



LEGISLATIVE COMPLIANCE POLICY

16 October 2018

Policy No:	DFA.010.18
Adopted by Council:	16 October 2018
Review Date:	October 2020
Responsible Officer:	Director Finance and Administration
Responsible Director:	Director Finance and Administration
Functional Area:	Finance and Administration

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PART 1 – OBJECTIVE

To ensure that Junee Shire Council complies with legislative requirements.

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 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 people at Council, as a result of legislation not being complied with, Council, staff 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 a high standard 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.

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

PART 2 – POLICY OBJECTIVES

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 high standards of governance.

PART 3 – 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 will 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 staff, 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 of 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 non-compliance.
- h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

3.1 ACCOUNTABILITY REQUIREMENTS

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 staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the 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.

PART 4 – GENERAL PRINCIPLES

Council has adopted the following principles based on the Australian Standards AS 3806-2006 *Compliance Programs*.

- 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 Compliance Program can be implemented, maintained and improved.
- d) Council will ensure that all managers, supervisors and staff generally understand, promote and be responsible for compliance with relevant laws, regulations, codes and Council standards that apply to activities within their day-to-day responsibilities.
- e) Council will use its established risk management practices to accurately identify, rate and treat compliance risks.
- f) Council will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.

- g) Council will maintain an effective complaints management system, including the coverage of compliance failures.
- h) Council will maintain a Compliance Register in association with its Risk Register.
- i) Council will investigate, rectify and report all compliance failures.
- j) Council will allocate appropriate responsibility for managing compliance at various levels.
- k) Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.
- l) Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- m) Council will monitor its Legislative Compliance Program through a three year Audit Plan, and
- n) Council will review its Legislative Compliance Program annually to ensure its effectiveness.

PART 5 – IMPLEMENTATION OF LEGISLATION

Council will have a system in place (legislative compliance procedures) to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation. A legislative compliance procedure to assist and inform staff of individual and organisational legislation responsibilities supports this policy.

PART 6 – REVIEW

A review of Council’s Legislative Compliance Policy and Procedures will be undertaken every two years.

PART 7 – RESOURCES

- Local Government Act 1993,
- Local Government (General) Regulations 2005,
- Good Conduct and Administrative Practice – Guidelines for State and Local Government (NSW Ombudsman published May 2006)
- Governance Health Check – Self audit guide to good governance in Local Government (Local Government Managers Australia (LGMA) and Independent Commission Against Corruption (ICAC) published 2004), and
- Australian Standard AS3806-2006: Compliance Programs.

Version Control and Change History

Version	Date	Action
V1.0		Adoption of Policy