

POLICY OBJECTIVE

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law. Council has an obligation to ensure that legislative requirements are complied with. The community and those working at Council have a high expectation that Council will comply with applicable legislation and Council should take all appropriate measures to ensure that expectation is met.

Compliance is what Council does to ensure that it meets the requirements of the law relating to its activities. If offences are committed by Council or its employees, the Council, employees and Councillors could be prosecuted, Council could be sued and there could be a significant loss of reputation.

Council, in its role as a Local Government authority, is committed to compliance with all statutory and common law requirements relating to operations and governance of Council. Council maintains the highest standards of diligence in all areas of public accountability, through its policies, in meeting its legal obligations, in the maintenance of a compliance management system and in the promotion of a compliance culture.

Council recognises its obligations to its stakeholders, its employees and the wider community to provide an environment that is safe, a culture that promotes equity and an administration that adopts the highest standards of probity and accountability in all its operations.

This Policy, and the principles set out in this Policy, aim to:

- (a) Prevent, and where necessary, identify and respond to breaches of laws, regulations, codes or organisational standards occurring in the organisation.
- (b) Promote a culture of compliance within the organisation; and
- (c) Assist the Council in achieving the highest standards of governance.

SCOPE

This policy applies to all Councillors, employees, contractors, committee members and volunteers.

All actions undertaken by Council will be conducted in accordance with the law and high standards of governance.

LEGISLATIVE REQUIREMENTS

This policy complies with the Local Government Act 1993 and Local Government (General) Regulations 2005.

POLICY STATEMENT

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

These processes and structures aim to:

- a) Develop and maintain a system for identifying the legislation that applies to Council's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- c) Provide training for relevant employees, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Conduct internal audits to ensure there is compliance.
- f) Establish a mechanism for reporting non-compliance.
- g) Review accidents, incidents and other situations where there may have been noncompliance.

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- h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

ROLES AND RESPONSIBILITIES

Councillors and committee Members

Councillors and committee members have a responsibility to be aware of and abide by legislation applicable to their role.

Senior management (General Manager and Directors)

Senior management should ensure that directions relating to compliance are clear and unambiguous and that legal requirements which apply to each activity for which they are responsible are identified. Senior management should have systems in place to ensure that all employees are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the Council's financial capacity to do so.

Employees

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report through their supervisors to senior management any areas of non-compliance that they become aware of.

GENERAL PRINCIPLES

Council has adopted the following principles:

- a) Council is committed to achieving compliance in all areas of its operations.
- b) Council will maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws, regulations, codes and Council standards.
- c) Council will provide sufficient resources to ensure that its legislative Compliance Policy and Procedures can be implemented, maintained and improved.
- d) Council will ensure that all managers, supervisors and employees generally understand, promote and are responsible for compliance with relevant laws, regulations, codes and Council standards that apply to activities within their day-to-day responsibilities.
- e) Council will maintain its commitment to continuous improvement.
- f) Council will use its established risk management practices to accurately identify, rate and treat compliance risks.
- g) Council will ensure that legislative compliance requirements are integrated into day-to-day operating procedures as appropriate.
- h) Council will maintain an effective complaints management system, including the coverage of compliance failures.
- i) Council will maintain a Legislative Compliance Register.
- j) Council will investigate, rectify and report all legislative compliance failures.
- k) Council will allocate appropriate responsibility for managing legislative compliance at various levels.
- l) Council will provide appropriate practical education and training for employees to meet their legislative compliance obligations.
- m) Council will actively promote the importance of legislative compliance to employees, contractors and other relevant third parties.
- n) Council will monitor and review its legislative compliance program through its Audit, Risk and Improvement Committee.

ASSOCIATED POLICIES AND PROCEDURES

Good Conduct and Administrative Practice – Guidelines for State and Local Government
Governance Health Check – Self audit guide to good governance in Local Government
Legislative Compliance Register

LEGISLATIVE COMPLIANCE PROCEDURES

Identifying Current Legislation

Electronic Versions of Legislation

Council accesses electronic up-to-date versions of legislation through the New South Wales legislation website at www.legislation.nsw.gov.au. The NSW legislation website is the official NSW Government site for the online publication of legislation and is provided and maintained by the Parliamentary Counsel's Office.

Australian Standards

Council is a subscribing member to Standards Australia and as a member, Council receives alert updates to amendments of the Standards it has purchased.

Identifying New or Amended Legislation

NSW Government Gazette

Council provides website access for its employees to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales. A designated employees member within Council's Record Section scans each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Copies of such new or amended legislation are distributed to the applicable officers within Council by email or hard copy.

Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation relevant to Local government. Such advices are received through Council's Records Section and are distributed by the Records employees to the relevant Council officers for implementation and Councillors for information.

Department of Planning and Environment

Council receives regular circulars from the Department of Planning and Environment on any new or amended legislation. Such advices are received through Council's Records Section and are distributed by the Records employees to the relevant Council officers.

LGNSW

Council receives regular circulars from LGNSW. These circulars have sections on Legal and Finance and Planning and Environment that highlight changes in legislation applicable to Councils and are distributed to relevant Council officers and Councillors for information.

Special Interest Groups and Networking

Council is involved in Council networking and alliance groups including planning, human resources, governance, risk management and records groups. These special interest groups meet periodically to discuss matters which include legislative changes and attendance by key employees is encouraged and supported.

Obtaining Advice on Legislative Provisions

Council employees shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the respective legal officer in either of the following for advice:

(a) LGNSW (Legal Officer),

- (b) Office of Local Government (Legal Services Branch), or
(c) Council's Panel of Solicitors.

Contact is a matter delegated to Directors and Managers.

Informing Council of Legislative Change

If necessary, the General Manager or a nominated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation where any changes will impact significantly on Council's operations.

Council's format for all its reports to Council meetings provides that all reports shall have a section headed "policy and strategy implications" which shall detail the current Council policy and sections of any Act, Regulation or other legislation that is relevant to the report before Council.

Review of Incidents and Complaints for Non-compliance

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the respective Manager. The supervising Manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The General Manager may investigate any reports of significant non-compliance and, if necessary, report the non-compliance to the Council and/or the Office of Local Government. The General Manager will also take the necessary steps to improve compliance systems.

Audit on Legislative Compliance

Council shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Director Corporate Services.

DEFINITIONS

Compliance - the practice of obeying a law, rule, or request.

Governance – the structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation

Probity - complete and confirmed integrity, uprightness and honesty in a particular process.

POLICY VERSION CONTROL

Policy Title	Legislative Compliance Policy
Document ID	41499
Department	Corporate Services
Function	Governance
Policy Group	Leadership
Responsible Officer	Governance Officer
Adopted	19/4/18
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