

Policy No. PP035

Legislative Compliance Policy

1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

Date Adopted by Board 24 April 2025	Board Resolution No. 20/011, 25/029
Policy Responsibility General Manager	
Review Timeframe 4 yearly	
Last Review April 2025	Next Scheduled Review April 2029

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	07/02/2025	Formatting updates, removal of outdated references Addition of guidelines as associated document
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	

FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

Related Legislation	Local Government Act 1993 Local Government (General) Regulation 2021
Related Policies	Code of Conduct Fraud and Corruption Prevention Policy
Related Procedures, Protocols, Statements and Documents	Legislative Compliance Register Australian Standard AS/ISO 19600:2015 Compliance Management Systems – Guidelines provides a framework for compliance management.

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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.

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

Item	Definition
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.
- **The Audit Risk & Improvement Committee (ARIC)** The Audit Risk & Improvement Committee is responsible for providing independent assurance and assistance to council on risk management, controls, governance and external accountability responsibilities. The ARIC is responsible for the internal audit function of council and determines internal audit schedules, in conjunction with management.
- **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.

8 NON COMPLIANCE

Non Compliance with adopted policy may be considered a breach under the Code of Conduct.

9 OBTAINING FURTHER ADVICE

Council will obtain advice on matters of legislation and compliance as necessary. Advice can be obtained from a number of sources, such as:

- Through researching legislation
- External government agencies, such as the Office of Local Government, the Department of Planning and Environment (DPE), Department of Health, the Information and Privacy Commission, SafeWork and WorkCover.

These agencies may provide proactive compliance updates through notifications (such as Ministerial Directions) or may respond to targeted compliance questions

- Local government organisations, such as Local Government NSW (LGNSW); and
- Legal advisors. Council does not have an in-house legal advisor, but it does have legal service suppliers. Staff must follow the established delegations and legal referral process as a condition of making contact with a legal provider.

10 MONITORING COMPLIANCE AND IMPLEMENTING IMPROVEMENTS

Council's compliance processes are subject to ongoing monitoring through actions such as:

- Continually reviewing agency circulars and updates
- Obtaining and assessing staff feedback on knowledge gaps and training
- Obtaining and assessing third-party feedback on Council's compliance performance, including from auditors and regulators, or via complaints or reviews
- Appropriately escalating non-compliance matters and determining any remedial action or necessary changes