

Legislative Compliance Policy 2021

POL022



Policy No:	POL022
Policy Title:	Legislative Compliance Policy
Section Responsible:	Governance
Minute No/Ref:	578713
Doc ID:	424675

1. INTENT

This policy outlines Council's commitment to a legislative compliance management program which provides assurance and builds the capacity of Council to meet its key compliance obligations, promote a compliance culture and uphold good corporate governance practices.

2. SCOPE

This policy applies to all areas of Council and to all staff commensurate with their roles, functions, authority and span of control.

3. OBJECTIVE

To ensure that Council has a legislative compliance management program in place to facilitate compliance with Council's legislative and regulatory requirements.

Council, in its role as a Local Government Authority, has an obligation to ensure that its 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 that expectation is met.

4. POLICY STATEMENT

Council's legislative compliance policy and legislative compliance program enables the Council to:

- understand its legislative compliance risks
- conduct business and activities in a lawful and responsible way to protect the reputation and credibility of the Council

- develop, implement and monitor internal controls to manage and provide assurance on legislative compliance risks
- identify responsibilities for meeting specific compliance obligations
- assess and improve compliance performance.

5. PROVISIONS

5.1 COMPLIANCE MANAGEMENT SYSTEM

5.1.1 Implementation

Council applies a risk-based approach to implementing its compliance management system by conducting assurance activities for legislative compliance, such as compliance risk assessments, compliance self-assessments, reporting and audits.

The risk of non-compliance will be monitored and effective internal controls put in place to reduce compliance risk to an acceptable level.

Staff will receive appropriate communication and training to meet their compliance responsibilities within the scope of their roles.

The various components of the Council's compliance management system, together promote the importance of compliance to all staff. Key components include:

- legislative compliance policy
- legislative compliance register - a register of key compliance obligations, responsibilities assigned to each obligation
- policy register - lists key Council policies, policy owners and policy review dates
- quarterly review and management sign-off to report against the compliance obligations outlined through the Office of Local Government's Compliance and Obligations annual calendar
- assurance activities involving compliance risk assessments, conducted in accordance with the Council's Enterprise Risk Management Framework
- an embedded compliance culture led by senior management that is committed, proactive, visible, consistent, and promotes staff awareness
- delegations register
- training and awareness program through Code of Conduct training, staff communication of change to or new obligations, and targeted staff training to ensure they meet obligations within the scope of their roles.

5.1.2 Monitoring and evaluation

The key activities of monitoring and evaluating the legislative compliance management program include:

- identifying new or changes to existing legislative compliance obligations through notifications and reviews of the legislative compliance register by compliance owners
- conducting legislative compliance risk assessments, including identifying new or emerging compliance risks and assessing the effectiveness of and identifying gaps in existing controls
- regular reporting on legislative compliance obligations and/or exceptions
- reviewing and monitoring legislative compliance activities designed to meet compliance obligations within the scope of the reviewer's roles
- conducting internal self-assessments and external independent reviews and/or audits based the legislative compliance register relating to specific legislation and Council policies
- reporting the results of reviews to the General Manager and the Audit Risk and Improvement Committee.

5.1.3 Continuous improvement

Council is committed to the ongoing improvement to the legislative compliance management program by:

- staff reporting to management instances where they consider obligations are not being complied with
- senior managers implementing corrective action that is appropriate when legislative non-compliance is identified
- senior managers regularly reviewing legislative compliance procedures to identify areas for improvement
- timely escalation of any unresolved issues to the appropriate management level
- the Governance and Engagement Manager or relevant senior manager reporting to the General Manager and the Audit Risk and Improvement Committee on instances of significant non-compliance, or increases in legislative compliance risk exposures, and corrective actions to address them.

5.2 INFORMING LEGISLATIVE COMPLIANCE

5.2.1 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.
- Council Staff should utilise this website as it is updated on a daily basis. Other sites, such as AUSTLII, may not have up to date versions of legislation and regulations.
- Federal laws and instruments should be accessed through the Federal Register of Legislation at www.legislation.gov.au

Australian Standards

- Council maintains a library of Australian Standards related to Council's activities. The Standards purchased by Council are made available to staff through the library.

5.2.2 Identifying new or amended legislation

NSW Government Gazette

- Council provides website access for its staff to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales.

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 must be distributed by the Records staff to the relevant Council Officers for implementation and Councillors for information where applicable.

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 must be distributed by the Records staff to the relevant Council officers for implementation.

Local Government NSW

- Council receives a weekly circular from the Local Government NSW. These circulars have sections on Legal and Finance and Planning and Environmental law that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and Councillors for information.

5.2.3 Obtaining Advice on Legislative Provisions

Advice on matters of legislative interpretation may be sought when deemed necessary. Contact may be made with the respective legal officer/solicitor from the following sources:

- Local Government NSW (Legal Officer)
- Office of Local Government (Legal Services Branch)
- Council's panel of solicitors.

Note: Accessing legal advice must first be approved by the staff member's relevant Deputy General Manager.

6. DEFINITIONS

- **Compliance:** adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Council policies and frameworks.

- **Compliance culture:** the values, ethics and beliefs that exist throughout Council and how they interact with the structures and control systems to produce behavioural norms that are conducive to compliance outcomes.
- **Compliance management program:** the various functions and practices including the roles and responsibilities of key staff or areas, and the activities they undertake which, when combined, are intended to provide assurance that Council complies with its obligations.
- **Compliance risk:** the effect of uncertainty on compliance objectives. It is characterised by the likelihood of occurrence and the consequence of non-compliance.
- **Legislative compliance register:** a list of the key legislative compliance obligations of the Council. Each obligation is risk assessed and is assigned a responsible manager to ensure compliance to the obligation.
- **Risk management:** the systematic application of management policies, procedures and practices to the tasks of communication, consultation, establishing the context, and identifying, analysing, evaluating, treating and monitoring and reviewing risk – as outlined in the Council Enterprise Risk Management Policy
- **Staff:** a person working at or on behalf of the Council and includes part- time, full-time, and temporary staff and also includes contractors.

7. ROLES AND RESPONSIBILITIES

7.1 GENERAL MANAGER

The General Manager is ultimately operationally responsible for the Council's legislative compliance program and to ensure adequate resources are allocated to meet compliance obligations.

7.2 EXECUTIVE LEADERSHIP TEAM

- Promote a compliance culture.
- Monitor compliance with relevant codes, practices, laws and directives
- Ensure necessary processes and treatment plans are in place to ensure the Council is complying with its obligations
- Support continuous improvement of the compliance management system.

7.3 MANAGERS

- Ensure compliance with obligations within their teams and within their area of responsibility.
- Promote a compliance culture to meet compliance obligations by providing support, communication and training where necessary.
- Identify, understand and respond to new compliance obligations.
- Monitor compliance with current compliance obligations.

- Ensure controls are designed, implemented and are in place to minimise the risk of non-compliance.
- Investigate and respond to incidents of non-compliance.
- Report on the fulfilment of compliance obligations, through the management sign-off assessing compliance against the Office of Local Government's compliance and obligations annual calendar and the reviews arising from the legislative compliance register.

7.4 STAFF

- Comply with relevant obligations within the scope of their roles.
- Report to their manager or supervisor instances where they consider obligations are not being complied with
- Actively identify and seek additional support in understanding their compliance obligations.
- Develop the compliance performance and culture within their teams by promoting opportunities for staff to increase their understanding, apply and continuously improve on compliance obligations relating to their roles.

7.5 GOVERNANCE STAFF

- Review and report on updates from the Office of Local Government and other pronouncements likely to impact Council.
- Maintain a watching brief on selected legislation and updates senior management of any changes.
- Coordinate compliance risk assessments and updating the Compliance Risk Register for changed or new obligations.
- Report to the General Manager and the Audit Risk and Improvement Committee on the effectiveness of the compliance management program. This includes the results of compliance risk assessments, audits and/or self-assessment outcomes, any non-compliance, and any actions taken to minimise the risk of non-compliance to acceptable levels.
- Coordinate the policy register to ensure that policies are monitored and are periodically reviewed and updated.
- Provide advice to senior managers and other staff on the compliance management program.

7.6 AUDIT RISK AND IMPROVEMENT COMMITTEE

- Independently review the legislative compliance program at the Council.
- Determine whether management has appropriately considered compliance risks as part of its governance framework.

- Review the effectiveness of the program for informing and monitoring Council's compliance with applicable laws and regulations, and its policy register
- Review and advise on the Legislative Compliance Policy to ensure that it contributes to the risk management processes of Council.

8. RELATED LEGISLATION

- Local Government Act 1993

9. RELATED POLICIES AND DOCUMENTS

- CS150 Risk Management Policy
- POL145 Code of Conduct
- POL037 Public Interest Disclosure Policy
- Audit Office of New South Wales "Governance Lighthouse – a strategic early warning signal" February 2015

10. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

11. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS330 Legislative Compliance Policy

POLICY HISTORY

Responsible Officer	Governance & Engagement Manager		
Approved by	General Manager		
Approval Date	25 October 2021		
GM Signature <i>(Authorised staff to insert signature)</i>			
Next Review	1 November 2024		
Version Number	Endorsed by ELT	Endorsed by Consultative Committee and/or WHS Committee	Date signed by GM
1 Adopted	15/07/2019	-	16/07/2019
2 Reviewed	14/09/2021	-	25/10/2021

NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council's website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.

12. Acknowledgement of Training Received

I hereby acknowledge that I have received, read and understood a copy of Council's Legislative Compliance Policy.	
Employee Name	
Position Title	
Signature	
Date	