

LEGISLATIVE COMPLIANCE

Policy | Governance

To provide the systems and operating environment to ensure that Council complies with legislative requirements

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Service Unit:	Governance		
Responsible Officer:	Coordinator Governance		
Responsible Director:	Director Corporate & Community Services Group		
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Table of Contents

1	Background.....	3
1.1	Title of the Policy and Commencement Date.....	3
1.2	Purpose of the Policy.....	3
2	Objective.....	3
2.1	Objectives and Coverage of the Policy.....	3
3	Application.....	3
3.1	Application of this Policy.....	3
4	Principles/Body.....	3
4.1	Procedural Statement.....	3
5	Relevant Legislation.....	4
6	Document Information.....	4
6.1	Related Documents.....	4
7	Responsible Officer / Policy Owner.....	4
8	Responsibilities.....	4
9	Approval.....	5
10	Monitoring.....	5
11	Review Date.....	5
12	Last Review Date.....	5
13	Record Keeping, Confidentiality and Privacy.....	5
14	Breaches and Sanctions.....	5



1 Background

1.1 Title of the Policy and Commencement Date

The Legislative Compliance Policy takes effect from 17 June 2019.

1.2 Purpose of the Policy

To provide the systems and operating environment to ensure that Council complies with legislative requirements.

2 Objective

2.1 Objectives and Coverage of the Policy

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 and expectation to ensure that legislative requirements are complied with and will take all appropriate measures to ensure that this expectation is met. All Council staff shall ensure they are informed of the relevant legislative provisions prior to making decisions and providing recommendations to the Leadership Team and Council.

This policy is supported by the Legislative Compliance Procedure and Database.

3 Application

3.1 Application of this Policy

This policy applies to all people acting as Council officials including Councillors and all Council staff.

4 Principles/Body

4.1 Procedural Statement

Council will:

- a. Maintain a system for identifying and updating the legislation that applies to Council's activities.
- b. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council with appropriate delegations and controls.
- 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 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 legislative compliance can be improved.
- i. Identify the costs associated with new legislative requirements and determine future policy, resource and or workload/skills implications.

Council has a system in place (Legislative Compliance Procedure) to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation.

5 Relevant Legislation

Local Government Act, 1993

Local Government (General) Regulation, 2005

Australian Standard AS3806-2006: Compliance programs

6 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

6.1 Related Documents

Related documents, listed in **Table 6-1** below, are internal documents directly related to or referenced from this document.

Number	Title
19/36428	Procedure – Governance – Legislative Compliance
	Legislative Compliance Database

Table 6-1 – Related documents

7 Responsible Officer / Policy Owner

Ownership of this policy rests with the Coordinator Governance.

8 Responsibilities

Parties or Persons	Responsibilities
Coordinator Governance	<ul style="list-style-type: none"> • Administration of the Legislative Compliance Database.
Councillors and Committee Members	<ul style="list-style-type: none"> • Have a responsibility to be aware of, and abide by, the legislation applicable to their role.
Executive Leadership Team	<ul style="list-style-type: none"> • The Executive Leadership Team should ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified. The Executive Leadership Team should have systems in place to ensure



Parties or Persons	Responsibilities
	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.
Leadership Group	<ul style="list-style-type: none"> Managers have a duty of care to ensure that all operations applicable to their area of responsibility comply with the current legislation. This involves staying up to date with legislative changes, reviewing and updating the Service Unit's / Council's operations, policies and procedures and actioning improvements when non-compliance is identified or reported.
Employees	<ul style="list-style-type: none"> Employees have a duty to ensure advice to management, the Executive Leadership Team and Council is founded on accurate legislative and statutory requirements applicable to their area of work and to comply with legislation, Council policies and procedures. Employees shall report through their Manager to the Executive Leadership Team any areas of non-compliance that they become aware of.

9 Approval

As per cover sheet.

10 Monitoring

This policy will be monitored by the Coordinator Governance to ensure compliance.

11 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

12 Last Review Date

This policy was last reviewed on 19 June 2017.

13 Record Keeping, Confidentiality and Privacy

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

14 Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.

