

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	25/09/2018	18/302	26/10/2018
2	23/05/2023	23/130	23/06/2023

2 Policy Objective

The breadth of Griffith City 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 Griffith City 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.

3 Policy Aims

This Policy, and the principles set out in this Policy, aim 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 the Council in achieving the highest standards of governance.

4 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 Team (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.

5 General Principles

Council has adopted 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 (19/60542) and all identified legislation imposing compliance and impacting on Council will included on the Register.
- (i) Council will maintain a Breach Register Database (19/35743) (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.
- (o) Council will formally review its Legislative Compliance Management System every two years to ensure its effectiveness.

6 Procedure

As part of its 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. The Legislative Compliance Procedure is an attachment to this policy.

7 Review

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

8 Definitions

Nil

9 Exceptions

Nil

10 Legislation

Nil

11 Related Documents

Nil

12 Directorate

Economic & Organisational Development

APPENDIX

LEGISLATIVE COMPLIANCE PROCEDURE

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. 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.

Council Staff should utilise this website as it is updated on a daily basis. Other sites, such as AUSTLII, may not have up to date versions of legislation and regulations.

Federal laws and instruments should be accessed through the Federal Register of Legislation at www.legislation.gov.au

(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.

(b) Office of Local Government

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



(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 must be 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 Environmental law that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and Councillors for information.

(e) Council subscribes to Kell Moore Lawyers who provide a bi-annual review of the legislation that governs Council's delegations.

3. Obtaining Advice on Legislative Provisions

Advice on matters of legislative interpretation may be sought when deemed necessary. Contact may be made with the respective legal officer/solicitor from the following sources:

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

Note: Accessing of any legal advice must first be approved by the staff member's relevant Director

4. Informing Council of Legislative Change

If deemed 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 or its operations. Legislative changes notified by appointed legal firm, Kell Moore are provided to Senior Management Team every 6 months.

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 as soon as practicable to the respective supervisor/manager. The manager shall determine the appropriate



response and ensure the Breach Register Database is updated appropriately. If the matter is deemed a significant breach or significant fines and/or criminal sanctions apply, the matter must be reported immediately to the relevant Director.

Directors should report the matter to the General Manager via SMT meetings on a monthly basis and report the matter to the General Manager immediately if the breach in question is significant or criminal sanctions may be involved.

Breaches of non-compliance may also be reported using the online Notification of Breach of Legislative Compliance form.

The General Manager may instigate an investigation into any non-compliance matter and will report significant non-compliance matters to the Council and external agencies as required.

7. Auditing Legislative Compliance

Council shall incorporate a review of its processes to ensure legislative compliance is included in its internal audit function.

8. Review of Legislative Compliance Procedures

This procedure will be reviewed every two years.