



# Legislative Compliance Policy



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## Document Control

<b>Policy</b>	Legislative Compliance Policy	<b>Policy Number</b>	
<b>Author/Reviewer</b>	Executive Director Corporate and Community	<b>Review Period and Date</b>	Reviewed within 12 months of election/2 yearly - September

- This Policy shall be reviewed within 12 months of an election, and thereafter at intervals of no greater than two years. Any review will ensure this Policy continues to meet all statutory requirements and the operational needs of Hilltops Council. The Policy may also be reviewed at other times as determined by Hilltops Council.

## Document History

<b>Date</b>	<b>Status</b>	<b>Version</b>	<b>Resolution</b>	<b>Description</b>
4 June 2018	Draft	0.1		Draft Legislative Compliance Policy created
28 August 2018	Draft	0.2		Presented to Manex and reviewed – forwarded to Policy Committee for comment
5 September 2018	Draft	0.3		Forwarded to Policy Committee for comment
26 September 2018	Draft	0.4		Presented to Hilltops Council for public exhibition for 28 days
26 September 2018	Draft	0.5	18/265	Endorsed by Hilltops Council to be placed on public exhibition for 28 days
24 October 2018	Final	1.0	18/265	Legislative Compliance Policy – adopted No submissions received



## 1. INTRODUCTION

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law. As such, 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 requirements refers to the activities performed by Council to ensure that it meets its legal obligations. 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 resulting in significant financial loss and/or loss of reputation.

Council, in its role as a Local Government authority, is committed to managing its compliance with all statutory and common law requirements relating to its operations and governance.

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 responsibility to its stakeholders, 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, accountability and transparency in all its operations.

## 2. DEFINITIONS

To encourage the consistent understanding and use of terminology Council has adopted the definitions contained in *AS/ISO 19600:2015 Compliance Management Systems – Guidelines*. The main definitions contained in the standard are reproduced in the table below for ease of reference.

Requirement	Need or expectation that is stated, generally implied or obligatory
Compliance requirement	Requirement that an organisation has to comply with
Compliance commitment	Requirement that an organization chooses to comply with
Compliance obligation	Compliance requirement or compliance commitment
Compliance	Meeting all the organisation's compliance obligations
Compliance culture	Values, ethics and beliefs that exist throughout an organization and interact with the organisation's structure and control systems to produce behavioral norms that are conducive to compliance outcomes.



### 3. PURPOSE AND OBJECTIVES

This Policy, and the principles set out in this Policy, aim to:

- (a) Assist the Council in achieving the highest standards of governance.
- (b) Prevent, and where necessary, identify and respond to breaches of laws, regulations, codes or organisational standards occurring in the organisation; and
- (c) Promote a culture of compliance within the organisation.

Council shall have appropriate processes and structures to ensure that its compliance obligations 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 Council's compliance obligations are fully implemented in Council.
- (c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the compliance obligations 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.

### 4. ROLES AND RESPONSIBILITIES

(a) **Councillors and Committee Members**

Councillors and Committee members have a duty to be aware of the legislation applicable to the strategic decisions they are making.

(b) **Senior Management (General Manager and Directors)**

Senior Management have a duty to be aware of and abide by legislation applicable to their roles and responsibilities; and must ensure that Council are adequately briefed on the statutory provisions relating to their reports to Council.

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 *AS/ISO 19600:2015 Compliance Management Systems - Guidelines*

- (a) Council is committed to maintaining 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 Management System can be implemented, maintained and improved.
- (d) Council will ensure that all managers, supervisors and staff understand, promote and are 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 developing and maintaining appropriate systems.
- (f) Council will use its established risk management practices to 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 risk manage its compliance requirements.
- (j) Council will investigate, rectify and report compliance failures that it is aware of.
- (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 Compliance Management Program through a three-year Audit Plan, and
- (o) Council will review its Compliance Management Program annually to ensure its effectiveness.

## 6. IMPLEMENTATION OF LEGISLATION

Council will have a process in place to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation.

## 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
- *AS/ISO 19600:2015 Compliance Management Systems - Guidelines*