



# Corporate & Works Committee

**Agenda:** *Corporate & Works Committee*

**Date:** *Monday 2 September 2013*

**Time:** *6.00pm*

### **Outline of Meeting Protocol & Procedure:**

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

### **Recommendation only to the Full Council:**

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- The voting of money for expenditure on works, services and operations.
- Rates, Fees and Charges.
- Donations
- Matters which involve broad strategic or policy initiatives within responsibilities of the Committee.
- Matters not within the specified functions of the Committee.
- Asset Rationalisation.
- Corporate Operations:-
  - Statutory Reporting;
  - Adoption of Council's Community Strategic Plan, Delivery Program and Operational Plan;
  - Delegations; and
  - Policies.
- Tenders as per Regulation requirements.
- Leases required to be determined by Full Council by specific legislative requirements
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

### **Delegated Authority:**

- General financial and corporate management of the Council, except those specifically excluded by statute, by Council direction or delegated specifically to another Committee.  
Note: This not to limit the discretions of nominated staff members exercising Delegated Authorities granted by the Council.
- Statutory reviews of Council's Delivery Program and Operational Plan;
- Finance Regulations, including:-
  - Authorisation of expenditures within budgetary provisions where not delegated;
  - Quarterly review of Budget Review Statements;
  - Quarterly and other reports on Works and Services provision; and
  - Writing off of rates, fees and charges because of non-rateability, bad debts, and impracticality of collection.
- Auditing.
- Property Management.
- Asset Management.
- Works and Services - Monitoring and Implementations.
- Legal Matters and Legal Register.
- Parks and Reserves Management.
- Infrastructure Management, Design and Investigation.
- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agenda (and as may be limited by specific Council resolution).
- Confirmation of the Minutes of its Meetings.
- Any other matter falling within the responsibility of the Corporate and Works Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

### **Committee Membership:**

7 Councillors

### **Quorum:**

The quorum for a Committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

29 August 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio  
Councillors Katherine O'Regan (Chair)  
Ted Bennett  
Peter Cavanagh  
Deborah Thomas  
Elena Wise  
Susan Wynne (Deputy Chair)  
Jeff Zulman

Dear Councillors

### **Corporate & Works Committee Meeting – 2 September 2013**

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Corporate and Works Committee** to be held in the **Council Chambers, 536 New South Head Road, Double Bay, on Monday 2 September 2013 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

### **Items to be Decided by this Committee using its Delegated Authority**

D1	Confirmation of Minutes of Meeting held on 19 August 2013	1
D2	Minutes of the Audit & Assurance Committee Meeting of 19 June 2013 – 1225.G	2

### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Audit & Assurance Committee's Annual Performance Assessment Report & Independent Members Re-Appointment – 1225.G Business Assurance	10
R2	Privacy Management Plan – 802.G PRI	33
R3	Public Interest Disclosures Internal Reporting Policy & Internal Reporting System – 1032.G	95

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of minutes of meeting held on 19 August 2013**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 19 August 2013 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Corporate and Works Committee Meeting of 19 August 2013 be taken as read and confirmed.

Les Windle  
Manager – Governance

**Item No:** D2 Delegated to Committee  
**Subject:** **Minutes of The Audit & Assurance Committee Meeting of 19 June 2013**  
**Author:** Cheryle Burns - Manager Business Assurance & Risk  
**File No:** 1225.G  
**Reason for Report:** To submit the Minutes of the Audit & Assurance Committee meeting of 19 June 2013.

**Recommendation:**

That the Minutes of the Audit & Assurance Committee meeting of 19 June 2013 be received and noted.

---

**Report:**

Council's Audit and Assurance Committee (AAC) met on Wednesday 19 June 2013 and considered reports on the following matters:

- Internal Audit of Human Resources Functions of Recruitment and Training - April 2013
- Internal Audit of Payroll Processing – April 2013
- Internal Audit of Information Technology – March/April 2013
- Audit & Assurance Committee Business Plan Progress report - June 2013
- Annual Audit Plan 2013/2014
- Risk Management Strategy – Triennial Review Audit Report (2010-2013)

The minutes of the June 2013 meeting of the AAC have been circulated to Committee Members and the Committee Chair has endorsed the minutes as an accurate record of the proceedings.

The minutes of these meetings are submitted for noting by the Corporate & Works Committee.

In discussing the 2013/2014 annual audit plan at its June meeting, Committee members recognised that the Internal Audit Program at WMC had matured since its establishment in February 2012 and in doing so acknowledged that internal audits to date had focussed on a high-level overview of management systems and methodology rather than in-depth sampling. The Committee were of the view that as the Audit Program continues to mature, future audit plans should present a balance between overview and in-depth internal audits. This will be noted in preparing future annual audit plans and in scoping individual audits.

Mr John Gordon, the independent Chair of the AAC will be in attendance at the Corporate & Works Committee meeting to address Councillors in relation to the minutes.

Cheryle Burns  
Manager Business Assurance & Risk

Stephen Dunshea  
Director Corporate Services

---

**Annexures:**

1. Minutes of the Audit & Assurance Committee meeting held 19 June 2013.

**Item No:** R1 Recommendation to Council

**Audit & Assurance Committee's Annual Performance Assessment Report and Independent Members Re-appointment**

**Author:** Cheryle Burns - Manager Business Assurance & Risk

**File No:** 1225.G Business Assurance

**Reason for Report:** To provide the Chairperson's Annual Report on the Performance of the Audit & Assurance Committee (AAC) for the period 2012 to 2013 and to seek re-appointment of the independent members.

**Recommendation:**

That the Council:

- A. Receive and note the Audit & Assurance Committee Annual Performance Report for the period ended 30 June 2013 including the Independent Chairperson's Report dated August 2013 provided as **ANNEXURE 2**.
- B. Note the Annual Performance Report conclusion that the Audit & Assurance Committee and its members have been effective since establishment of the Committee in 2012 and fulfilled their responsibilities in accordance with the Committee's Charter.
- C. Re-appoint Mr John Gordon to serve as the Independent Chair of Council's Audit and Assurance Committee for the four (4) year term ending 30 June 2017.
- D. Re-appoint Mr Jason Masters as the Independent Member of Council's Audit and Assurance Committee for a four (4) year term ending 30 June 2017.

---

**Background:**

The Audit & Assurance Committee (AAC) is an advisory committee of Council and formed by resolution on 25 July 2011. The AAC operates under a Charter adopted by Council on 5 September 2011, attached as **ANNEXURE 1**. The Committee held its first meeting on 7 March 2012 following a induction of its members held on 18 January 2012. The Committee members are:

- Mr John Gordon (Chair) Independent Member
- Mr Jason Masters Independent Member
- Cr Peter Cavanagh Council Representative (appointed by the Mayor)

As stated in the Charter the aim of the Committee is:

*“to ensure that the Council maintains a Business Assurance and Audit Framework that comprises the necessary management systems and processes to achieve long term business sustainability and thus provide confidence to its stakeholders...”*

In accordance with Clause 10 of the Charter, the Corporate & Works Committee is required to report to Council on the AAC's performance. Clause 10 states as follows:



**“10 Performance Assessment of the Committee and its members**

*An annual performance review of the Committee will be undertaken by the Corporate & Works Committee with a report to Council on its findings.*

*An evaluation of individual audit committee members will be conducted annually by the Chair of the Committee as part of the Corporate & Works review process. A self assessment questionnaire will be used to assist with the evaluation of a member’s performance and contribution to the Committee. The results of the performance assessments should be reported to Council through the Corporate & Works Committee.”*

In satisfying Clause 10 above, the Corporate & Works Committee should note the following achievements of the AAC over the past 18 months:

- Established an Internal Audit Policy and Internal Audit Charter
- Reviewed and adopted a 3 year Strategic Internal Audit Plan 2012 to 2015
- Initiated the creation of the Business Plan Progress Report, a tool for the AAC to monitor and track action items to ensure the AAC meet their responsibilities.
- Reviewed Council’s Financial Statements for year ended 30 June 2012 and received a briefing from Council’s external auditor on the content of the Statements and their audit findings.
- Received Public Interests Disclosure Report January to June 2012.
- Held an independent ‘in camera’ discussion with Council’s Internal Auditor and External Auditor.
- Considered and commented on the following Internal Audit Reports:
  - Procurement Review;
  - RMS Driver & Vehicle Information System (DRIVES);
  - Development Applications Review;
  - Business Continuity Management;
  - Audit of Civil Operations;
  - Investment Management Process;
  - Human Resources Functions of Recruitment & Training;
  - Payroll Processing;
  - Information Technology Health Check Review;
  - Second Triennial review of Risk Management Strategy

To further assist the Corporate & Works Committee in reviewing the performance of the AAC, the AAC Chairperson’s Report dated August 2013 on the performance of the AAC and its members for the period from 18 January 2012 to 19 June 2013 is provided as **ANNEXURE 2**.

Having considered the AAC’s achievements outlined above and the detailed report from the Chairperson it is considered that the AAC has fulfilled its responsibilities in accordance with their Charter for the period ending 30 June 2013.

**Re-appointment of Independent Members:**

The Council resolved on 14 November 2011 to appoint Mr John Gordon to serve as the Independent Chairperson and Mr Jason Masters as an Independent Member to the AAC for an initial period of 18 months commencing from the date of the first AAC meeting, being the 7 March 2012. Accordingly, their term of office expires on 7 September 2013. Both Independent Members have sought re-appointment of Office.

In this regard, the AAC Charter states as follows:

*“6.4 Term of Office and Quorum*

- i) The independent external members will be appointed for a four year term ending 30 June following an ordinary Council election, after which they will be eligible for extension or re-appointment following a formal review of their performance.*
- ii) The maximum number of terms an independent external member can sit on the committee without the need for further nominations is 2 terms.”*

Having regard to the AAC performance as presented in this report, it is recommended that both Mr John Gordon (Chair) and Mr Jason Masters be re-appointed as independent members of the AAC for a four (4) year term ending 30 June 2017.

It should also be noted that the Mayor has confirmed the reappointment of Councillor Peter Cavanagh as the Councillor member of the AAC.

**Conclusion:**

The AAC is an integral component of Council’s business assurance framework. The current Independent Committee Members have demonstrated a good understanding of Local Government and WMC’s approach to assuring its business and this is evident in their deliberations and achievements outlined in this report and the AAC’s Chairperson’s Report.

The purpose of this report has been to present the Corporate & Works Committee with information to enable it to make a recommendation to the Council in respect of the performance of the AAC and its members for the period ended 30 June 2013. In this regard, it is considered that that the AAC and its members have been effective since establishment of the Committee in 2012 and fulfilled their responsibilities in accordance with the Committee’s Charter.

The report also recommends the re-appointment of Mr John Gordon as Independent Chair and Mr Jason Masters as Independent Member of Council’s AAC for the four year period ending 30 June 2017.

Cheryle Burns  
Manager Business Assurance & Risk

Stephen Dunshea  
Director Corporate Services

---

**Annexures:**

1. WMC Audit & Assurance Committee Charter
2. Operations of the Audit & Assurance Committee for the Period from 18/01/2012 to 19/6/2013  
- Report by Chairperson of AAC including annexure Business Plan Progress Report

**Item No:** R2 Recommendation to Council  
**Subject:** **Privacy Management Plan**  
**Author:** Les Windle - Manager Governance  
**File No:** 802.G PRI  
**Reason for Report:** To adopt a revised Privacy Management Plan

**Recommendation:**

- A. That the revised Privacy Management Plan as contained in Annexure 1 to the report to the Corporate and Works Committee on 2 September 2013 be adopted.
- B. That the revised Privacy Management Plan be forwarded to the NSW Privacy Commissioner in accordance with the requirements of the Privacy and Personal Information Protection Act.
- 

**Background:**

The *Privacy and Personal Information Protection Act* (PPIPA) provides for the protection of personal information and for the protection of the privacy of individuals through 12 Information Protection Principles.

PPIPA requires Council to prepare a Privacy Management Plan (PMP). Council's first Privacy Management Plan was adopted in June 2000 following release of a Model Privacy Management Plan for Local Government and Privacy Code of Practice for Local Government by the (then) Department of Local Government.

The object of the PMP is to inform:

- the community about how their personal information will be used, stored and accessed after it is collected by the Council, and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

Subsequent to the PPIPA and adoption of Council's PMP, the Health Records and Information Privacy Act (HRIPA) was enacted requiring Councils and other health sector organisations to protect personal health information through a set of 15 Health Privacy Principles. The effect of HRIPA was that the PPIPA no longer covered personal health information and Section 33 of the PPIPA was amended to require Councils to prepare a PMP that included policies and practices that Councils would implement to comply with the PPIPA, HRIPA and Privacy Code of Practice.

In 2008 Council undertook a comprehensive review of the Privacy Management Plan to incorporate the twelve (12) Information Protection Principles of PPIPA, the fifteen (15) Health Privacy Principles of HRIPA and the Privacy Code of Practice. Council is still operating under the 2008 PMP.

Earlier this year the Division of Local Government released a new Model Privacy Management Plan for Local Government which has been prepared in consultation with the Office of the Privacy Commissioner and Local Government NSW and includes references to:

- PPIPA
  - HRIPA
  - The Government Information (Public Access) Act 2009 (GIPA)
  - Privacy Code of Practice
-

**Proposal:**

Council is required to adopt a new Privacy Management Plan based on the new Model Privacy Management Plan for Local Government or develop its own Privacy Management Plan based on the requirements of the PPIPA, HRIPA, GIPA and Privacy Code of Practice.

The Model Privacy Management Plan has been reviewed and does not propose any changes to Council's current policy position or practices in relation to the privacy management of an individual's personal or health information. A minor number of amendments have been made to the Model Privacy Management Plan to customise it for Council. The minor amendments include references to Council's related policies and procedures, position titles and inclusion of the Privacy Notification Statements that Council includes on all forms/applications where Council requests personal information.

It is recommended that the attached (Annexure 1) revised Privacy Management Plan be adopted.

PPIPA also requires Council to provide a copy of its PMP to the Privacy Commissioner whenever the plan is amended.

**Identification of Income & Expenditure:**

There are no expenditure implications with Council adopting the revised PMP.

**Conclusion:**

Council is required to adopt a new Privacy Management Plan based on the new Model Privacy Management Plan for Local Government issued by the Division of Local Government or develop its own Privacy Management Plan based on the requirements of the PPIPA, HRIPA, GIPA and Privacy Code of Practice.

The PMP recommended for adoption is the Model PMP with amendments that include references to Council's related policies and procedures, position titles and inclusion of the Privacy Notification Statements that Council includes on all forms/applications where Council requests personal information.

The proposed PMP does not propose any changes to Council's current policy position or practices.

Les Windle  
Manager Governance

Stephen Dunshea  
Director Corporate Services

---

**Annexures:**

1. Draft 2013 Privacy Management Plan recommended for adoption

**Item No:** R3 Recommendation to Council

**Subject:** **Public Interest Disclosures Internal Reporting Policy and Internal Reporting System**

**Author:** Les Windle - Manager Governance

**File No:** 1032.G

**Reason for Report:** To update Council's Public Interest Disclosures Internal Reporting Policy and Internal Reporting System following release of a revised Model Internal Reporting Policy by the Office of the NSW Ombudsman

**Recommendation:**

That the revised Public Interest Disclosures Internal Reporting Policy and Internal Reporting System as contained in Annexure 1 to the report to the Corporate and Works Committee on 2 September 2013 be adopted.

---

**Background:**

Section 6D of the Public Interest Disclosures Act 1994 (*the Act*) requires public authorities to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. The NSW Ombudsman oversees *the Act* and the Ombudsman may adopt guidelines to assist authorities with their obligations under *the Act*. The guidelines may include a model policy that provides for those procedures. When developing Council's Policy, Council must have regard to the Ombudsman's guidelines and model internal reporting policy.

Council's current Public Interest Disclosures Internal Reporting Policy and Internal Reporting System was adopted in September 2011 based on the June 2011 Model Internal Reporting Policy for Local Government. The Policy was further reviewed and updated in October 2011 following amendments to *the Act* through the Public Interest Disclosures Bill 2011 which were to come into effect on 1 November 2011.

The Ombudsman issued a revised Model Internal Reporting Policy for Local Government in July 2013 following consultation with the Division of Local Government (*DLG*). The revised Model Policy includes amendments aligning the content with the *DLG's* Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The revised Model Policy also includes the changes introduced by the Public Interest Disclosures Bill 2011 which came into effect after the June 2011 Model Policy was released.

**Proposal:**

Council is required to have regard to the Ombudsman's guidelines and model internal reporting policy when adopting or revising its policy.

The Model Internal Reporting Policy has been reviewed and does not propose any changes to Council's current policy position or practices. The amendments in the 2013 Model Policy include changes introduced by the Public Interest Disclosures Bill 2011 which have already been included in Council's Policy when the Policy was updated in October 2011 and changes relating to Council's statutory obligations under the prescribed Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW which Council adopted on 18 February 2013.

A minor number of amendments have been made to the Model Internal Reporting Policy to customise it for Council. The minor amendments include references to Council's related policies, procedures and staff position titles.

Changes in the revised Policy are shown as underlined text.

It is recommended that the attached (Annexure 1) revised Public Interest Disclosures Internal Reporting Policy and Internal Reporting System be adopted.

**Identification of Income & Expenditure:**

There are no expenditure implications with Council adopting the revised Public Interest Disclosures Internal Reporting Policy and Internal Reporting System.

**Conclusion:**

Council is required to adopt a policy and procedures for receiving, assessing and dealing with public interest disclosures under the Public Interest Disclosures Act. The Policy must have regard to any Ombudsman's guidelines and model internal reporting policy. The NSW Ombudsman released a revised Model Internal Reporting Policy in July 2013.

The Public Interest Disclosures Internal Reporting Policy and Internal Reporting System recommended for adoption is the Model Internal Reporting Policy with amendments that include references to Council's related policies, procedures, and staff position titles.

The proposed Public Interest Disclosures Internal Reporting Policy and Internal Reporting System does not propose any changes to Council's current policy position or practices.

Les Windle  
Manager Governance

Stephen Dunshea  
Director Corporate Services

---

**Annexures:**

1. Draft 2013 Public Interest Disclosures Internal Reporting Policy and Internal Reporting System recommended for adoption

**Political Donations – matters to be considered by Councillors at Meetings**

