TheBarossaCouncil

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of an Audit and Risk Committee will be held on Wednesday 27 September 2023 in the Council Committee Room, 43-51 Tanunda Road, Nuriootpa, commencing at 3.30pm.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
AUDIT AND RISK COMMITTEE

A G E N D A

Welcome by the Chair

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

2.1.1 Audit and Risk Committee meeting held on Wednesday 21 June 2023 at 4.00pm

2.2 Matters arising from previous minutes

Nil

3. MATTERS FOR INFORMATION

4. DEBATE REPORT

5. CONFIDENTIAL AGENDA

6. URGENT OTHER BUSINESS

7. NEXT MEETING

To be determined.

8. CLOSURE

MATTERS FOR INFORMATION

3.1 RISK AND SAFETY QUARTERLY REPORT - QTR4 2022-2023

Author: Manager Corporate Services
23/73907

The purpose of this report is to provide the Audit and Risk Committee with a regular update on the Risk and Safety performance of Council.

The report contains updates on the following:

- Risk Management and WHS & IM plans
- Enterprise risk management and risk registers
- Insurance – Local Government Risk Services
- WHS Committee
- Workplace and community emergency management
- Business continuity
- WHS Incident reporting
- Internal financial control (ControlTrack)

ATTACHMENTS

Attachment 1 Quarterly Risk Management Report - Quarter 4 2022-2023 ⇩

SUPPORTING REFERENCES

Nil

Attachment 1

The Barossa Council

QUARTERLY RISK MANAGEMENT REPORT

Quarter 4 – 2022/2023

Quarterly Risk Management Report

The following report has been developed to assist Council's Executive Leadership Team (ELT) in monitoring and reviewing their Risk, Work Health Safety and Injury Management (Return to Work) duties. It is comprised of Risk/WHS monitoring information, current WHS Plan actions, and insurance data.

A summary of this information is provided to the Audit Committee for their information/action also.

Contents

Risk Management and WHS & IM Plans

RESULTS/INTERPRETATION

Legislation

The *Automated External Defibrillators (Public Access) Bill 2022* was introduced in September 2022 mandating the installation of defibrillators in public buildings, including Council buildings, from 1 January 2025. As advised in the Quarter 2 report, Council is waiting for further instruction from the Local Government Association on drafting regulations that are reasonable to reduce the financial impact on local government where possible while meeting the intent to make Automatic External Defibrillators (AEDs) more accessible. More information will be provided as it becomes available.

In order to support councils with this new requirement, LGA Procurement will launch a new prequalified panel of suppliers - the Personal Safety panel - that includes a subcategory of supply, installation, replacement items and maintenance of Defibrillators which will be available from October 2023.

Note – Council currently maintains 15 AEDs across the region, with a defibrillator publicly available in every major township in the Barossa Council Area.

Emergency Evaucation Diagrams

Emergency evacuation diagrams form a fundamental part of Council's emergency response. The displayed sign ensures all occupants can immediately and safely exit a location and details the position of emergency equipment including fire blankets, fire extinguishers and the evacuation assembly point.

It was identified during safety inspections in June 2023 that update of emergency evacuation diagrams was required.

Work has commenced on this project with completion anticipated in September 2023.

Spinal Week – May 2023

A national community health awareness campaign conducted annually by the Australian Chiropractors Association (ACA) for over 25 years, Spinal Health Week is dedicated to improving the spinal health and well-being of all Australians.

In 2023, the campaign focused on the causes of headaches and the negative effects headaches are having on families, workers and the Australian economy. Staff were reminded to ensure their desk is ergonomically setup, to monitor their posture and to take regular breaks.

Health and Safety Representatives

Under the Work Health and Safety Act 2012, Health and Safety Representatives (HSR) are elected by their workgroups to represent and act on the group's behalf in relation to health and safety matters. The role is provided up to 10 days legislative and safety training over their 3-year elected term.

In April 2023, the Risk and Safety Team conducted a review of the workgroups and number of Health and Safety Representatives at Council. Through consultation new workgroups were established or their boundaries redefined creating the opportunity for more HSRs to be elected.

The Risk and Safety Team recognise to cultivate a stronger safety culture, HSRs are a safety resource that we were underutilising. In June we conducted our first HSR forum, which is now a quarterly meeting where HSRs and the Risk and Safety Team meet to uplift and share knowledge for them to provide back to their workgroups.

WHS & IM Plan

In October 2021, Local Government Risk Services (LGRS) conducted a biennial Risk, Work Health Safety and Injury Management Evaluation to test Council's risk management processes (including WHS management). Following this process, LGRS provided Council with a Risk Evaluation Audit Report which identified actions and continuous improvement opportunities.

In support of actions identified as part of the Audit Report, Council has created a Risk, WHS & Injury Management Plan to record corrective actions and continuous improvement opportunities over a 3-year period.

RESPONSE

Working with the LGRS Risk Advisor, the Risk and Safety Team hold monthly monitoring and reporting meetings.

Year 2 of the Risk, WHS and Injury Management Plan is focusing on;

- Training Needs Analysis
- Improving Risk and Safety inductions and refresher training
- Developing measurable safety objectives
- Improving process for raising and monitoring corrective actions
- Audit of procurement process to align with WHS legislative requirements

A knowledge gap identified during the monitoring and implementation of year 2 actions is the lack of understanding and practical application of recording incidents and hazards. In May, the Risk and Safety Team updated Skytrust incident and hazard refresher training for staff to ensure they understand the importance of timely reporting and the process to adhere to. This training will continue to be delivered to all Council Teams.

Enterprise Risk Management and Risk Registers

RESULTS/INTERPRETATION

Implementation of Council's Strategic Risk Services Review has progressed as follows;

Strategic Risk Register

The Strategic Risk Register has been compiled from data sourced through:

Strategic Risk Workshops facilitated by the LGRS;
Workshops with the Executive Leadership Team
Consultation with key stakeholders;
Reviews of the Council's identified operational risks;
Validating against known categories/types of strategic risks;
Researching risks of comparative local government bodies;

The Risk Register is based on the requirements of Australian Standard
AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines.

A report has been provided to the Risk and Audit Committee on the 27.09.23 which details actions taken and risk identified for review prior to Council Workshop.

Monitoring and reporting of the Strategic Risk register will occur on a quarterly basis with the Risk and Audit Committee and Executive Leadership Team.

Status: Complete

Operational Risk Register

Sixteen operational risk sessions have been conducted between April to June 2023; carrying out the next stage from the operational risk identification workshops held in November 2022.

In these sessions, teams have started to analyse each risk to identify:

- in what circumstances the risk could occur;
- the inherit, current and residual risk score ratings;
- the controls implemented and how adequate and effective they are to provide reasonable assurance; and
- potential further treatments where controls are not designed to give reasonable mitigation and/or operate in a manner that is effective in terms of being consistent, complete, reliable and timely.

Status: In progress

Insurance - Local Government Risk Services

RESULTS/INTERPRETATION

Background

Local Government Risk Services (LGRS) provides the insurance coverage for Council which is reviewed on an annual basis together with updates provided during the year where significant changes to the schedules are identified.

Certificates of Currency

Council completed the second phase of member renewal working with the LGRS to ensure all assets have been captured appropriately. Certificates of Currency for financial year 2023/2024 were issued for LGA Mutual Liability Scheme (MLS), LGA Workers Compensation Scheme (WCS), LGA Asset Mutual Fund (AMF) and LG Income Protection Fund (IPF).

Claims History

The following table shows new insurance claims by type and per quarter for the current year. Also included is a comparison total for the previous year.

Claim Type	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4	Total 2022/23	Total 21/22	Total 20/21	Total 19/20
Liability (MLS)	2	1	2	1	6	8	12	12
Property (AMF)	1	0	1	1	3	6	11	2
Motor Vehicle (AMF)	2	1	4	2	9	22	16	14
Personal Injury (IPF)	0	0	0	3	3	1	3	3
Workers Compensation (WCS)	1	1	1	2	5	6	3	7
Total Claims	6	3	8	9	26	43	45	38

New Asset Management System

Implementation of a new asset management system scheduled for July 2023 will continue to support the validation of information required for assets and their contents to be appropriately insured.

RESPONSE

A verbal breakdown of 2022/23 insurance claims can be provided upon request.

WHS Committee

RESULTS/INTERPRETATION

WHS Committee:

The quarterly WHS Committee meeting was held on 17 May 2023
A copy of the minutes can be provided upon request (23/22455)

Infrastructure and Environmental Services (Depot) WHS Sub-Committee:

The Infrastructure and Environmental Services WHS Sub-Committee meeting was held 16 May 2023
A copy of the minutes can be provided upon request (23/22766)

RESPONSE

No action required; quarterly meetings are being held in accordance with Council policy commitments

Workplace Emergency Management

RESULTS/INTERPRETATION

Emergency Planning Committee (EPC)

The Emergency Planning Committee meeting was held on 3 May 2023
A copy of the minutes can be provided upon request (23/20139)

RESPONSE

The Work Place Emergency Management Plan 21/32494 provides a written set of instructions that outlines what staff should do in an emergency.

In order to ensure staff have appropriate training to best respond to an emergency the Risk and safety Team have revised the Emergency Exercise Register with annual schedule of exercises occurring across all Council sites.

Exercise History
The following table depicts the amount of completed exercises conducted per quarter. It also identifies exercises planned to be completed in the coming quarters.

Exercises	22/23 Q1	22/23 Q2	22/23 Q3	**22/23 Q4**	**23/24 Q1**	**23/24 Q2**
Completed	3	1	2	**2**		
Planned					3	6

Review of the Emergency Exercises Schedule has identified opportunity for cross team collaboration in risk identification and diversity of exercises developed reflective of the uplift in safety culture and awareness.

Community Emergency Management

RESULTS/INTERPRETATION

Zone Emergency Management Committee (ZEMC)

No significant community emergency events required Council support during this quarter.

Council continues to operate in accordance with the Local Government Council Ready Framework, with policy settings, incident procedures and arrangements and training are in place.

RESPONSE

No response required

Business Continuity

RESULTS/INTERPRETATION

Review of the Business Continuity Plan will commence in the half of the 2023/2024 financial year.

Background:

Council, at its meeting on 21 September 2021, adopted the reviewed Business Continuity Plan and the supporting Business Continuity Instructions.

The Business Continuity Plan contains the methodology used for formulating business continuity sub-plans, what the critical services are and their maximum allowable outages, who is involved in managing a business interruption event and what their responsibilities are, the declaration process and a set of instructions to be used in the event of a business interruption event.

The next steps in this space include consideration of the following:

- All Service outcomes defined in the Corporate Plan (which is currently being reviewed) will be assessed via the Business Impact Analysis tool determine if they are of a critical nature or not.
- Those deemed to be critical will be identified as such in the Corporate Plan.
- Each Critical Service Outcome will then have their Business Continuity Arrangements documented.
- Business Continuity Arrangements relevant to a particular Business Interruption Event will be used to form the Business Continuity Sub Plan for that interruption event.

RESPONSE

No response required

WHS Incident Reporting

RESULTS/INTERPRETATION

Worker and workplace incident reporting is captured electronically in Skytrust.

The data recorded in Skytrust to the end of June 2023 is as follows:

Incident Type	2022/23 Q1	2022/23 Q2	2022/23 Q3	2022/23 Q4	2022/23 YTD
Injury	3	7	5	6	21
Environment	1	1	1	0	3
Near Miss	6	5	11	10	32
Property	7	7	10	7	31
Community	2	4	0	1	7
Other	3	4	0	3	10
Total	**22**	**28**	**27**	**27**	**104**

Monthly Incident and Hazard Reporting is provided to ELT and the Health and Safety (HSR) Representatives for information. This spreadsheet includes:

- Corrective Actions Monitoring – details description of the action and its status
- Hazard Reports for the current month – details hazard reports for month and status
- Incident Reports for the current month – details incidents for month and status

Further details around incident and hazard reporting can be found in 23/1263.

RESPONSE

No response required

Safety Inspections

RESULTS/INTERPRETATION

Council is committed to providing a safe working environment for staff. Workplace safety inspections are an essential tool used to mitigate risk through the examination and identification of safety hazards.

Council is reviewing data systems which will increase productivity, ensure accessibility of the inspection and allow for actions to be generated and issued straight to the accountable person.

As at the end of June 2023, the following safety inspections have been completed:

	2022/23 Q1	2022/23 Q2	2022/23 Q3	2022/23 Q4	2022/23 YTD
Completed	2	4	31	14	51

Further details around inspections can be found in 14/14684.

RESPONSE

No response required

Internal Financial Control (ControlTrack)

The self-assessment tool Council uses to manage the assessment and review of Financial Risks and Controls is ControlTrack.

The 3-year residual risk review and control self-assessment cycle is as follows:

1st yr 2022/23
- all financial controls from the Better Practice Model to be assessed/reviewed and rated.

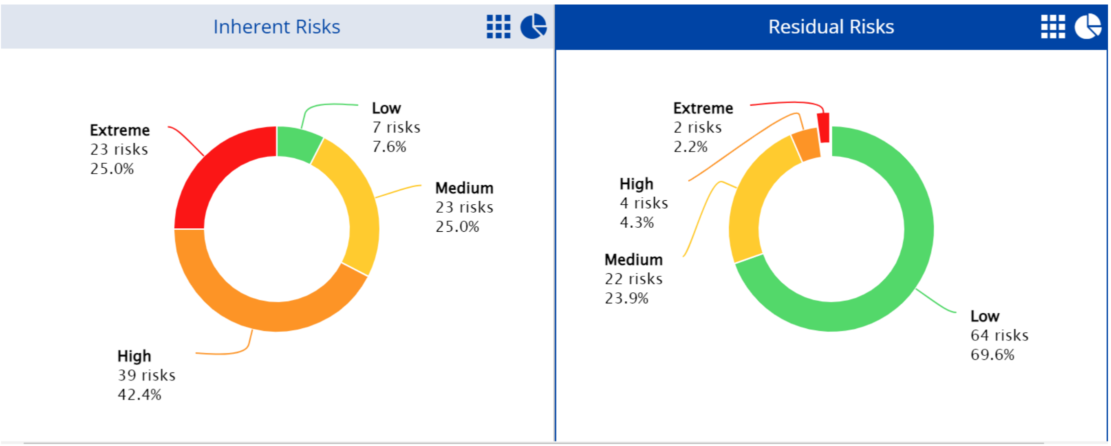
2nd yr 2023/24
- all extreme/high rated risks and their associated controls to be assessed/ reviewed and rated; and
- progress any incomplete actions plans from previous assessments; and
- any controls that were assigned to new assessors (eg new staff, role changes).

3rd yr –-2024/25
- all extreme/high rated risks and associated controls to be assessed/reviewed and rated; and
- progress any incomplete actions plans from previous assessments; and
- any controls that were assigned to new assessors (eg new staff, role changes); and
- residual risk assessment of all financial risks from the Better Practice Model – in preparation for the control self-assessment of all financial controls in the following year.

2022/2023 Control Self-Assessment Cycle

The 2022/2023 self-assessment cycle is now complete with 337 financial controls being assessed and reviewed by staff against the 92 financial risks monitored with Controltrack software.

The current inherent and residual risks are detailed below.



MATTERS FOR INFORMATION

3.2 STRATEGIC RISK REGISTER SUMMARY

Author: Manager Corporate Services
23/73912

This report provides an update on the Strategic Risk Register, which summarises Council's corporate risk profile as of September 2023. This knowledge further enables the prioritisation of actions to reduce these risks to an acceptable level. Once endorsed by Council monitoring and reporting of strategic risk will occur via the Risk and Audit Committee Quarterly Risk and Safety Report.

<u>*Introduction*</u>
Council is committed to achieving its strategic objectives, which are to drive performance through five key themes that include:

- *Natural Environment and Built Heritage;*
- *Community and Culture;*
- *Infrastructure;*
- *Health and Wellbeing and*
- *Business and Employment.*

To ensure successful strategic execution, it is crucial to identify and address potential risks that could hinder progress.

<u>*Discussion*</u>
The Council's Strategic Risk Register has been implemented to ensure that:

- *Strategic risks are identified and assessed;*
- *The effectiveness of existing controls is evaluated;*
- *Residual risk is assessed;*
- *Risk treatment options are considered;*
- *Actions are determined and prioritised; and*
- *Action plans are implemented.*

The Strategic Risk Register has been compiled from data sourced through:

- *Strategic Risk Workshops facilitated by the LGRS;*
- *Workshops with the Executive Leadership Team;*
- *Consultation with key stakeholders;*
- *Reviews of the Council's identified operational risks;*
- *Validating against known categories/types of strategic risks;*
- *Researching risks of comparative local government bodies;*

The Risk Register is based on the requirements of Australian Standard AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines.

The identified Strategic Risk Categories are:

Strategic Risk 1: People
Failure to attract and retain a skilled workforce.

Strategic Risk 2: Finance
Failure to meet legislative obligations.

Strategic Risk 3: Reputation
Failure of alignment to, and performance measurement against strategic goals.

Strategic Risk 4: People
Failure of leadership resource.

Strategic Risk 5: Service Delivery
Failure to plan for, develop and maintain a sustainable infrastructure.

Strategic Risk 6: People
Failure to respond in an agile way to change.

Strategic Risk 7: Sustainability and Environment
Failure to prepare and plan for environmental risk.

Strategic Risk 8: Service Delivery
Failure to be prepared for business interruption, emergency and recovery.

Strategic Risk 9: Sustainability and Environment
Failure to meet the growth ambitions of the region.

Strategic Risk 10: Service Delivery
Failure of cyber security to protect data and record systems.

Training
The Council's Risk Management Framework is embedded through several communications, training and support systems, including training.

To ensure that adequate risk management competency levels are achieved and maintained, current training and refresher sessions in risk management processes and its application in the Council are currently being developed and trialled with staff.

A Council Workshop will be scheduled to develop risk appetite statements which will further enhance Councils ability to identify, assess and effectively manage risk.

Monitoring and Reporting

Ongoing monitoring of risks will be conducted, and quarterly reports will be shared with the Risk and Audit Committee and Executive Leadership Team. Any changes in risk status will trigger a review of mitigation strategies.

ATTACHMENTS

Attachment 1 Strategic Risk Register Summary Report 2023 ⇩

SUPPORTING REFERENCES

Nil

Risk ID	Risk Description	Inherent Risk Rating
SR1	Council are unable to attract and/or retain staff, volunteers or contractors with the skills, knowledge, capability and commitment to deliver on our strategic goals and strategies	Severe (20)
SR2	Lack of compliance oversight may lead to breach of key legislative obligations resulting in unnecessary legal costs and reputation damage.	Severe (20)
SR3	Lack of alignment to, and performance measurement against, strategic goals may lead to unidentified gaps in capacity to successfully deliver corporate objectives resulting in poor community satisfaction and reputation damage.	Severe (19)
SR4	Lack of leadership capability may result in misaligned decision making and deployment of resources resulting in failure to deliver on agreed levels of service, financial losses and reputation damage	Severe (19)

SR5	Service levels are adopted at unsustainable levels, which places strain on available resources (e.g. staff, volunteers, systems, processes, finances, suppliers, contractors) and the ability of Council to deliver on its strategic objectives	Severe (19)
SR6	Council's inability to respond in an agile way to emerging community changes, industry trends, technology and innovations will result in inefficiencies, ineffective service delivery & missed opportunities	Severe (19)
SR7	Failure to understand, consider or pursue environmentally sustainable options when delivering services may pose a detrimental impact to future communities, the environment & Council's reputation	High (18)
SR8	Inability of the Council to respond in a timely and appropriate manner to a major business disruption (community crisis/disaster or technological disruption) resulting in prolonged recovery for Council and the community and damage to Council's reputation	Severe (20)

SR9	Council fail to meet, support or advocate for the growth ambitions for the region due to inability to adapt and respond to changes in the economic, social & environmental needs	Severe (19)
SR10	Cyber Risk is the potential of exposing information and communications systems to dangerous actors, elements, or circumstances capable of causing loss or damage.	Severe (20)

Overall Controls Rating	Current Risk Rating	Residual Risk Rating
Partially Effective	Medium (13)	Low (7)
Partially Effective	Medium (13)	Low (8)
Effective	Medium (13)	Low (7)
Partially Effective	Medium (13)	Low (7)

Ineffective	Medium (13)	Low (7)
Partially Effective	High (14)	Low (8)
Effective	Medium (13)	Low (7)
Effective	Medium (13)	Low (8)

Partially Effective	Medium (13)	Low (7)
Partially Effective	Medium (13)	Medium (1

Further treatment required (if residual risk rating is not acceptable)
- Corporate Plan BS10-4 Design training and development framework - Corporate Plan BS10-1 Define and embed corporate organisational values and behaviours. - The AWU EB to be developed and implemented - Corporate Service Plan-BS11-1 Develop Strategic Forward Procurement Plan - Corporate Service Plan BS11-1 Undertake a review of Contractor and Contract Register requirements and identify new software solution for electronic contract and contractor management - Facilitate and support delivery of Pathway Modernisation (UX/SaaS) - Implement Asset Management automation via Assetic System for planned and reactive maintenance - Plant & Equipment Review - Corporate Service Plan BS3-6 Develop and Implement agreed digital platform/s for staff communication via intranet refresh project
- Corporate Plan BS10-4 Design training and development framework - Corporate Service Plan BS3-6 Develop and Implement agreed digital platform/s for staff communication via intranet refresh project - Corporate Services Plan BS1-11 Document Management Review - Evaluating Current & New Document Management Systems by mapping Requirements through a RFQ Document summarising "Must Have" Functionalities, while assessing KPIs such as Cost, Time, Resources, Compliance & security in a cloud environment. - Content Manager Version 10.1 An upgrade to the latest version will maintain continuity of support. The upgrade also enables components of some of the other ongoing key projects (TechOne and Pathway upgrades) - Corporate Service Plan BS5-5 Build on a culture of continuous improvement by developing a risk and safety audit schedule - Corporate Reporting- Produce quarterly performance reports
- Corporate Plan BS13-1 Undertake a review of the Community Plan - Annual Review of the Corporate Plan - Corporate Reporting- review of results and measures - Corporate Plan CS3-6 Undertake statutory review of asset management plan - Implement Asset Management automation via Assetic System for planned and reactive maintenance - Corporate Service Plan BS3-6 Develop and Implement agreed digital platform/s for staff communication via intranet refresh project - Corporate Plan BS10-4 Design training and development framework - Corporate Plan BS1 – 8 Develop a future "Application/Data Integration Strategy & Framework" at least in draft which informs the way data and applications within council will be integrated. - Corporate Service Plan CS10-1 Undertake review of Economic Development services in the organisation and how alignment to industry and other stakeholders will strategically deliver priorities of the Local Economic Development Plan
- Corporate Plan BS10-1Define and embed corporate organisational values and behaviours - Corporate Plan BS10-4Design training and development framework - Implementation of ELT Accountability Framework

- Corporate Plan CS9-1 Work with internal and external stakeholders to continually improve and educate in all areas of customer service - Corporate Plan BS13-1 Undertake a review of the Community Plan - Corporate Plan CS9-2 Implement electronic customer notifications for Pathway Customer Requests - Implement Asset Management automation via Assetic System for planned and reactive maintenance - Finalise project management framework for capital works - Corporate Plan CS3-6 Undertake statutory review of asset management plan - Corporate Service Plan CS10-1 Undertake review of Economic Development services in the organisation and how alignment to industry and other stakeholders will strategically deliver priorities of the Local Economic Development Plan - Corporate Plan CS12-1 Complete full review of Lease and License Framework - Corporate Service Plan- Develop a new Community Governance framework (following up on the redefining community committees project).
- Corporate Plan BS10-1 Define and embed corporate organisational values and behaviours - Corporate Service Plan BS1 – 11 Document Management Review - Evaluating Current & New Document Management Systems by mapping Requirements through a RFQ Document summarising “Must Have” Functionalities, while assessing KPIs such as Cost, Time, Resources, Compliance & security in a cloud environment. - Corporate Service Plan BS3-6 Develop and Implement agreed digital platform/s for staff communication via intranet refresh project - Annual Review of the Corporate Plan - Corporate Reporting- review of results and measures - Corporate Plan BS10-4 Design training and development framework
- Reviewing Asset management plans CS ** - CS17-1 Promote and seek to expand conservation and land management initiatives at conservation sites managed by volunteer groups or the State - CS17-3 Participate and partner in sustainability initiative across council operations, assets and facilities - CS17-4 Develop and Implement a Sustainability Strategy/Framework eg carbon management plan - CS17-2 Assist in education and awareness regarding global and local climate change impacts and practical solutions that can be implemented on a local or domestic level - Recruitment and work plan development for the new sustainability officer
- Review and update the Busniness Continuity Plan and sub plans - The Barossa Council Community Emergency Management Plan to be reviewed and updated - Provide training in the roles and responsibilities of the Business Continuity Plan - Develop a schedule for scenario based business interruption events to test the Business Continuity Plan - Corporate Plan BS10-4 Design training and development framework

- CS11-10 Develop a whole of Council Event Management Framework. - Finalisation of the growth and infrastructure investment strartegy and character preservation district review. Advocate outcomes for Concordia growth area and Regional Plan for Greater Adelaide - Corporate Plan CS3-6 Undertake statutory review of asset management plan - Corporate Plan BS10-4 Design training and development framework - Corporate Reporting- review of results and measures
- Complete the Cyber Assessment Reviews - Complete the Operational Assessment reviews - Develop plan to remediate the above - Adopt the Essential 8 and a target Maturity Level - Develop and deliver Cyber Awareness Training Program - Formalise Partnerships with the ACSC

MATTERS FOR INFORMATION

3.3 ANNUAL SELF-ASSESSMENT OF COMMITTEE PERFORMANCE

Author: Executive Business Partner
23/73972

Pursuant to Clause 12.1 of the Audit and Risk Committee's Terms of Reference, all Audit Committee Members must complete a self-assessment that evaluates the Committee's performance to promote continuous improvement in performance and ensure that its actions are aligned with its intended purpose.

Audit and Risk Committee Members have completed the Annual Self-Assessment for 2022-23 of Committee performance and a collation of responses is provided in Attachment 1.

There are no actions arising from the review.

ATTACHMENTS

Attachment 1 Audit and Risk Committee - Annual Self-Assessment 2022-2023 - Summary ⇩

SUPPORTING REFERENCES

Nil

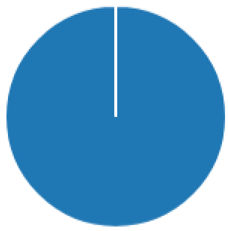
Audit and Risk Committee - Annual Self-Assessment of Performance (2022-23)

1. Name

Responses
Ian Swan
Peter Brass
Heidi Thompson
Ellen Ewing
John Angas
Bruce Preece

2. Do you understand and agree with the functions of the Committee as detailed in its Terms of Reference?

Yes	6
No	0

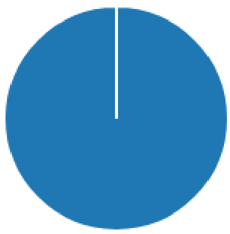


3. If not, why?

0
Responses

4. Does the committee collectively have sufficient skills, experience, time and resources to undertake its duties?

Yes	6
No	0
Other	0

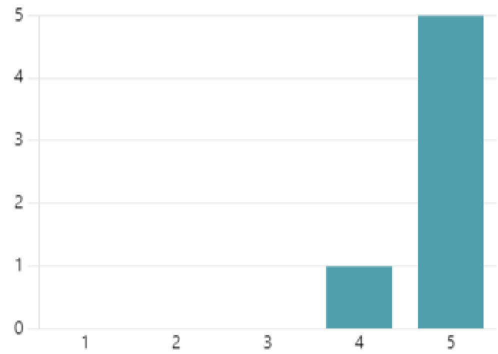


5. If not, why?

0
Responses

6. Does the committee work constructively as a team and work well with others attending the meetings? If not, how do you suggest this is addressed?

4.83
Average Rating



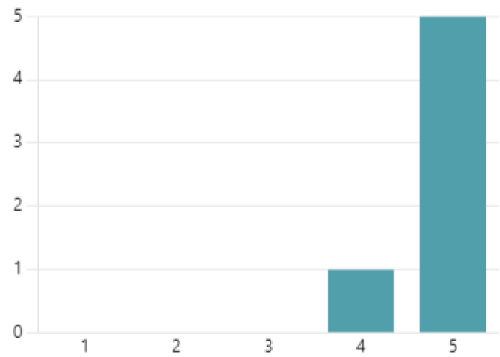
7. Comments for question above

4
Responses

Well balanced committee with a range of skills and experience
Meetings allow for collaboration and input from Committee members, management and staff.
Diverse and active committee with experienced chairman and competent staff backup
I believe the committee works very well together but I would like to see the Chair and others attend in person to our meetings.

8. Does the relationship between committee members strike the right balance between challenge and mutuality? If not, please provide comments.

4.83
Average Rating



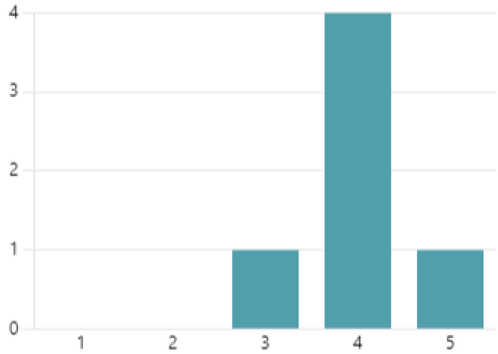
9. Comments for question above

3
Responses

Yes - see above
This also exists between Committee members and management, staff and invited guests.
everyone brings their own skills to the table

10. Do the meeting arrangements enhance the Committee's effectiveness (e.g. frequency, timing, duration, venue and format) to allow sufficient time for the discussion of agenda items?

4.00
Average Rating



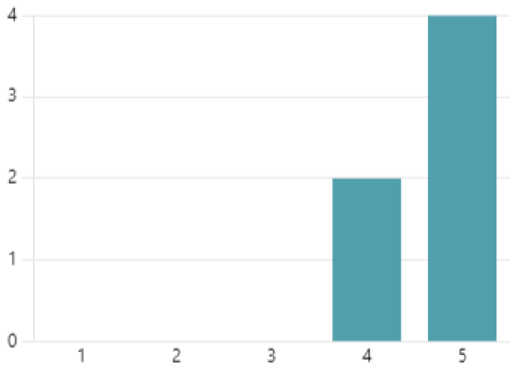
11. Comments for question above

5
Responses

Yes
Forward planning of meetings during the year will be more effective.
In regard to format, in-person meetings are preferable to "Teams" which should be used sparingly; potential tech issues in setting up can eat into meeting time, and it is particularly important that the Presiding Member is able to see and hear everyone else in the room.
Yes, frequency and time allowed both adequate.
see my comments in 7

12. Are the report for each meeting sufficiently comprehensive and yet understandable enough for you to make informed decisions?

4.67
Average Rating



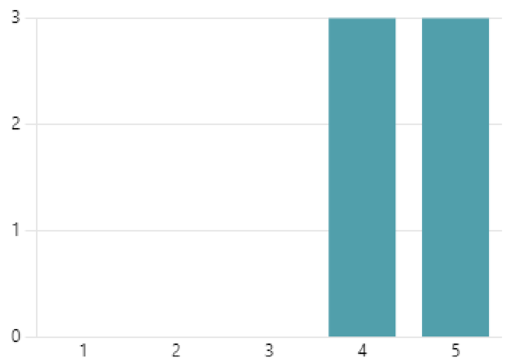
13. Comments for question above

3
Responses

Comprehensive reports presented
Executive summary of detailed reports is helpful.
yes.

14. Are the presentations an interesting and helpful way of informing members about various issues?

4.50
Average Rating



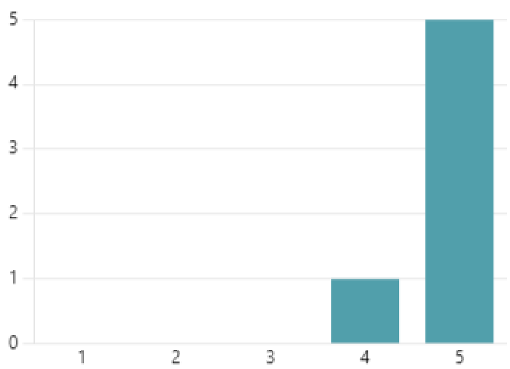
15. Comments for question above

2
Responses

Yes. Reports are well prepared and informative
Regular presentation on risk management from individual operational areas needs to be included on the quarterly agenda.

16. Are effective minutes prepared, distributed and followed up?

4.83
Average Rating



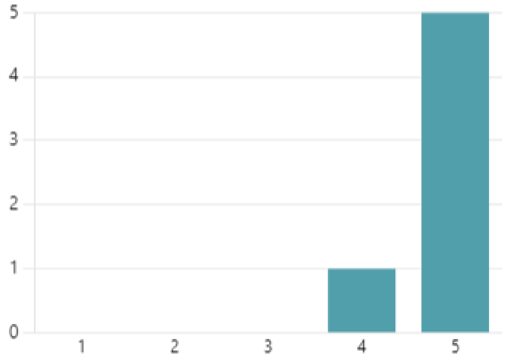
17. Comments for question above

2
Responses

Yes
Minutes capture discussions and actions from the meeting.

18. How do you rate the overall efficiency and effectiveness of the Committee? Please provide reasons for your ranking

4.83
Average Rating



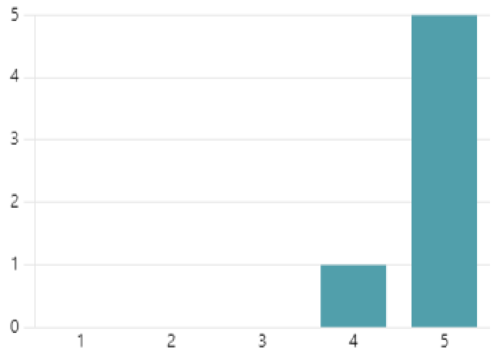
19. Comments for question above

3
Responses

Rated highly. All members contribute to proceedings with good discussions
As above
I believe we work efficiency and effectively to achieve the wright outcomes for the community

20. Do staff and members conduct themselves in accordance with high standards of behaviour (eg. Code of Conduct and Corporate Values)?

4.83
Average Rating



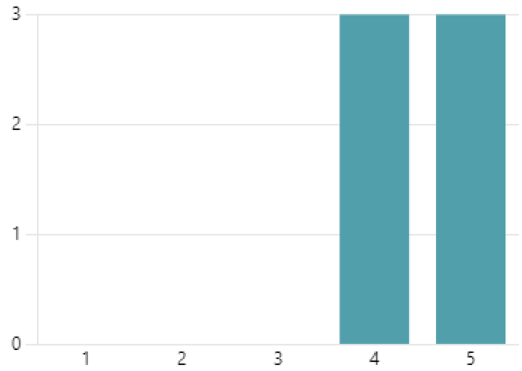
21. Comments for question above

3
Responses

Yes. Staff are excellent
Staff provide balanced impartial advice
Always

22. How do you rate the performance of the Presiding Member in preparing for and conducting the meetings? What are the reasons for your ranking?

4.50
Average Rating



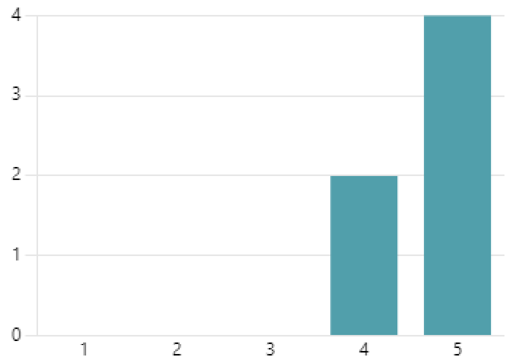
23. Comments for question above

5
Responses

The Presiding Member is very experienced in the position and has been with this Committee for a long time. The meetings are run well and he includes all members in discussions and comments
Well prepared and allows appropriate time for agenda items.
The Presiding Member is experienced and efficient.
Experience and knowledge
I would like to see the chair attend meetings

24. How do you rate the performance of the other members of the Committee in fulfilling their role on the Committee? What are the reasons for your ranking?

4.67
Average Rating



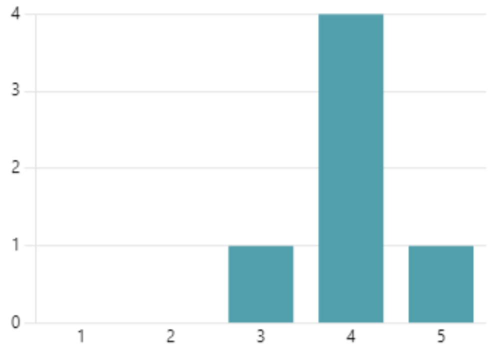
25. Comments for question above

5
Responses

- All members are equal contributors. Those with expertise in particular areas share their thoughts with all.
- Well prepared and contribution on agenda items where appropriate.
- There is a good mix of financial and non-financial skills amongst the members; all members are willing to contribute.
- Everyone brings their own skills to the table
- I rate very highly of everyone on our committee

26. How do you rate your performance as a member of the Committee? What are the reasons for your ranking?

4.00
Average Rating



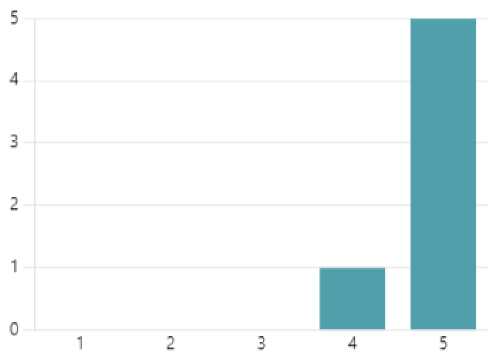
27. Comments for question above

5
Responses

- I believe I am a good contributor and my experience with other Audit & Risk committees is of value I believe. There is always something new to learn from other members
- Well prepared and willing to challenge management and staff.
- There is always room for self-improvement!
- Not really for me to say.
- I believe I add to a well balanced team in asking correct questions

28. How do you rate the performance of the support staff in facilitating the Committee's role and function? What are the reasons for your ranking?

4.83
Average Rating



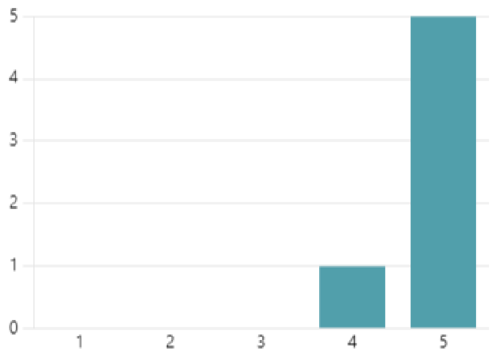
29. Comments for question above

3
Responses

Support staff are excellent and provide very good support to members
Agenda, papers and minutes are well prepared and timely.
Very supportive in our roles and function on the committee

30. Does the Committee assure itself that the Executive take responsibility for risk identification and control, and give formal assurance through reporting that key risks are being adequately managed?

4.83
Average Rating



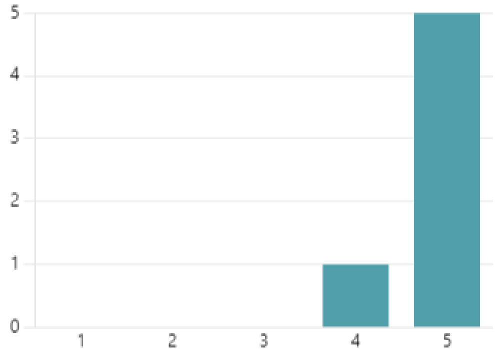
31. Comments for question above

3
Responses

Yes. Risk staff attend all meetings and provide up to date information
Continuous improvement in this area and development of risk management culture.
I think I covered that.

32. Is the Committee satisfied that there is an effective program in place to ensure that risk management becomes an integral part of the way in which Council conducts business?

4.83
Average Rating



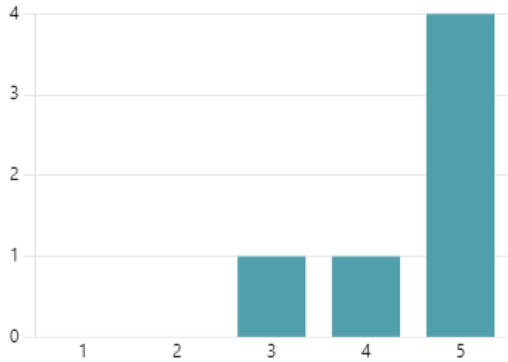
33. Comments for question above

2
Responses

Yes. Refer to 31 above
Continuous improvement in this area and development of risk management culture.

34. Are internal audit findings and recommendations responded to in a timely and appropriate manner?

4.50
Average Rating



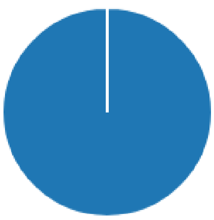
35. Comments for question above

3
Responses

Yes - reported to subsequent meetings
A formal internal audit program needs to be developed and resourced to capture non-financial risks and controls.
I believe internal audit findings & recommendations are responded to in a timely and appropriate manner.

36. Does the Committee review the work of the external auditor?

Yes	6
No	0



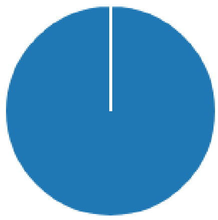
37. Comments for question above

2
Responses

Meetings with Auditors either via Zoom or in person.
Interim and year end reports are reviewed.

38. Does the Committee review and discuss the external auditor's management letter?

Yes	6
No	0



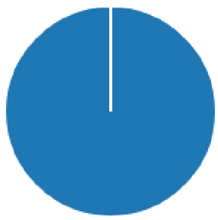
39. Comments for question above

2
Responses

- Standard agenda item
- Interim and year end reports are reviewed and discussed.

40. Is the Committee effective in managing and monitoring the relationship with the external auditor?

Yes	6
No	0



41. Comments for question above

2
Responses

- Refer question 37
- In camera discussion on an annual basis is good governance practice.

42. My suggestions for improving the Committee's performance, role or functions:

5
Responses

- None - committee runs well, is effective and has a very good relationship with staff
- Forward planning of meeting dates and consider timing to allow face-to-face meetings and teleconference meetings during the year.
- Is there room to look at non-financial, workplace Policies e.g. Code(s) of Conduct etc?
- I have no suggestions at this stage
- Have everyone attend in person to meetings

DEBATE REPORT

4.1 DRAFT CODE OF PRACTICE FOR PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS

Author: Executive Business Partner
23/72652

PURPOSE

The Committee is asked to endorse and recommend to the Council the Code of Practice for Public Access to Meetings and Meeting Documents (the Code) in accordance with section 92(5) of the *Local Government Act 1999* (the Act).

RECOMMENDATION

That the Audit & Risk Committee, pursuant to Section 92(5) of the *Local Government Act 1999*, endorse the draft Code of Practice for Public Access to Meetings and Meeting Documents Attachment 1 and make a recommendation to Council at it's ordinary Council meeting to be held on 17 October 2023.

REPORT

Background
Following the election of the new Council Body in November 2022, Council is required, under the Act to review the operation of its Code of Practice.

Introduction
Pursuant to Section 92 of the Act - Access to meetings and documents the code of practice outlines –

Part 5—Code of practice

92—Access to meetings and documents—code of practice

(1) A council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4.

(2) A council must, within 12 months after the conclusion of each periodic election, review the operation of its code of practice under this section.

(3) A council may at any time alter its code of practice, or substitute a new code of practice.

(4) A code of practice must include any mandatory provision prescribed by the regulations.

(5) Before a council adopts, alters or substitutes a code of practice under this section it must undertake public consultation on the proposed code, alterations or substitute code (as the case may be).

Prior to Council adopting, altering or substituting the Code of Practice, Council released the draft for public consultation in accordance with its Public Consultation Policy with submissions closing on 6 September 2023.

Discussion

The summary of amendments made to the Code of Practice are:

- Local Government Reform changes
- Removal of reference to the repealed Public Health Emergency – Electronic Participation in Council Meetings (No 1).
- Various changes for clarity and consistency
- Update of the Code of Practice to the new Policy template
- Policy name simplification

As part of the public consultation process, public notices were published in local newspapers, and on Council's website and Facebook page for a period of 21 days. In addition, copies of the Code of Practice were made available at Council's principal office for inspection.

At the conclusion of the public consultation, no submissions were received.

Summary and Conclusion

The Audit & Risk Committee is asked to consider and endorse the draft Code of Practice as a recommendation to Council at its Ordinary Council meeting to be held on 17 October 2023.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Code of Practice for Public Access to Meetings and Meeting Documents ⇩

Supporting references

Public-Consultation-Policy.pdf (barossa.sa.gov.au)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work - Good Governance

Corporate Plan

6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

<u>Risk Management</u>

In order to be legally compliant, Council must establish a Code of Practice for Code of Practice for Public Access to Meetings and Meeting Documents and review this document within the first 12 months of a periodic election.

COMMUNITY ENGAGEMENT

As per Council's Public Consultation Policy and as outlined in the document.

THE BAROSSA COUNCIL
CODE OF PRACTICE FOR PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS

1.	Purpose

1.1 This Code is prepared pursuant to Section 92 of the *Local Government Act 1999* which requires Council to prepare a Code of Practice relating to the principles, policies and processes for public access to Council and Committee meetings, and associated documents and minutes.

2.	Scope

2.1. This Code sets out Council's position for access to meetings and documents and includes information relating to:

- Public Access to Meeting Agendas
- Public Access to Meetings
- Process to Exclude the Public from a Meeting
- Matters from which the Public can be Excluded
- Public Access to Minutes
- Use of the Confidentiality Provisions
- Public Access to Meeting Documents
- Review of Confidentiality Orders
- Accountability and Reporting to the Community

2.2 This Code does not apply to Council's subsidiary as they are managed in accordance of the rules of their Charter.

3.	Policy Statement

3.1 Public Access to the Agenda

3.1.1 At least three (3) clear days before a Council or Council Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) shall give written notice of the meeting to all Council or Committee members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

3.1.2 Notice of the meeting and the agenda will be placed on public display at the Principal Office of Council and on Council's website.

3.1.3 Items listed on the agenda will be described accurately and in reasonable detail.

3.1.4 Members of the public may obtain a printed copy of the agenda, excluding any items where clause 3.1.5 applies, as per Council's Fees and Charges Register.

3.1.5 Where the CEO believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with the confidentiality provisions in Section 90(3) of the Act will be specified.

3.2 Public Access to Meetings

3.2.1 Council and Council Committee meetings are open to the public and attendance is encouraged, except where the Council or the Council Committee believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, the decision) of a particular matter.

3.2.2 The public will only be excluded when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the principle of open decision-making.

3.2.3 Council meeting dates and times, and the schedule or frequency of Council Committee meetings are available on Council's website.

3.2.4 Pursuant to section 90(7a) of the Act, a Council Committee meeting will be taken to be conducted in a place open to the public for the purposes of section 90 even if one or more Committee members participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by the Regulations or determined by Council under section 89 provided that members of the public can hear the discussion between all Committee members.

3.2.5 Elected Members, Committee Members and Employees may participate in a Elected Member Workshop provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.

3.3 Process to Exclude the Public from a Meeting

3.3.1 For the convenience of the public present at a Council or Council Committee meeting, where it is resolved to consider a matter in confidence, this matter *may* be deferred until all other business has been considered. This avoids asking the public to leave the room and having them wait until the matter is concluded and then allowing them to return with the possibility of the same process being repeated for a subsequent matter.

3.3.2 Before the Mayor, or the Chairperson as the case may be, of a meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs then the public must leave the room. This means that all members of the public (including Employees), unless exempted by being named in the resolution as entitled to remain, are required to leave the room.

3.3.3 Once Council or a Council Committee has made the order, it is an offence for a person, who knows that an order is in force, to enter or remain in a meeting. It is lawful for an Employee of Council or a member of the Police to use reasonable force to remove the person from the room if he or she fails to leave on request, however if any form of force is required, it is recommended that Council waits until Police attend to remove the person.

3.3.4 Once the consideration of the matter has concluded, the public are permitted to re-enter or re-Connect to the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public.

3.4 Matters from which the Public can be Excluded [Section 90(3) of the Act]

3.4.1 Council or a Council Committee may order that the public be excluded in the following circumstances:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the Personal Affairs of any person (living or dead) (as defined in clause 3 above);

(b) information the disclosure of which—

(i) could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council; and

(ii) would, on balance, be contrary to the public interest;

(c) information the disclosure of which would reveal a trade secret;

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest;

(e) matters affecting the security of Council, Elected Members or employees of Council, or Council property, or the safety of any person;

(f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

(g) matters that must be considered in confidence in order to ensure that Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(h) legal advice;

(i) information relating to actual litigation, or litigation that Council or a Council Committee believes on reasonable grounds will take place, involving Council or an employee of Council;

(j) information the disclosure of which—

(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of Council, or a person engaged by Council); and

(ii) would, on balance, be contrary to the public interest;

(k) tenders for the supply of goods, the provision of services or the carrying out of works;

(m) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan amendment proposal relating to the amendment is released for public consultation under that Act;

(n) information relevant to the review of a determination of Council under the *Freedom of Information Act 1991*.

(o) information relating to a proposed award recipient before the presentation of the award.

3.4.2 When considering whether a confidential order should be made, it is irrelevant that discussion of a matter in public may:

(a) cause embarrassment to the Council or Committee concerned, or to Elected Members or Employees of the Council; or
(b) cause a loss of confidence in the Council or Committee; or
(c) involve discussion of a matter that is controversial within the Council area; or
(d) make the Council susceptible to adverse criticism.

3.4.3 If a decision to exclude the public is made, the Council or Council Committee is required to make a note in the minutes of the making of the order and specifying:

(a) the grounds on which the order was made; and

(b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and

(c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.

3.5 Public Access to Minutes

3.5.1 Minutes of a meeting of Council or a Council Committee will be available at Council's Principal Office and on its website within five (5) days after the meeting.

3.6 Use of the Confidentiality Provisions

3.6.1 Once consideration of a confidential matter is concluded, the meeting will then resolve to make an order that a document, report, attachment/s, minutes or other associated information in connection with the agenda item shall remain confidential. In determining this, the meeting will have regard to the provisions of Section 91 and in particular Section 91(8) of the Act which details when a Council must not order that a document remain confidential .

3.6.2 When making an order, the meeting will consider if a specific duration of the order or the circumstances in which the order will cease to apply. If the Section 91(7) order is to apply for a period exceeding twelve (12) months, then this order must be reviewed every twelve (12) months from the date it was made and consideration given to delegating to the CEO or another delegate the authority to review the order.

3.6.3 In the case of an order of specified duration, the duration of the order can only be extended by a resolution of the Council or Committee, as the case applies, prior to the specified duration being reached. The power to extend an order cannot be delegated.

3.6.4 Council or the Council Committee must not make an order to prevent:

(a) the disclosure of the remuneration or conditions of service of a Council employee after the remuneration or conditions have been set or determined; or

(b) the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by Council as to why a successful tenderer has been selected; or

(c) the disclosure of the amount or amounts payable by Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, Council after the contract has been entered into by all parties to the contract; or

(d) the disclosure of the identity of land that has been acquired or disposed of by Council, or of any reasons adopted by Council as to why land has been acquired or disposed of by Council.

3.6.5 No formal resolution is required to come out of confidence and go back into public session.

3.6.6 Elected Members, former Members, Council Employees and former Council Employees are prohibited from disclosing information or a document over which there is a Council or Committee confidentiality order under Section 90 of the Act. To breach such an order can result in pecuniary and or imprisonment penalties.

3.6.7 In all cases the objective is that the information be made publicly available at the earliest possible opportunity once the confidential order ceases to exist and that the community is informed of any Council order and the associated implications.

3.6.8 The use of all confidentiality provisions will be recorded in the Confidential Items Register and maintained by the CEO.

<u>3.7 Public Access to Documents</u>

3.7.1 Members of the public may obtain printed copies of Council documents upon the payment of a fee as per Council's Fees and Charges Register..

3.8 Review of Confidentiality Orders

3.8.1 A confidentiality order made under Section 91(7) of the Act stil in operation exceeding twelve (12) months will be reviewed by Council or by an approved delegate.

3.8.2 Any order that operates for a period exceeding twelve (12) months must be reviewed at least once in every year to ascertain whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

3.8.3 An order will lapse if the specified duration or event specified has been reached or carried out. In that case, Council does not need to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public. Council will make such information publicly available on its website within a reasonable timeframe after it is available for inspection at the Principal Office of Council, and not being more than ninety (90) days after an order has lapsed.

3.9. Accountability and Reporting to the Community

3.9.1 A report on the use of the confidentiality provisions in Sections 90(2) and 91(7) of the Act by Council and Council Committees will be included in Council's Annual Report as required by Schedule 4 of the Act.

3.9.2 The report will include the following information, separately identified for both Council and Committees:

(a) Number of occasions each of the confidentiality provisions of Sections 90(2) and 90(3) were used;

(b) Number of occasions each of the confidentiality provisions of Sections 90(2) and 90(3) and Section 91(7) were used, expressed as a percentage of total agenda items considered;

(c) An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion;

(d) Number of occasions that information originally declared confidential has subsequently been made publicly available; and

(e) Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

3.10 Complaints

3.10.1 A complaint regarding public access to either a meeting or associated documents under this Policy shall be raised in the first instance in writing to the Chief Executive Officer - PO Box 867, Nuriootpa SA 5355 - who will provide an explanation of the application of there levant laws and Policy including any relevant confidentiality provisions.

3.10.2 If the matter is not resolved the complaint can proceed to lodge an application for review of that decision under the Internal Review of Council

Decisions Policy. This Policy is available on Council's website or from the Principal Office.

4. Supporting Processes and Documents

Confidential Items Register

5. Related Policies

Internal Review of Council Decisions Policy and Process
Public Consultation Policy
Fees and Charges Register

6. Legislation and References

Local Government Act 1999
Local Government (Meeting Procedures) Regulations 2013

7. Review

This Code shall be reviewed by Council, within 12 months after the conclusion of each periodic election, and as required by legislation to undertake public consultation. .

8. Further Information

8.1. This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

9. Document Control

Corporate Plan Link:		How we work			
Document Owner:	Chief Executive Officer			**Document Control Officer:**	Executive Business Partner
Consultation Rating:	[N/a]	**Audience:**	External	**Next Review Date:**	20 June 2027
Version history					
Version No.	**Date**			**Description of Change**	

Version No:	**Approval Date:**	**Description of Change:**

1	20/08/2013	New Policy
2	21/07/2015	Terminology changes to reflect 2012 WHS act and Regulations.
3	13/06/2016	Changes from the Local Government (Accountability and Governance) Amendment Act 2015 to: Clause 3 definition: Informal Gatherings, clause 4.2.4 Public Access to Meetings; Matters from which Public can be excluded: clause 4.4.2 ©and (d); clause 4.4.3 (a) (b) and (c); Use of Confidentiality Provisions: clause 4.6.8; 4.6.10; Review of Confidentiality Orders: clause 4.8.4 and 4.8.5.
4	20/08/2019	Policy reviewed and adopted, in accordance with section 92(2) of the *Local Government Act* 1999 – ie. within 12 months of the conclusion of the periodic election.
5	21/04/2020	Policy amended in line with the Notice Pursuant to Section 302(B) of the Local Government Act 1999 – Public Health Emergency – Electronic Participation in Council Meetings (No 1) gazetted on Tuesday 31 March 2020.
6	20/06/2023	Duplications removed Removal of Emergency Notice No.1 Incorporation of Local Government Reform Amendments Local Government Reform changes Removal of reference to the repealed Public Health Emergency – Electronic Participation in Council Meetings (No 1). Various changes for clarity and consistency Update of the Code of Practice to the new Policy template Policy name simplification

10.	**Definitions**
Agenda	The Agenda is a list of items of business to be considered at a meeting, it does not include, or require the inclusion of reports and attachments, only that they be described with reasonable particularity and accuracy. However, copies of any documents or reports that are to be considered at the meeting (so far as reasonably practicable) shall be provided to the members of the Council or Council Committee meeting.
The Act	Local Government Act 1999.
CEO	Chief Executive Officer
Clear days	The time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Friday for a following Tuesday meeting, the clear days are Saturday, Sunday and Monday.
Connect or Connected to	Able to hear and/or see the meeting via electronic means

Council Committee	As defined by Section 41 of the Act.
Council's Principal Office	Located at 43 – 51 Tanunda Road Nuriootpa.
Council Website	www.barossa.sa.gov.au
Elected Member Workshop	Council's name for an Information or Briefing Session under section 90A of the *Local Government Act 1999*.
Regulatory activity	An activity which involves the making or enforcement of by-laws, orders, standards or other controls under the Act or another act.

COVER SHEET

CONFIDENTIAL REPORT

27 September 2023

Audit and Risk Committee Meeting

5 Matters for Information Report

5.1 <u>CYBER SECURITY UPDATE</u>

There is strong public interest in enabling members of the public to observe Audit and Risk Committee's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at an Audit and Risk Committee meeting is one means of satisfying this interest. The public will only be excluded from an Audit and Risk Committee meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that matters relating to Council security

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

RECOMMENDATION
That Audit and Risk Committee:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, Director Infrastructure and

Environmental Service and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

<u>Section 90(3)(e) of the *Local Government Act 1999:*</u>

matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person;

(2) Accordingly, on this basis, Audit and Risk Committee is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that matters relating to Council security