



# **Legislative Compliance Policy**

<b>Date policy was adopted by Council:</b>	25 February 2009
<b>Resolution number:</b>	61/09
<b>Previous Policy review date:</b>	June 2013
<b>Next Policy review date:</b>	March 2016
<b>Reference number:</b>	C096296

## **1. OBJECTIVE**

To ensure that Queanbeyan City Council complies with legislative requirements.

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 to ensure that legislative requirements are complied with. The community and those working at council have a high expectation that Council will comply with applicable legislation and Council should take all appropriate measures to ensure that that expectation is met.

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 loss of reputation.

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.

Council maintains the highest standards of diligence in all areas of public accountability, through its policies, in meeting its legal obligations, in the maintenance of a 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 the highest standards of probity and accountability in all its operations.

## **2. POLICY OBJECTIVES**

This Policy, and the 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 the highest standards of governance.

## **3. POLICY STATEMENT**

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

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

### 3.1 Roles and Responsibilities

- (a) Councillors and Committee Members  
Councillors and Committee members have a responsibility to be aware of and abide by legislation applicable to their role.
- (b) 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.
- (c) 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.

## 4. GENERAL PRINCIPLES

Council has adopted the following principles based on the Australian Standards AS 3806-2006 *Compliance Programs*.

- (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 maintain its commitment to continuous improvement in compliance through its Better Practice Framework Program.
- (f) Council will use its established risk management practices to accurately identify, rate and treat compliance risks.
- (g) Council will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.
- (h) Council will maintain an effective complaints management system, including the coverage of compliance failures.
- (i) Council will maintain a *Compliance Register* in association with its *Risk Register*.
- (j) Council will investigate, rectify and report all compliance failures.
- (k) Council will allocate appropriate responsibility for managing compliance at various levels.
- (l) Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.
- (m) Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- (n) Council will monitor its *Legislative Compliance Program* through a three year Audit Plan, and

- (o) Council will review its *Legislative Compliance Program* annually to ensure its effectiveness.

## **5. IMPLEMENTATION OF LEGISLATION**

Council will have a system in place (legislative compliance procedures) to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation. A Legislative Compliance Procedure has been prepared and is an attachment to this policy.

## **6. REVIEW**

A review of Council's Legislative Compliance Policy and Procedures will be undertaken every two years.

## **7. RESOURCES**

- 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), and
- Australian Standard AS3806-2006: Compliance Programs.

---

**LEGISLATIVE COMPLIANCE PROCEDURES**

**1. Identifying Current Legislation**

(a) Electronic Versions of Legislation

Council accesses electronic up-to-date versions of legislation through the New South Wales legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

The NSW legislation website is the official NSW Government site for the online publication of legislation, and is provided and maintained by the Parliamentary Counsel's Office.

Direct access to this site is provided from Council's intranet set up by the Website Administrator. The intranet is available for all administration staff and some operational staff.

(b) Australian Standards

Council is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities. As a member, Council receives alert updates to amendments of the Standards it has purchased. The Standards purchased by Council are made available to staff through the Legislation icon on Council's intranet.

**2. Identifying New or Amended Legislation**

(a) NSW Government Gazette

Council provides website access for its staff to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales. A designated staff member within Council's Record Section scans each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Copies of such new or amended legislation are distributed to the applicable officers within Council by email or hard copy.

(b) Department of Local Government

Council receives regular circulars from the Department of Local Government on any new or amended legislation relevant to Local government. Such advices are received through Council's Records Section and are distributed by the Records staff to the relevant Council officers for implementation and Councillors for information.

(c) Department of Planning

Council receives regular circulars from the Department of Planning on any new or amended legislation. Such advices are received through Council's Records Section and are distributed by the Records staff to the relevant Council officers for implementation.

(d) Local Government and Shires Association

Council receives a weekly circular from the Local Government and Shires Association. These circulars have sections on Legal and Finance and Planning and Environment that highlight changes in legislation applicable to Councils and are distributed to relevant Council officers and Councillors for information..

(e) Special Interest Groups and Networking

Council is involved in a number of Council networking and alliance groups including planning, human resources, governance, risk management and records groups. These special interest groups meet periodically to discuss matters which include legislative changes and attendance by key staff is encouraged and supported.

**3. *Obtaining Advice on Legislative Provisions***

Council staff shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the respective legal officer in either of the following for advice:

- (a) Local Government and Shires Association (Legal Officer),
- (b) Department of Local Government (Legal Services Branch), or
- (c) Council's Panel of Solicitors.

Contact is a matter delegated to Directors and Manager, Internal Services and Manager, Human Resources.

**4. *Informing Council of Legislative Change***

If necessary, the General Manager or a nominated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation where any changes will impact significantly on Council's operations.

Council's format for all its reports to Council meetings provides that all reports shall have a section headed "***policy or statutory implications***" which shall detail the current Council policy and sections of any Act, Regulation or other legislation that is relevant to the report before Council.

**5. *Review of Incidents and Complaints for Non-compliance***

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

**6. *Reporting of Non-compliance***

All instances of non-compliance shall be reported immediately to the respective Manager. The supervising Manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director. Council's internal communications procedures provide for monthly reports to be submitted from Managers to Directors and Directors to the General Manager with such reports including statutory obligations.

The General Manager may investigate any reports of significant non-compliance and, if necessary, report the non-compliance to the Council and/or the Department of Local Government. The General Manger will also take the necessary steps to improve compliance systems.

**7. *Audit on Legislative Compliance***

Council shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Manager, Internal Audit.

**8. *Review of Legislative Compliance Procedures***

***These Legislative Compliance Procedures will be reviewed every two years.***

<b>POLICY:-</b>	
<b>Policy No:</b>	
<b>Policy Title:</b>	Legislative Compliance
<b>Date Policy was adopted by Council:</b>	25 February 2009
<b>Resolution Number:</b>	61/09
<b>Previous Policy Review Date:</b>	June 2013
<b>Next Policy Review Date:</b>	March 2016
<b>PROCEDURES/GUIDELINES:-</b>	
<b>Date Procedure/Guideline (if any) was developed:</b>	Nil
<b>RECORDS:-</b>	
<b>Container Reference in TRIM: Policy</b>	SF080616
<b>Container Reference in TRIM: Procedure</b>	Nil
<b>Other locations of Policy:</b>	Intranet (linked to TRIM Container)
<b>Other locations of Procedures/Guidelines:</b>	Nil
<b>DELEGATION (if any):-</b>	Nil
<b>RESPONSIBILITY:-</b>	
<b>Draft Policy developed by:</b>	General Manager
<b>Committees (if any) consulted in the development of the Draft Policy:</b>	Nil
<b>Responsibility for Implementation:</b>	Manager Internal Services
<b>Responsibility for Review of Policy:</b>	Manager Internal Services

<b>INTEGRATED PLANNING FRAMEWORK:</b>	
<b>Community Strategic Plan:</b>	Strategic Priority No.
<b>Delivery Program Title:</b>	
<b>Operational Plan:</b>	Program No.

<b>Senior Authorising Officer</b>	<b>Position</b> General Manager	<b>Signature/Date</b>  25 February 2009
-----------------------------------	------------------------------------	--

<b>ACTION</b>	<b>COUNCIL MEETING DATE</b>	<b>RESOLUTION NUMBER</b>	<b>REPORT ITEM NUMBER</b>
New	25 February 2009	61/09	Item 15

<b>DATE REVIEWED</b>	<b>REVIEWER POSITION</b>	<b>REVIEWER NAME</b>
28 June 2013	Executive Manager, Legal and Internal Services	Bill Warne