

POLICY STATEMENT

LEGISLATIVE COMPLIANCE

AUTHORISATION

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| POLICY TYPE: <i>(Council or Operational)</i> | Council |
| POLICY LOCATION: <i>(eg. Corporate, Engineering, etc.)</i> | Governance and Risk |
| RESPONSIBLE OFFICER: <i>(by position title)</i> | Director Corporate and Community Services |
| AUTHORISED BY: <i>(GM or Director Title)</i> | General Manager |
| DATE ADOPTED: | 4 October 2022 |
| ADOPTED BY: <i>(Manex or Council)</i> | Council |
| MINUTE NO: <i>(If required)</i> | |
| REVIEW DUE DATE: <i>(Four years unless statutorily required sooner)</i> | February 2026 |
| REVISION NUMBER: | 2 |
| RELATIONSHIP TO CSP: | This policy supports Council's Delivery Program Strategy 13.2 Develop, implement and promote best practice governance policies and procedures. |

DOCUMENT HISTORY

| VERSION NO. | DATE | DESCRIPTION OF AMENDMENTS <i>Include names of former policies that this policy will replace if applicable</i> | AMENDED BY <i>(Where required)</i> |
|--------------------|---------------|---|--|
| 1 | December 2019 | | |
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REVIEW OF THIS POLICY

This Policy will be reviewed within four (4) years from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution for all policies categorised as "Council" policies or the approval of the General Manager for all policies categorised as "Operational" policies.

1. Purpose:

The purpose of this policy is to outline Bland Shire Council's commitment to a culture of compliance and provide a framework for good public administration. Council has an obligation to ensure that all legislative requirements and obligations are met and this policy is a key element in its overall legislative compliance framework for monitoring compliance and identifying action required for corrective measures.

Council maintains a high standard of diligence in all areas of public accountability, through its policies, in meeting its legal obligation, in the maintenance of 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.

The Policy and its 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.

2. Scope:

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

The 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 they may have been noncompliance.
- h. Review audit reports, incident reports, complaints and other information to assess how the system of compliance can be improved.

3. Outcomes:

Council has adopted the following principles based on the in *AS/ISO 19600:2015 – Compliance management systems – Guidelines*:

- 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.

4. 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 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 noncompliance that they become aware of.

5. Definitions:

To encourage the consistent understanding and use of terminology Council has adopted the definitions contained in *AS/ISO 19600:2015 – Compliance management systems – Guidelines*. The main definitions contained in the standard are reproduced in the table below:

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| Requirement | Need or expectation that is stated, generally implied or obligatory. |
| Compliance requirement | Requirement that an organisation has to comply with. |
| Compliance commitment | Requirement that an organisation chooses to comply with. |
| Compliance obligation | Requirements that an organisation mandatorily has to comply with as well as those that an organisation voluntarily chooses to comply with. |
| Compliance | Meeting all organisation's compliance obligations. |
| Compliance culture | Values, ethics, and beliefs that exist throughout an organisation and interact with the organisation's structure and control systems to produce behavioural norms that are conducive to compliance outcomes. |

6. Legislation and Supporting Documents:

- 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)
- AS/ISO 19600:2015 – Compliance management systems – Guidelines

7. Attachments:

NIL