

LEGISLATIVE COMPLIANCE POLICY

POLICY OBJECTIVE

Wentworth Shire Council (Council) is committed to ensuring its utmost compliance with all applicable legislative obligations. This policy sets out Council's legislative compliance principles, and commitment to ensuring that its obligations are met in a proactive, timely and transparent manner.

Council has an obligation to ensure that all legislative requirements and obligations are met and this policy is a key element in Council's overall legislative compliance framework for monitoring compliance and identifying action required for corrective measures.

1. POLICY STATEMENT

The intent of this policy is to ensure that Council establishes systems which:

- Promote a culture of compliance within the organisation;
- Prevent, and where necessary, identify and respond to, breaches of laws, regulation, codes or organisational standards applicable to Council;
- Meet the expectations, of the community and those working at Council, that Council shall take all appropriate measures to ensure that Council will comply with applicable legislation;
- Assist Council in achieving the highest standards of governance; and
- Provide sufficient resources to ensure that Council's compliance program can be implemented, maintained and improved.

2. POLICY COVERAGE

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

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future.

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery.

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Compliance	Means adhering to the requirements of laws, industry and organisational standards and codes, Council policies and plans, principles of good governance and accepted community standards.
Compliance Framework	Means Council's overarching framework that identifies and manages Council's legal and compliance obligation.
Compliance System	Means the framework, policies and procedures that holds and maintains the data, strategic documents and information that assists Council meet its compliance obligations.
Council	Wentworth Shire Council

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Legislative Obligations	Means legal requirements that an organisation has to comply with.
Non-Compliance	Refers to an act or omission, which causes Council to fail to meet its compliance obligations.

5. POLICY CONTENT

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

These processes and structures will aim to implement the following principles, which are derived from the Australian Standard 3806-2006 – Compliance Programs:

Commitment

- Commitment by the governing body and executive management to effective to effective compliance that permeates the whole organisation;
- The compliance policy is aligned to the organisation's strategy and business objectives, and is endorsed by the governing body;
- Appropriate resources are allocated to develop, implement, maintain and improve the compliance program;
- The objectives and strategy of the compliance program are endorsed by the governing body and executive management; and
- Compliance obligations are identified and assessed.

Implementation

- Responsibility for compliant outcomes is clearly articulated and assigned;
- Competence and training needs are identified and addressed to enable employees to fulfil their compliance obligations;
- Behaviours that create and support compliance are encouraged and behaviours that compromise compliance are not tolerated; and
- Controls are in place to manage the identified compliance obligations and achieve desired behaviours.

Monitoring and Measuring

- Performance of the compliance program is monitored, measured and reported; and
- The organisation is able to demonstrate its compliance program through both documentation and practice.

Continual Improvement

- Responsible management of compliance obligations includes a systematic approach to continuous improvement. This consist of on-going monitoring and reporting of non-compliance incidents, together with appropriate remedial action.

Maintenance and Review

- Council will ensure adequate processes are in place to ensure that timely advice is received regarding changes to compliance obligations and good governance practices by:
- Maintaining arrangements with legal advisors;
- Continuing memberships with professional bodies;
- Subscribing to relevant information services;

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- Attending industry forums, conferences, workshops and seminars; and
- Monitoring regulators' website.

Legislative compliance is primarily a management responsibility and therefore commitment must be demonstrated by all levels of management to ensure that Council's legal obligations within their area of responsibility are met. Appropriate actions must be taken to ensure an adequate understanding of obligations and where necessary expert advice sought to guide management actions. To achieve Council's compliance objective, a compliance framework has been implemented to support monitoring and review of obligations and responsibilities.

To support the framework all levels of management will:

- Promote a culture of compliance and good governance;
- Uphold a culture of compliance without fear of reprisal;
- Document and review Council's processes to ensure they comply with applicable laws and regulations;
- Provide training and assistance to employees to enable understanding of compliance obligations and required management actions;
- Continue to monitor and report on compliance to identify breaches or system failures; and
- Promptly address identified breaches or other non-compliance to mitigate Council's exposure to legal risk.

Accountabilities and Responsibilities**Councillors**

- Adhere to and comply with all relevant legislation and policies that are endorsed by Council;
- Review and endorse this policy periodically; and
- Support a positive culture.

Audit, Risk and Improvement Committee

- Review compliance status reports annually, noting the effectiveness of the framework and identified areas for improvement;
- Review this policy periodically; and
- Provide recommendations for any reporting on compliance, including any identified areas of non-compliance or breaches.

General Manager

- Will be responsible for developing a framework to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation; and
- Will ensure that the framework sets out a range of actions required to achieve compliance with legislation and to achieve excellence based on benchmark activities set out in AS 3806-2006 Compliance Programs. Achievement will be assessed internally through Council's Internal Audit Plan and reported to the Audit, Risk and Improvement Committee annually;

Directors

- Adhere to and comply with all relevant legislation including Council's policies and operating policies;
- Review this policy periodically;
- Encourage behaviours that create a positive compliance culture;

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- Support system implementation to better identify, monitor and report on compliance obligations;
- Participate in training as required; and
- Report on any areas of identified non-compliance and ensure corrective action is taken.

Managers

- Will ensure that directions relating to compliance are clear and unequivocal and that legal requirements which apply to each activity for which they are responsible are identified;
- Will 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;
- Review and provide regular reporting updates on legislative compliance obligations;
- Notify the General Manager and their Director on any identified areas of non-compliance; and
- Action any identified areas for improvement in a timely manner.

Employees

- Have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation; and
- Shall report through their supervisors to senior management any areas of non-compliance that they become aware of.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Public Interest Disclosure Act 1994 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Privacy & Personal Information Protection Act 1998 (NSW)*
- *Health Records & Information Privacy Act 2002 (NSW)*
- *State Records Act 1998 (NSW)*

Council Policies

- GOV004 – Internal Reporting Policy
- GOV007 – Privacy Management Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV009 – Delegations Policy
- GOV020 – Code of Conduct Policy

Council Document

- Legislative Compliance Framework
- Governance Framework
- Risk Management Manual
- Risk Management Plan
- Delegations Manual
- Privacy Management Plan
- Records & Information Management Policy (Operational)

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7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 29 June 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council's record management system and Reliansys.



Signed:

30 June 2022

General Manager Wentworth Shire Council

Date

