



MINUTES OF THE MEETING OF AN AUDIT AND RISK COMMITTEE

held on Wednesday 27 September 2023 commencing at 3.34pm
in the Council Committee Room, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome by Mr Peter Brass declared the meeting open at 3.34pm.

1. ATTENDANCE RECORD

1.1 Members Present

Mr Peter Brass, Mrs Ellen Ewing, Mr Ian Swan (via Teams) and Cr Bruce Preece

Apologies

Cr Heidi Thompson

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr Preece

That the Minutes of the Audit and Risk Committee held on Wednesday 21 June 2023 at 4.00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Mr Swan

CARRIED AC 2022-26/8

2.2 Matters arising from previous minutes

Nil

3. MATTERS FOR INFORMATION

3.1 Risk and Safety Quarterly Report - Qtr4 2022-2023

3.2 Strategic Risk Register Summary

3.3 Annual Self-Assessment of Committee Performance

4. DEBATE REPORT

4.1 DRAFT CODE OF PRACTICE FOR PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS 23/72652

MOVED Cr Preece

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 with minor typographical amendments, and make a recommendation to Council at it's ordinary Council meeting to be held on 17 October 2023.

SECONDED Ms Ewing

CARRIED AC 2022-26/9

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).

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 CONSIDERATIONSRisk Management

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.

5. CONFIDENTIAL AGENDA**5.1 CYBER SECURITY UPDATE****23/73806**

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.

MOVED Mr Swan

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, Acting Manager Financial Services, Manager Corporate Services, Manager Enterprise Technology and Innovation and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(e) of the Local Government Act 1999:

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

SECONDED Ms Ewing

CARRIED CO AC 2022-26/10

The meeting moved into confidence at 3:58pm

MOVED Cr Preece

That the Audit and Risk Committee:

- 1) Receive and note the report and presentation on Cyber Security Update and that it recommends the Council be briefed and trained on cyber security matters and needs.
- 2) Having considered this matter in confidence under Sections 90(2) and 90(3)(e) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the agenda report and attachments relating to this confidentiality order of the Confidential Audit and Risk Meeting held on 27 September 2023 in relation to item 5.1 Cyber Security Update be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order as part of the annual review.

SECONDED Ms Ewing

CARRIED AC CO2022-26/11

Resumption of open Committee meeting at 4:53pm

6. URGENT OTHER BUSINESS

Nil

7. NEXT MEETING

To be determined.

8. CLOSURE

Mr Brass declared the meeting closed at 4:53pm

Confirmed at Audit and Risk Committee Meeting on

Date: 29/11/23

Chairperson: 