approach to corporate compliance and reporting obligations.

Step 2: Allocate responsibilities

The legislative compliance reporting register will identify the relevant Council department that is impacted by, and will oversee, the compliance of the legislation.

Consultation will be held with relevant staff to ensure allocation and detail is correct and to investigate whether the register contains all the relevant requirements at this point in time, whether we have a strategy for complying with each requirement and whether there is a method of providing proof of compliance or an action plan for non-compliance.

Step 3: Assess each compliance requirements for risk

Using Council's risk matrix, identify the level of risk associated with non-compliance.

Step 4: Inform and educate staff and members of the Audit, Risk and Improvement Committee

Relevant staff will be educated in the role they will play in updating the register to record the status of their tasks. Members of the Audit, Risk and Improvement Committee will be provided with an overview of the legislative compliance register and the role it will take as part of the NSW Government's Risk Management and Internal Audit Framework.

Step 5: Ongoing monitoring and review

**Corporate Compliance Plan 2020**

A <three monthly or 6 monthly (period to be determined by ET)> legislative compliance status report will be coordinated by the Governance Coordinator requesting evidence of compliance or evidence of an action plan for non-compliance from each department. The status report will then be presented to the Executive Team. Any non-compliance from the previous financial year will be presented at the first meeting following 30 June to the Audit, Risk and Improvement Committee.

Reporting will include:

- Actions implemented/reported
- Risk level for any items of non-compliance
- Changes to instruments
- Breaches in compliance

A breach may be reported by a finding in a review or audit. A reported breach will be risk assessed for importance and consequence to Council. A breach will have either a suggested action plan and/or a suggested change in management of the compliance function.

Step 6: Improvement

Improvement programs for compliance will generally be overseen by the Audit, Risk and Improvement Committee.

Areas for improvement may include assessment by audit as well as by self-checking.

4.2 Legislative Compliance Register

The aim of the Legislative Compliance Register is to be proactive in allocating responsibility with regards to legislative compliance and to provide staff with an awareness of their reporting requirements that are relevant to their areas.

The Register is a spreadsheet broken down into the following:

- Report
 - Report name
 - Regulatory compliance function
 - Reporting detail
- Legislation
 - Act
 - Reference within Act
- Regulations
 - Regulations, guidelines or circulars
 - Reference within Regulation
- Requirement
 - Where to report to



Corporate Compliance Plan 2020

- Responsible Council department
- Risk (if requirement not met)
- Frequency
- Due date
- Evidence of compliance/Action plan for non-Compliance



Standard:

Corporate Compliance

2020

INFORMATION ABOUT THIS DOCUMENT

Date Endorsed by General Manager	29 April 2020	Document Reference Number of Endorsement	ET Minutes
Document Owner	Director Corporate and Community Services		
Document Development Officer	Manager Corporate Services		
Review Timeframe	4 years		
Last Review Date:		Next Scheduled Review Date	30 April 2024

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
E2019/49393	9 July 2019	Draft document prepared (following review by OCM Dec 2017)
	21 April 2020	Amendments following working group discussions and outcomes
	29 April 2020	Adopted by the Executive Team

Further Document Information and Relationships

List here the related strategies, procedures, references, Management Policy or other documents that have a bearing on this Management Policy and that may be useful reference material for users of this Management Policy.

Related Legislation*	Local Government Act 1993
Related Policies	
Related Procedures/ Protocols, Statements, documents	<ul style="list-style-type: none"> Australian Standard for Compliance Programs (AS ISO 19600:2015) Audit, Risk and Improvement Advisory Committee Constitution OLG Calendar of Compliance and Reporting Requirements and General, non-date specific, compliance and reporting OLG Councillor Handbook Corporate Compliance Plan 2020 (E2019/49579)

Note: Any reference to Legislation will be updated in the Management Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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Standard: Corporate Compliance 2020

1. OBJECTIVES

The Corporate Compliance Standard outlines management's approach to the Council's corporate compliance and reporting obligations. The objective of this Standard is to ensure that Council consistently and transparently manages its legislative, policy, and other obligations, providing a framework for good public administration.

2. SCOPE

This Standard applies to Byron Shire Council councillors, employees, contractors and volunteers to ensure that Council complies with legislation, regulation, Council policy, agreements and other organisational requirements, including the Office of Local Government's Calendar of Compliance and Reporting Requirements.

3. DEFINITIONS

Corporate Compliance	An outcome of an organisation meeting its obligations. The act of adhering to, and demonstrating adherence to, laws, regulations, conditions, standards and policies.
Reporting Requirement	Necessary information required by a governmental body or organisation.

4. STATEMENT

Byron Shire Council is committed to:

- 4.1 managing corporate compliance in accordance with the Australian Standard for Compliance Programs (AS ISO 19600:2015) and to the level required for Council's reporting requirements.
- 4.2 making available sufficient resources to develop, implement, maintain and improve a corporate compliance program. Resources include staff resources, access to external advice and specialised skills, corporate records, reference material, professional development and technology.
- 4.3 identifying and assessing corporate compliance and reporting obligations. Corporate compliance obligations will be regularly monitored for currency and relevance to Council activities and services, and prioritised against the risk of compliance failure.
- 4.4 identifying and addressing competence and training needs to enable employees to fulfil their corporate compliance and reporting obligations. Methods of achieving competence will include education, training and work experience; each method will be routinely assessed for effectiveness.
- 4.5 encouraging ethical behaviours that support corporate compliance. Council acknowledges behaviours that support achievement of corporate compliance objectives as well as reporting of compliance failures will result in continual improvement in compliance performance.
- 4.6 ensuring controls are in place to manage the identified corporate compliance obligations and achieve desired behaviours. Control methods will support the integration of compliance obligations into operating and administrative procedures and include specific arrangements to deal with compliance failures that could arise.



Standard: Corporate Compliance 2020

- 4.7 identifying and reporting on breaches of corporate compliance obligations. Breaches will be reported through existing management arrangements and will be assessed for severity and to determine the most appropriate action.
- 4.8 monitoring, measuring and reporting on the performance of the corporate compliance program. Monitoring of the program will include effectiveness of training, allocation of responsibilities and currency of corporate compliance obligations. Monitoring of compliance performance will include compliance failures. Reporting will be transparent; align with existing Council reporting mechanisms; and include a process of enabling remedial action to be taken.
- 4.9 demonstrating the corporate compliance program through both documentation and practice. Accurate, up-to-date records of Council's corporate compliance activities will be maintained in Council's electronic records management system.
- 4.10 ensuring the corporate compliance program is regularly reviewed to confirm its continued suitability, adequacy and effectiveness and review findings and recommendations are appropriately communicated and actioned.

5. LEGISLATIVE AND STRATEGIC CONTEXT

This Standard has been prepared in accordance with Community Objective 5 of the Community Strategic Plan, 'We have community led decision making which is open and inclusive', and the NSW Local Government Act 1993.

6. ROLES AND RESPONSIBILITIES

While all Councillors, staff, contractors and volunteers are responsible for managing compliance with corporate compliance obligations, the following specific roles and responsibilities exist:


Role	Responsibility
Councillors	Ensuring management of their personal compliance obligations.
General Manager	Ensuring Council has developed and implemented a corporate compliance management framework, including: <ul style="list-style-type: none"> a) Identifying and documenting corporate compliance obligations; b) Developing and implementing processes to manage corporate compliance obligations; c) Ensuring breaches of corporate compliance obligations are identified, reported, assessed and addressed.
Audit, Risk and Improvement Committee	As detailed in the Audit, Risk and Improvement Committee Constitution, the Committee is responsible to: <ul style="list-style-type: none"> 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,



Standard: Corporate Compliance 2020

Role	Responsibility
	<p>and for monitoring compliance.</p> <p>d) Obtain regular updates from management and the Council's legal representatives regarding compliance matters.</p> <p>e) Consider whether management has included legal and compliance risks as part of risk assessment and management arrangements undertaken.</p>
Governance Coordinator	Maintaining the Council's Legislative Compliance Reporting Register and coordinating periodic compliance reports to the Executive Team and the Audit, Risk and Improvement Committee.
Directors and Managers	<p>In addition to managing corporate compliance obligations, responsible for receiving reports on breaches of compliance obligations, assessing the severity of the breach and taking appropriate action.</p> <p>Ensuring adequate training and instruction is given to all reporting staff to ensure that legal obligations for their responsibilities are identified and met.</p>
All Council employees	Responsibility for ensuring that they remain abreast of legislation changes which affect their area of work to ensure that they are aware of their legislative obligations and compliance is achieved at all times. All employees must immediately report through their supervisor any areas of non-compliance identified.

BYRON SHIRE COUNCIL

Legislative Compliance Reporting Register												
Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	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	Medium			E2013/34145 Requires action plan if not completed by 30/6/20
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	28/02/19 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
Budget	Quarterly Budget Review 3	QBRs reported to Council by 31 May *OLG Calendar item	Local Government Act 1993		Local Government (General) Regulation 2005	cl 203(1)	Council	Finance		Annually	31 May	TBA

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 3

Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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	Education and Care Services National Law		Education and Care Services National Regulations		ACECQA, Department of Education	Social & Cultural Planning				TBA
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	TBA
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	2 received (Register 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
Conduct	Delegations	Council must review all its delegations during the first 12 months of each term of office *OLG Calendar item	<u>Local Government Act 1993</u>				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)	<u>Local Government Act 1993</u>	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	<u>Local Government Act 1993</u>	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	<u>Local Government Act 1993</u>	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	<u>Government Information (Public Access) Act 2009</u>	s 27(1)	Local Government (General) Regulation 2005	cl 217(1)(a2)	Other	Corporate Services		Annually	Ongoing	Register of contracts online

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	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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	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
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	Companion Animals Act 1998		Companion Animals Regulation 2018	cl 31(3)	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	Companion Animals Act 1998		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.	Local Government Act 1993	s 241	N/A	N/A	Council	Corporate Services		Annually	30 June	TBA
Development Control	Developments determined by Council	Council reporting to DPE annually and ABS monthly on developments determined by councils (as well as by private certifiers and JRPPs) (and maintain public register on website of SEPP1 variations)			DPE Planning Circular PS08-003, and PS08-14			Sustainable Development		Monthly		TBA and link to SEPP1 Variations on website

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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	Currently on exhibition, due to Council prior to 1 July 2020
Development Control	SEPP 1 Variations	Report on SEPP 1 Variations as required by the NSW Department of Planning Circular PS17-006. 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.			Planning Circular 18-003		Council, Dept of Planning and public	Sustainable Development		Quarterly	March, June, September and December	Sept E2019/81029, Dec E2020/17055, Mar, Jun TBA
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

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	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)	Public Health Act 2010	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.	Local Government Act 1993	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.	Protection of the Environment Operations Act 1997	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.	Protection of the Environment Operations Act 1997	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.	Protection of the Environment Operations Act 1997	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.	Protection of the Environment Operations Act 1997	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

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	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 meet 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	
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	Local Government Act 1993	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	Local Government Act 1993	s418	Local Government (General) Regulation 2005	reg 137, 144	Public	Finance		Annually	5 December	Resolution 19-542
Financial data	Audited Financial Statements	Notice of presentation of audited Financial Reports due by 28 November *OLG Calendar item	Local Government Act 1993	s 418(2)	N/A	N/A	Public	Finance		Annually	28 November	Resolution 19-542
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	Local Government Act 1993	N/A	Local Government (General) Regulation 2005	cl 228(2)(a)	Auditors	Finance		Annually	31 January	Completed by Auditors
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 E2020/26496	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	Environmental Planning and Assessment Act 1979	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

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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 General Data Return	Electronic lodgment of Grants Commission General Data Returned *OLG Calendar item	Local Government Act 1993	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	Local Government Act 1993		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	Local Government Act 1993	s 625	Local Government (General) Regulation 2005	cl 212	Council	Finance		Monthly	Each Ordinary Meeting date	Council agendas online
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	Local Government Act 1993	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	Link to document on website
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
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

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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 Guildlines		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 Guildlines	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 Guildlines	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	TBA
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
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	E2019/8026 9 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 E2020/26496	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

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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	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
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.	Pesticides Act 1999		Pesticides Regulation 2017	cls 40-44	EPA and public	Open Space & Resource Recovery		Ongoing	Ongoing	Pesticide information on website
Policies	Expenses and Facilities Policy	Policy on payment of expenses and provisions of facilities for Mayors & Councillors to be adopted *OLG Calendar item	Local Government Act 1993	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.	Local Government Act 1993	ss 328A, 328B and 375A				Sustainable Development		Ongoing	Ongoing	Council Meeting minutes and Council link to Electoral Office for political donations register
Public Interest Disclosures	Public Interest Disclosures 1	PID first half yearly report lodged with the NSW Ombudsman *OLG Calendar item	Public Interest Disclosures Act	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	Public Interest Disclosures Act	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	Public Interest Disclosures Act	s 31	N/A	N/A	OLG	Legal Counsel		Annually	31 October	E2019/56887

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Report			Legislation		Regulations		Requirement					2019-2020
Regulatory/ Compliance Function	Report	Reporting Detail	Act	Reference	Regulations	Reference	Where do we report to?	Responsible Council Department	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
Rates Installments	Making of the Rate	Last day for making rates - 31 July *OLG Calendar item	Local Government Act 1993	s 533	N/A	N/A		Finance		Annually	31 July	Resolution 19-294
Rates Installments	Rates Installments 1	First quarterly rates installment notice to be sent 31 July (due by 31 August) *OLG Calendar item	Local Government Act 1993	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	Local Government Act 1993	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	Local Government Act 1993	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	Local Government Act 1993	s 562(5), s 562(3)(b)	N/A	N/A	Public	Finance		Annually	30 April	TBA
Rates Installments	Service of rates and charges	Rates levied by service of rates and charges notice by 1 August *OLG Calendar item	Local Government Act 1993	s 546	N/A	N/A		Finance		Annually	1 August	Complete 11/7/19
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				TBA
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

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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	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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
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

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	Risk (complete if requirement not met)	Frequency	Due date	Evidence of compliance / Action Plan for non-compliance
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
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	

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 **CONFIDENTIAL - Business Continuity and Risk Management- Update**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/459

Summary:

The purpose of this report is to provide an update on the Business Continuity and Risk Management frameworks.

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 Business Continuity and 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 Confidential - Business Continuity Plan 2020, E2020/17570
- 2 Confidential - Risk Reports 31 March 2020, E2020/23670

Report No. 5.2 **CONFIDENTIAL - Audit Progress Report - April 2020**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/525

5

Summary:

10 This report presents the Internal Audit Activity Report – April 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. This report also provides the Audit, Risk and Improvement Committee with an update on the Internal Audit Plan with proposed revisions.

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 - April 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 Confidential - Internal Audit Activity Report - April 2020, E2020/31562
2 Confidential - Updated Internal Audit Plan April 2020, E2020/31561

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Report No. 5.3 CONFIDENTIAL - CONFIDENTIAL - Cyber Incidents and Service Outages Update**Directorate:** Corporate and Community Services**Report Author:** Colin Baker, Business Systems and Technology Coordinator**File No:** I2020/674**Summary:**

This report provides summary reports 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 February 2020 to 30 April 2020.

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 CONFIDENTIAL - Cyber Incidents and Service Outages 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 information security risk and vulnerabilities that could assist unauthorised threats to Council data and systems.

Attachments:

- 1 ARIC Security Incident Summary Report April 2020 Qtr, E2020/31282
- 2 ARIC Service Outage Incident Report April 2020 Qtr, E2020/31283

Report No. 5.4 **CONFIDENTIAL - IT User Access Audit Review**
Directorate: Corporate and Community Services
Report Author: Emma Fountain, Strategic Risk & Business Continuity Coordinator
File No: I2020/680

5

Summary:

10 Council's Internal Auditors, O'Connor Marsden and Associates (OCM), conducted an internal audit review of IT User Access. Their report is at Confidential Attachment 1.

This audit received a review rating of 3 and it identified six medium risks and one minor risk. Agreed recommendations and actions are included in the Confidential Attachment.

15

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 Grants Management 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

Attachments:

35

- 1 Confidential - Internal Audit of IT User Access - April 2020, E2020/28280

Report No. 5.5 **CONFIDENTIAL - External Audit Actions - Quarter 3 2020 Update**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/685

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Summary:

10 This report provides an update on each of the audit matters raised in the 2019 Year End Audit Management Letter for the quarter ending 31 March 2020.

RECOMMENDATION:

- 15 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 Update.
- 20 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
- 20 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:
- 25 The report contains details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property

30 **Attachments:**

- 1 Confidential - Activity Report - External Audit Recommendations Year End 2019 - Quarter 3 2020, E2020/32930