



SNOWY MONARO
REGIONAL COUNCIL

BUSINESS PAPER

Administrator Delegations Meeting
20 September 2017

CONFLICTS OF INTEREST

A conflict of interest arises when the Administrator or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Administrator or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Administrator or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Administrator or General Manager, or another Council employee to determine whether or not a person may have a conflict of interest.

Should you be unsure as to whether or not you have a conflict of interest you should err on the side of caution and either declare a conflict of interest or, you should seek the advice of the Director General of Local Government.

The contact number for the Director General of Local Government is 4428 4100.

COUNCIL CODE OF CONDUCT

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Administrator, members of staff and delegates of the Council attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Administrator and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Administrator or General Manager are to be made.

COUNCIL CODE OF MEETING PRACTICE

The Council Code of Meeting Practice is a requirement of Section 360(3) of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Administrator, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

Acknowledgement of Owners of Land

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Ngannawal and Walgalu people and their Ancestors past and present who pass on this duty of custodianship of the land to us the current custodians.

We are proud to be Australian and celebrate the diverse backgrounds and cultures that make up our Nation
– our Land.

**ADMINISTRATOR DELEGATIONS MEETING
TO BE HELD IN HEAD OFFICE, 81 COMMISSIONER STREET, COOMA NSW 2630**

**ON WEDNESDAY 20 SEPTEMBER 2017
COMMENCING AT 11.00AM**

BUSINESS PAPER

- 1. APOLOGIES/REQUESTS OF LEAVE OF ABSENCE**

- 2. DISCLOSURE OF INTEREST**
(Declarations also to be made prior to discussions on each item)

- 3. DELEGATE'S REPORT (IF ANY)**

- 4. ADOPTION OF COMMITTEE MINUTES/RECOMMENDATIONS**
Nil

- 5. CORPORATE BUSINESS - KEY DIRECTION 1. SUSTAINING OUR ENVIRONMENT FOR LIFE**
 - 5.1 Outcome of the Tender Evaluation for Floodplain Management Studies in Berridale, Cooma, Bredbo adn Michelago 3

- 6. CORPORATE BUSINESS - KEY DIRECTION 2. EXPANDING CONNECTIONS WITHIN THE REGION AND BEYOND**
Nil

- 7. CORPORATE BUSINESS - KEY DIRECTION 3. STRENGTHENING OUR LOCAL ECONOMY**
Nil

- 8. CORPORATE BUSINESS - KEY DIRECTION 4. CREATING SAFER, HEALTHIER AND THRIVING COMMUNITY**
Nil

- 9. CORPORATE BUSINESS - KEY DIRECTION 5. ENHANCING OUR HEALTHY, ACTIVE LIFESTYLE**
Nil

- 10. CORPORATE BUSINESS - KEY DIRECTION 6. MANAGING DEVELOPMENT AND SERVICE DELIVERY TO RETAIN THE THINGS WE VALUE**
Nil

11. CORPORATE BUSINESS - KEY DIRECTION 7. PROVIDING EFFECTIVE CIVIC LEADERSHIP AND CITIZEN PARTICIPATION	
11.1 Administrators End of Term Report to the Community	7
11.2 Changes to Quorum Requirements for the Audit and Risk Committee Charter	9
12. ADMINISTRATOR’S REPORT (IF ANY)	
13. CONFIDENTIAL MATTERS	20
13.1 Consolidation of Corporate Systems with Preferred Vendor	
<i>Item 22.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

5.1 OUTCOME OF THE TENDER EVALUATION FOR FLOODPLAIN MANAGEMENT STUDIES IN BERRIDALE, COOMA, BREDBO AND MICHELAGO

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Environmental Project Officer
Key Direction:	1. Sustaining Our Environment for Life
Delivery Plan Strategy:	DP1.3 Protect and enhance our catchments and waterways, through effective storm water management initiatives.
Operational Plan Action:	OP1.11 Ensure the adequate provision of storm water infrastructure.
Attachments:	1. Evaluation Schedules 1 ↓ (Under Separate Cover) 2. Evaluation Schedules ↓ (Under Separate Cover)
Cost Centre	1802 Operations Management
Project	Floodplain Management
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

Council received funding of \$300,000.00 from the Office of Environment and Heritage (OEH) for a Flood Study/Floodplain Risk Management Study and Plan, for the towns of Berridale, Cooma, Bredbo and Michelago.

As this is a specialised field the work the project was the subject of a Tender with submissions called for on 27 July 2017. A total of 5 submissions were received as follows:

- BMT WBM P/L \$294,916
- Cardno P/L \$371,421.00
- Lyall and Associates \$330,789.00
- SMEC/grc HYRDO \$288,787.93
- WMA water \$409,526.92

An evaluation of each Tender submission was carried out by:

- Councils Environmental Project Officer;
- Councils Engineering Project Officer; and
- OEH Senior Natural Resource Officer (Floodplain Management).

Each submission was assessed against the following criteria:

- Tenderers Profile
 - Insurances
 - Departures, Clarifications and Assumptions
-

5.1 OUTCOME OF THE TENDER EVALUATION FOR FLOODPLAIN MANAGEMENT STUDIES IN BERRIDALE, COOMA, BREDBO
ADN MICHELAGO

- Conflicts of Interest
- Litigation
- Statement of Compliance
- Work Health and Safety
- Proposed Subcontractors and Consultants

In addition the following criteria were also assessed:

- Bank guarantee 2%
- Industrial relations 2%
- Capacity and Capability 20%
- Understanding 15%
- Relevant Experience 20%
- Key Personnel 6%
- Price 35%

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

A. That Council endorse the recommendation of the Tender Assessment Panel and award SMEC/grc HYDRO the contract for Cooma/Bredbo/Michelago Flood Study/Floodplain Risk Management Study and Plan; AND Berridale Flood Study/Floodplain Risk Management Study and Plan for the sum of \$288,939.00.

5.1 OUTCOME OF THE TENDER EVALUATION FOR FLOODPLAIN MANAGEMENT STUDIES IN BERRIDALE, COOMA, BREDBO
ADN MICHELAGO

BACKGROUND

Snowy Monaro Regional Council (the Council) has received funding support from the State Floodplain Management program managed by the Office of Environment and Heritage (OEH) to undertake a flood investigation of the Cooma, Bredbo and Michelago and Berridale towns. The total funding received amounted to \$300,000.00, of which \$175,714.28 was allocated to the Cooma/Bredbo/Michelago studies and \$124,285.72 for the Berridale studies.

The primary objective of the New South Wales (NSW) Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

Through the NSW Office of Environment and Heritage (OEH), NSW Department of Planning and Environment (DPE) and the NSW State Emergency Service (SES), the NSW Government provides specialist technical assistance to local government on all flooding, flood risk management, flood emergency management and land-use planning matters.

The objective of this study is to improve understanding of flood behaviour and impacts, and better inform management of flood risk in the study area in consideration of the available information, and relevant standards and guidelines. The study will also provide a sound technical basis for any further flood risk management investigation in the area.

The project extends the flood study to a floodplain risk management study and plan, allowing an increased understanding of the impacts of floods on the existing and future community. It also allows testing and investigating practical, feasible and economic management measures to treat existing, future and residual risk. The floodplain risk management study will provide a basis for informing the development of a floodplain risk management plan.

The floodplain risk management plan will document and convey the decisions on the management of flood risk into the future. Drawing on the investigations undertaken as part of the floodplain risk management study, the plan will outline a range of measures to manage existing, future and residual flood risk effectively and efficiently. This will include a prioritised implementation strategy, what measures are proposed and how they will be implemented.

The primary 'end users' of these studies will be Councils Planning staff and the State Emergency Services (SES). Results of the studies will be incorporated into Councils planning regulations and guidelines inclusive of future Local Environmental Plans, Development Control Plans and Councils future land use strategies.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

The studies will have a positive social impact as results and recommendations of the studies will be implemented by Council Planners and the Local State Emergency Services (SES) for flood mitigation works and early warning systems. The studies will identify flood risks in each town and the level of risk. The long term outcomes of the studies will result in reduced flood damage to property and early warnings systems will reduce flood risk to human life.

11.1 ADMINISTRATORS END OF TERM REPORT TO THE COMMUNITY

Record No:

Responsible Officer:	General Manager
Author:	Executive Assistant to the Mayor & Councillors
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.1.1.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.8 Ensure that appropriate governance structures are in place enabling open, transparent government.
Attachments:	1. Administrator's Report to the Community (<i>Under Separate Cover</i>) ⇒
Cost Centre	
Project	Administrators End of Term Report to the Community
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

On 12 May 2016 the former Councils of Bombala, Cooma-Monaro Shire and Snowy River Shire were merged to form Snowy Monaro Regional Council. At that time Mr Dean Lynch was appointed as the Administrator of the newly formed Council until elections were held on 9 September 2017.

The following Administrator's report is designed to inform our community of the key successes achieved during the Administration period and also identifies the challenges that have been faced.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council

- A. Receive and Note the Administrator's End of Term Report
- B. Forward the report to the incoming Council for information

BACKGROUND

The conclusion of the administration period is an important milestone for the newly formed Snowy Monaro Regional Council. It provides Council with an opportunity to report on its progress and achievements and identifies the key projects that have benefitted areas across the region.

The report also recognises the key highlights achieved within the seven key directions identified in Council's Community Strategic Plan, as well as identifying the challenges faced during the Administration period and those that will be faced in the future. It also gives a brief outline of the on-boarding of the newly elected Councillors.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Whilst there is no requirement for Administrator's to prepare an End of Term Report, this report enables the Administrator to report to the community on the achievements of Council during the period of Administration.

2. Environmental

There is no environmental impact due to the noting of this report.

3. Economic

Salaries of staff engaged in the preparation of this report have been covered in the Executive and Governance budgets.

4. Civic Leadership

The presentation of the Administrator's End of Term Report demonstrates transparency within Council and informs the community of the achievements and challenges of the Administration period.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date:

11.2 CHANGES TO QUORUM REQUIREMENTS FOR THE AUDIT AND RISK COMMITTEE CHARTER

Record No:

Responsible Officer:	General Manager
Author:	Auditor
Key Direction:	7. Providing Effective Civic Leadership and Citizen Participation
Delivery Plan Strategy:	DP7.2 Council's leadership is based on ethics and integrity to enable informed and appropriate decisions in the community's best interest.
Operational Plan Action:	OP7.7 Ensure that governance structures are open, transparent and fully accountable and that these are supported by relevant instruments.
Attachments:	1. Audit, Risk and Improvement Committee Charter ↓
Cost Centre	
Project	1094
Further Operational Plan Actions:	

EXECUTIVE SUMMARY

To rectify quorum numbers required in the Audit, Risk and Improvement Committee Charter.

The following officer's recommendation is submitted for Council's consideration.

OFFICER'S RECOMMENDATION

That Council approve the change of quorum for the Audit, Risk and Improvement Committee to read "7.2 Attendance at Meetings and Quorums - A quorum will consist of a majority of members in attendance"

AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

It was noted at the Audit, Risk and Improvement Committee meeting of 6th September 2017 that there was some confusion regarding what constitutes a quorum for the meeting.

The Charter currently states:

7.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of voting members in person attendance, including at least three independent members.

Council is currently recruiting two external members to fill the current two vacancies. At the time of the meeting there were only two external members of the Committee in attendance.

The change requested by the members is to ensure that there is no confusion in the future and to remove the requirement for the quorum to consist of three external members. The new section to read as

7.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of voting members in attendance.

QUADRUPLE BOTTOM LINE REPORTING

1. Social

Advantages to the community from the Audit Risk and Improvement Committee stem from the independent oversight of controls and operations thus giving assurance to the Community that Council is addressing risk, ensuring compliance and providing best practice.

2. Environmental

It is not expected that there will be any impact on the environment through the Audit Risk and Improvement Committee

3. Economic

Costs for the operations of the Audit Risk and Improvement Committee are met in the budget as set down.

4. Civic Leadership

An effective Audit Risk and Improvement Committee has the potential to strengthen the control environment (of which it is part) and assist the General Manager and council to fulfil their stewardship, leadership and control responsibilities.

Determination by Administrator

Approved by Administrator Dean Lynch in accordance with *Section 226 dot point one (1) or two (2) of the Local Government Act 1993.*

Signature:

Date:



AUDIT RISK and IMPROVEMENT COMMITTEE CHARTER

1. Objective

The Objective of the Audit Risk and Improvement Committee (Committee) is to provide independent assurance and assistance to Snowy Monaro Regional Council (Council), on risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities.

2. Authority

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

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information)
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)
- Request of the General Manager the attendance of any employee at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities. Prior discussion must be undertaken with the General Manager who will determine appropriateness of any reimbursement if any by Council.

3. The Snowy Monaro Regional Council Assurance Environment

Snowy Monaro Regional Council has a range of activities to provide assurance to Council, the Committee and the General Manager.

Council uses a 'Combined Assurance – 3 Lines of Defence' model to define their assurance environment:

The 1st Line of Defence originates or initiates risk, and is responsible for managing the risks and having in place mechanisms to demonstrate controls are working effectively.

The 2nd Line of Defence monitors, reviews and tests effectiveness of 1st Line control and management of risks.

The 3rd Line of Defence independently evaluates and gives an opinion on the adequacy and effectiveness of both 1st Line and 2nd Line risk management approaches.

This approach demonstrates how assurance activities co-ordinate to provide assurance to the Council, the Committee, and the General Manager.

At Council this can be illustrated as:

Combined Assurance - 3 Lines of Defence		
1 st Line of Defence	2 nd Line of Defence	3 rd Line of Defence
Management Controls Real-Time Focus	Management of Risk Real-Time Focus + Review of 1 st Line	Independent Assurance Review of 1 st Line and 2 nd Line
Management Controls	Risk Management Governance Regulatory Compliance Work Health Safety Environment	Internal Audit External Audit Office of Local Government
Review governance and compliance Implement improvements	Confirm governance and compliance Recommend improvements	Independently confirm governance and compliance Recommend improvements

4. Composition and Tenure

The Committee will consist

4.1. Voting members

- 1 x Councillor representative
- 4 x Independent external members (one of whom is recruited as Chair)

4.2. Non-voting members

- General Manager
- Internal Audit Manager (Head of Internal Audit)

4.3. Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor
- Other Council officers may attend by invitation from the Committee through the General Manager.

4.4. Term of membership external appointments

Two external members shall be appointed for a maximum term of four years and two external members shall be appointed for a maximum term of three years and shall be appointed as follows:

- Two external members (one of whom shall be the Chair) shall be appointed for an initial period of two years with an additional two year appointment subject to a satisfactory performance assessment of their contribution to the Audit Committee.
- Two external members shall be appointed for an initial period of two years with an additional one year appointment subject to a satisfactory performance assessment of their contribution to

the Audit Committee.

The performance review will be undertaken by the Council representative as Committee member in conjunction with the General Manager

External members may be re-appointed at the end of their tenure following a public advertisement and expression of interest processes

Vacancies shall be filled by public advertisement; an evaluation of candidates and a recommendation for appointment to Council.

4.5. Skills

The external independent members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.

At least one external independent member of the Committee shall have accounting or related financial management experience and an understanding of accounting and auditing in a public sector environment.

At least one external independent member of the Committee shall have internal auditing or related auditing experience.

At least one external independent member of the Committee shall have risk management experience.

5. Roles and responsibilities

The Committee has no executive powers but assists the Council by providing independent assurance and assistance to Council on behalf of rate-payers.

The Committee is directly responsible to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council operations rests with the General Manager.

The responsibilities of the Committee may be revised or expanded in consultation with or as resolved by Council.

The Committee's role includes assisting Council in its governance and exercising of due care, diligence and skill in relation to:

- Internal control systems
- Risk management systems
- Business policies and practices
- Protection of Council's assets
- Compliance with applicable laws, regulations, standards and best practice guidelines
- Understand the relevant legislative and regulatory requirements appropriate to Council;

- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

5.1. Risk management

- Review whether management has in place a current and appropriate risk management framework that is consistent with AS/NZS ISO 31000:2009
- Review risk management plans and provide advice to the General Manager
- Seek assurance from management and Internal Audit that risk management processes are operating effectively
- Seek assurance from management and Internal Audit as to the adequacy and effectiveness of internal controls
- Review risk reports and provide advice to the General Manager
- Review whether a sound and effective approach has been followed in developing risk management plans for major projects or undertakings
- Review the impact of the agency's risk management on its control environment and insurance arrangements
- Review council's fraud control plan and be satisfied that council has appropriate processes and systems in place to capture and effectively investigate fraud related information
- Review whether a sound and effective approach has been followed in establishing council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically.

5.2. Control framework

- Review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective
- Review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated
- Determine whether the appropriate processes are in place to assess, at least once a year, whether laws, regulations, policies and procedures are complied with
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations
- Consider how management identifies any required changes to the design or implementation of internal controls

- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

5.3. External accountability

- Assess the policies and procedures for management review and consideration of the financial position and performance of the agency including the frequency and nature of that review (including the approach taken to addressing variances and budget risks)
- Review procedures around early close and year-end
- Review the financial statements and provide advice to the General Manager (including whether appropriate action has been taken in response to audit recommendations and adjustments), and recommend their signing by the responsible financial officers and Councillors
- Satisfy itself that the financial statements are supported by appropriate management sign-off on the statements
- Review cash management policies and procedures
- Review policies and procedures for collection, management and disbursement of grants and tied funding
- Review the processes in place designed to ensure that financial information included in Council's annual report is consistent with the signed financial statements
- Satisfy itself that Council has a performance management framework that is linked to organisational objectives and outcomes.

5.4. Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of Council's risk assessment and management arrangements
- Review the effectiveness of the systems for monitoring compliance with applicable laws and regulations and associated government policies

5.5. Internal Audit

- Act as a forum for communications between the General Manager, senior management and internal and external audit
- Review and provide advice to the General Manager on the internal audit policies and procedures
- Review the risk based audit methodology
- Review the internal audit coverage and annual work plan, ensure the plan is based on Council's risk management plan, and recommend approval of the plan
- Advise the General Manager of the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan

- Oversee the coordination of audit programs conducted by internal audit and external audit and other review functions
- Review audit findings and related recommendations that have been assessed as the most significant according to the risk and audit finding represent to Council if the recommendation's related to the finding are not implemented
- Provided advice to the General Manager on significant issues identified in audit reports and action taken on these issues, including identification and dissemination of good practice
- Monitor management's implementation of internal audit recommendations
- Review the internal audit charter to ensure appropriate organisation structures, authority, access and reporting arrangements are in place
- Periodically review the performance of internal audit

5.6. External audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback of the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor management's implementation of audit recommendations
- Provide advice to the General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides

5.7. Responsibilities of members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Snowy Monaro Regional Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

6. Reporting

The Committee will regularly, but at least one a year, report to Council on its operation and activities during the year. The report should include:

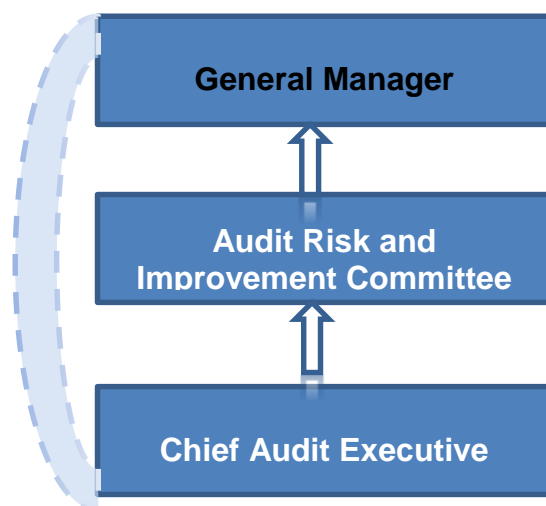
- An overall assessment of Council’s risk, control and compliance framework, including details of any significant emerging risks or legislative changes impacting Council
- A summary of the work the Committee performed to fully discharge its responsibilities during the preceding year
- Details of meetings, including the number of meetings held during the relevant period and the number of meeting each member attended
- A summary of Council progress in addressing the findings and recommendations made in internal and external reports
- A summary of the Committee’s assessment in the performance of internal audit

The Committee’s Minutes will be presented to Council for information only through the General Manager’s report to Council.

6.1. Reporting Lines

The Committee must at all times ensure it maintains a direct reporting line to and from internal audit and act as a mechanism for internal audit to report to the General Manager on functional matters.

The following reporting line is prescribed:



7. Administrative arrangements

7.1. Meetings

The Committee will meet at least four times per financial year. A special meeting may be held to review Council’s financial statements.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members or the General Manager may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Charter.

Meetings will follow Councils Code of Meeting practice.

7.2. Attendance at Meetings and Quorums

A quorum will consist of a majority of voting members in person attendance, ~~including at least three independent members.~~

Meetings can be held in person, by telephone or by video conference.

The Internal Audit Manager will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request through the General Manager, for other employees to participate for certain agenda items, as well as the external auditor

The General Manager may attend each meeting but will permit the Committee to meet separately with the Chief Audit Executive in the absence of management on at least one occasion per year

7.3. Secretariat

The Council will provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member and committee observers as appropriate within three weeks of the meeting being held.

7.4. Conflicts of Interest

Councillors, council staff and members of council committees must comply with the applicable provisions of Council's code of conduct in carrying out the functions as council officials.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

7.5. Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities

7.6. Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee in full at least once every two years

The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair

7.7. Review of Audit and Risk Committee Charter

At least once every year the Committee will review this Charter. The review will include consultation with the Council.

Any substantive changes to this charter will be recommended by the Committee and formally approved by Council.

13. CONFIDENTIAL MATTERS

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that the closure of that part of the meeting for the receipt or discussion of the nominated items or information relating thereto is necessary to preserve the relevant confidentiality, privilege or security of such information, and discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

RECOMMENDATION

1. THAT pursuant to Section 10A subsections 2 & 3 and Section 10B of the Local Government Act, 1993 (as amended) the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

13.1 Consolidation of Corporate Systems with Preferred Vendor

Item 13.1 is confidential in accordance with s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

2. The press and public be excluded from the proceedings of the Council in Closed Session on the basis that these items are considered to be of a confidential nature.
3. That the Minutes and Business Papers including any reports, correspondence, documentation or information relating to such matter be treated as confidential and be withheld from access by the press and public, until such time as the Council resolves that the reason for confidentiality has passed or become irrelevant.
4. That the resolutions made by the Council in Closed Session be recorded in the Minutes of the Council Meeting.
5. That upon this recommendation being moved and seconded, the Chairperson invite representations from the public as to whether this part of the meeting should be closed to consider the nominated item.