

LEGISLATIVE COMPLIANCE

Responsible Department:	Planning, Strategy and People
Responsible Section:	Governance and Risk
Responsible Officer:	Manager Governance and Risk

Objective

The breadth of Narrabri Shire Council's operations results in a large volume of legislation that impacts on and imposes various compliance obligations. The consequences of breaching legislation can vary greatly between minimal impact on Council to severe consequences of both a civil and criminal nature.

The primary objective of this Policy is to ensure that Narrabri Shire Council complies with its legislative and regulatory requirements. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

Council, in its role as a Local Government Authority, has an obligation to ensure that its 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.

If breaches of the law are committed by Council, or its staff; Council and/or its individual staff members and Councillors could be prosecuted or fined, there could also be a significant loss of Council's reputation.

Council will maintain the highest standards of diligence in all areas of public accountability, through its policies and processes, to meet its legal obligations. Council will maintain a Legislative Compliance Management System to ensure these standards of diligence are met.

Policy

1. Policy Aims

- 1.1 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.

2. Policy Statement

- 2.1. Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.
- 2.2. 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 non-compliance.
- (h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

3. Roles and Responsibilities

3.1. Councillors and Committee Members.

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

3.2. General Manager.

- (a) The General Manager 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.
- (b) The General Manager 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) The General Manager shall ensure that staff seek information on legislative requirements applicable to their area of work and comply with the legislation.

4. General Principles

4.1. Council is working within the following principles based on the Australian Standards 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 and regulations.
- (c) Council will provide sufficient resources to ensure that this legislative 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 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 Statute and Regulation Register (within its electronic delegations database) and all identified legislation imposing compliance and impacting on Council will included on the Register.
- (i) Council will maintain a Breach Register Database (as part of the Legislative Register) and all legislative breaches, including reporting and rectification processes (Management response) will be stated within the 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 Management System via the Internal Audit Program and
- (o) Council will review its Legislative Compliance Management System annually to ensure its effectiveness.

5. Procedure

- 5.1. As part of the Legislative Compliance Management System, Council will have in place a Legislative Compliance Procedure to ensure that staff utilise the latest version of legislation and when legislation changes, steps are taken to ensure that staff are aware of amendments to legislation.

6. Review

- 6.1. A review of Council's Legislative Compliance System, Policy and Procedure will be undertaken within twelve months of an Ordinary Council Election.
- 6.2. A review may be undertaken on an as-needs basis.

History

Minute Number	Meeting Date	Description of Change
235/2022	26 July 2022	Endorsed for Public Exhibition
306/2022	27 September 2022	Adopted