

Policy No. PP035

Legislative Compliance Policy

1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

Date Adopted by Board 21/02/2020	Board Resolution No. 20/011
Policy Responsibility General Manager	
Review Timeframe 4 yearly	
Last Review 21/02/2020	Next Scheduled Review 21/02/2024

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
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	DD/MM/YYYY	
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FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

Related Legislation	Local Government Act 1993 Local Government (General) Regulation 2005
Related Policies	Code of Conduct
Related Procedures, Protocols, Statements and Documents	Legislative Compliance Register

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3 PURPOSE

Goldenfields Water County 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.

The NSW Auditor General's 2018 Report on Local Government identified the need for councils to improve governance practices to capture and monitor compliance with key laws and regulations.

The NSW Audit Office recommend that councils develop a legislative compliance framework including a formal legislative compliance policy to reduce the risk of councils breaching legislation.

This policy, and the principles set out in this policy, have been developed to:

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

4 SCOPE

This policy applies to all areas of Council's operations, and covers compliance with Commonwealth and State legislation, Council codes and policies, contracts, funding agreements, and relevant standards.

5 DEFINITIONS

Codes	Mandatory industry codes and voluntary industry codes with which the Council chooses and/or is required to comply.
Compliance	Ensuring that the requirements of laws, regulations, industry codes and Council standards are met.
Compliance failure	A breach, of applicable laws, regulations, codes and Council standards.
Compliance culture	The promotion of a positive attitude to compliance within the Council.
Legislation	Effective control of legal risks in order to ensure that the law is complied with.
Council standards	Any codes of ethics, codes of conduct, policies, procedures and charters that Council may deem to be appropriate standards for its day-to-day operations.

6 POLICY

Council has adopted the following principles based on the Australian Standard AS ISO 19600:2015 *Compliance management systems - Guidelines*:

- Council is committed to achieving compliance in all areas of its operations;
- Council will provide sufficient resources to support ongoing legislative compliance;
- 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;
- Council will use its Enterprise Risk Management Framework to identify, assess, evaluate and treat compliance risks;
- Council will support integration of compliance requirements into day-to-day operating procedures as appropriate;
- Council will maintain a Legislative Compliance Register in association with its Enterprise Risk Register;
- Council will investigate, rectify and report all compliance failures to the relevant authority as may be required;
- Council will allocate appropriate responsibility for managing compliance at various levels;
- Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations;
- Council will actively promote the importance of compliance to staff, contractors and other relevant third parties; and

Council will monitor legislative compliance through activities approved within its Internal Audit Plan.

7 ROLES AND RESPONSIBILITIES

- **Board and Committee Members** : Board and Committee members have a responsibility to be aware of and abide by legislation applicable to their role.
- **Senior Management Team (General Manager and Managers)** : 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.