

# Legislative Compliance Policy

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<b>Strategic Pillar</b>	Capability	
<b>Responsible Branch</b>	Governance	31 March 2020

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## 1. OUTCOMES:

- 1.1 To ensure that Queanbeyan-Palerang Regional Council complies with legislative requirements and
- 1.2 Promotes a culture of good governance and compliance within the organisation in line with Council's Good Governance Framework
- 1.3 Prevents, and where necessary, identifies and responds to breaches of laws, regulations, codes or organisational standards occurring in the organisation, and
- 1.4 Assists the Council in achieving the highest standards of governance.
- 1.5 Has in place a Compliance Management System which allows for continuous review and improvement for all its business processes

## 2. POLICY:

- 2.1 Queanbeyan-Palerang Regional Council has adopted a Good Governance Framework (see Appendix 1) which confirms its commitment to having in place good governance practice for the organisation and all its activities.
- 2.2 This Framework is based upon the Governance Lighthouse promoted by the NSW Audit Office as well as the 12 Principles of Good Democratic Governance at the Local Level as developed by the Council of Europe.
- 2.3 In line with the Principles advocated in the Good Governance Framework, Council's Legislative Compliance Policy recognises the organisation's obligations to both its internal and external stakeholders, to provide an environment that is safe, a culture that promotes equity and an administration that adopts the highest standards of probity and accountability in all its operations.

## 3. SCOPE OF THE POLICY:

- 3.1 Council has an obligation to ensure that legislative requirements are complied with. The community and those working at Council have a high expectation that it will comply with all applicable legislation and will take all appropriate measures to ensure that this requirement is met.
- 3.2 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 risk and loss of reputation implications.
- 3.3 Council, in its role as a Local Government authority, is committed to the eight internal and 12 external principles as set out in its Good Governance Framework and will ensure compliance with all statutory and common law requirements relating to its operations and good governance.

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## 4. DEFINITIONS:

- **ARIC** is Council's Audit Risk and Improvement Committee.
- **Compliance** is meeting the requirements of laws, organisational policies, codes, principles of good governance and accepted community and ethical standards.
- **Good Governance:** is defined as 'Doing the right things, legally, for the right reasons for the right people, in a timely, inclusive, open, honest and accountable manner'.

## 5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

- Local Government Act 1993,
- Local Government (General) Regulation 2005,
- Good Conduct and Administrative Practice – Guidelines for State and Local Government (NSW Ombudsman published May 2006)
- AS/ISO 19600: 2015 Compliance Management Systems

## 6. CONTENT:

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

6.2 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 noncompliance.
- (h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved

### 6.3 Roles and Responsibilities

#### 6.3.1 Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware of and abide by legislation applicable to their role.

#### 6.3.2 Senior Management (CEO/General Manager and Portfolio General Managers)

Senior management should ensure that systems, processes and directions relating to compliance are in place and 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.

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## 6.3.3 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.

## 7. GENERAL PRINCIPLES

AS/ISO 19600:2015 places emphasis on compliance being 'embedded' in the culture of an organisation and that it is integrated with an organisation's financial, risk, quality, environmental health and safety management processes as well as its operational requirements and procedures. The policy is based upon the following general principles:

- 7.1 Compliance obligations are identified and assessed for mitigation.
- 7.2 Compliance and risk are managed at the operational level, with accountability through defined reporting structures.
- 7.3 Staff training needs are identified and addressed.
- 7.4 Behaviours that create and support compliance are encouraged and behaviours that compromise compliance are not tolerated.
- 7.5 Controls exist to manage key compliance obligations, particularly through Council's Audit, Risk & Improvement Committee (ARIC) and actively work to achieve desired behaviours.
- 7.6 The Council is able to demonstrate its Compliance Management System through documentation and practice, and
- 7.7 The Compliance Management System will be regularly reviewed and opportunities for improvement identified as part of Council's Audit Program`.

## 8. REVIEW

- 8.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. [**Note:** automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

This policy may be reviewed and updated as necessary if:

- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.

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## Appendix 1: QPRC Good Governance Framework

QPRC is committed to achieving good governance outcomes for both its internal business processes and its external customer outcomes. To assist with achieving this Council has developed a Good Governance Framework which is based upon two best practice models. Council defines 'good governance' as:

*'Doing the right things, legally, for the right reasons for the right people in a timely, inclusive, open, honest and accountable manner.'*

To achieve good governance Council needs to ensure that:

- (1) It provides for robust, transparent and accountable external outcomes for the community it serves, and
- (2) It has in place internal business processes which ensure it is achieving its intended purpose whilst meeting community expectations of probity, accountability and transparency.

Therefore a Good Governance Framework needs to ensure it has in place strong, robust and accountable internal business processes whilst at the same time it models external focused behaviours/principles which promote public confidence in the organisation. Council has drawn upon two best practice models of good governance to achieve this dual internal/external focus. Internally it has utilized the 'Governance Lighthouse' which is advocated by the NSW Audit Office. Externally, it has drawn upon the council of Europe 'Twelve Principles of Good Democratic Governance at the Local Level'.

The Governance Lighthouse consists of Eight (8) Principles with 17 Components which concentrates on a council's internal business processes and behaviours which ensures that an organisation performs by achieving its intended purpose, and conforms by complying with all relevant laws, codes and directions while meeting community expectations of probity, accountability and transparency.

The Council of Europe Good Governance Model looks at the key principles (12) that councils need to practice to create an environment of trust and confidence in a local community from the community. Although these models have a different focus (one internal – one external) they are not mutually exclusive. In fact, they are complimentary and in some aspects overlap. However, when combined they provide for a strong framework on how a Council can achieve good governance. (See Framework below)

## QPRC GOOD GOVERNANCE FRAMEWORK

**What is Good Governance?**  
**Definition**  
*'Doing the right things, legally, for the right reasons, for the right people in a timely, inclusive, open, honest and accountable manner'*

### INTERNAL FOCUS

Looking at Internal Business Processes to ensure the organisation achieves its intended purpose

#### GOVERNANCE LIGHTHOUSE

### EIGHT PRINCIPLES

- Key Stakeholder Rights
- Risk Management
- Remuneration
- Disclosure
- Corporate Reporting
- Ethics
- Structure
- Management & Oversight

**Strong, robust, legal, accountable & transparent internal business processes**

### EXTERNAL FOCUS

Looking at the behaviours and processes that create public confidence in the organisation

#### PRINCIPLES OF GOOD DEMOCRATIC GOVERNANCE AT THE LOCAL LEVEL

### TWELVE PRINCIPLES

- Participation, representation, fair conduct of elections
- Responsiveness
- Efficiency & Effectiveness
- Openness & Transparency
- Rule of Law
- Ethical Conduct
- Competence & Capacity
- Innovation & Openness to Change
- Sustainability & Long Term Orientation
- Sound Financial Management
- Human Rights, Cultural Diversity & Social Cohesion
- Accountability

**Public trust and confidence in the delivery of public decision-making**

STRATEGIES    PLANS    FRAMEWORK    POLICIES    PROCEDURE    GUIDELINES

**GOOD OUTCOMES FOR THE LOCAL COMMUNITY AND STRONG REPUTATIONAL CAPITAL FOR THE ORGANISATION**

DELIVERED BY