

<b>POLICY:-</b>	
Policy Title:	Legislative Compliance Policy
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Other Review Dates:	N/A
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Next Policy Review Date:	2027

<b>PROCEDURES/GUIDELINES:-</b>	
Date Procedure / guideline was developed:	N/A
Procedure/guideline reference number:	N/A

<b>RESPONSIBILITY:-</b>	
Draft Policy developed by:	Internal Audit Bureau of NSW
Committee/s (if any) consulted in the development of this Policy:	Audit, Risk and Improvement Committee
Responsibility for Implementation:	Chief Executive Officer
Responsibility for review of Policy:	Director Finance and Administration

## OBJECTIVE

The primary objective of the Legislative Compliance Policy ("Policy") is to ensure that Upper Lachlan Shire Council ("Council") complies with the compliance obligations arising from applicable legislation, regulations and other Instruments, such as Codes, Standards and internal policies and procedures.

The Compliance Policy:-

- Enunciates Council's commitment to ensure continuous compliance with all applicable compliance obligations;
- Promotes good corporate governance practices and a culture of compliance; and
- Facilitates awareness of compliance obligations and provides Council staff and other relevant stakeholders with guidance relating to compliance obligations and their compliance related roles, responsibilities and accountabilities.

## INTRODUCTION

Local Government entities are required to comply with a large number of legislation, regulations and other Instruments. The number of obligations imposed by applicable legislation, regulations and other Instruments, coupled with continuous changes to the legislative and regulatory environment, potentially increases the risk of non-compliance.

Upper Lachlan Shire Council, therefore, has a responsibility to ensure that all applicable compliance requirements are complied with and that an appropriate Compliance Framework is in place to ensure that this responsibility is met.

The Policy applies to all Council staff and related stakeholders and is supported by relevant policies, procedures and processes.

## POLICY STATEMENT

Upper Lachlan Shire Council is committed to complying with the obligations arising from applicable legislation, regulations and other instruments.

To facilitate compliance, the Council will establish and maintain an appropriate Compliance Framework, including processes, structures and resources, to ensure obligations are met and embedded into the Council's day to day operations.

The Compliance Framework will conform to the *Australian Standard 3806-2006 – Compliance Programs* and its principles, which include the following:-

- Identifying applicable legislation, regulations and other Instruments as well as compliance obligations which apply to Council's activities;
- Resourcing of compliance effort and the assignment of responsibilities and accountabilities for ensuring that compliance obligations are met;

- Provision of awareness and training for relevant staff, Councillors, and other relevant stakeholders in the legislative and other compliance requirements that affect them;
- Establishment of compliance monitoring mechanisms; and
- Establishment of mechanisms for reporting non-compliance as well as compliance performance.

## **KEY RESPONSIBILITIES AND ACCOUNTABILITIES**

### **Audit Risk and Improvement Committee**

The Audit Risk and Improvement Committee is responsible for:-

- Maintaining an effective compliance management capability;
- Ensuring compliance risks are effectively managed; and
- Reviewing the effectiveness of the Compliance Framework.

### **Senior Management (Chief Executive Officer, Directors and Managers)**

Senior Management compliance related responsibilities include:-

- Fostering a culture of compliance within their respective areas of responsibility and ensuring that staff understand their compliance related responsibilities;
- Ensuring that all its compliance related directions are clear and unambiguous;
- Identifying, assessing, managing and monitoring the legislation, regulations and other applicable Instruments as well as the compliance obligations which the Council needs to comply with;
- Carrying out risk assessments and developing appropriate strategies to minimise the risk of non-compliance;
- Implementing and maintaining the Compliance Framework to facilitate compliance within their respective areas of responsibility;
- Putting in place a process to ensure that, in the event of changes to applicable legislation, regulations or other Instruments, appropriate steps are taken to ensure that Council complies with the amendments or changes;
- Reporting of compliance management implementation and management to the Audit Risk and Improvement Committee; and
- Ensuring that all staff are kept fully informed, briefed and trained about the compliance requirements relative to their work. The staff training plan is to be reviewed annually in regard to relevant legislative changes and suitable professional development training to be provided by Council.

## **Responsible Officer(s)**

The compliance related responsibilities of Responsible Officers include:-

- Fostering a culture of compliance within their respective areas of responsibility;
- Identifying, assessing, managing and monitoring the legislation, regulations and other applicable Instruments as well as the compliance obligations applicable to their respective areas of responsibility;
- Ensuring the compliance obligations applicable to their area of responsibility are documented and kept current;
- Identifying, assessing and reporting any instances of non-compliance or potential for non-compliance within their areas of responsibility; and
- Providing reports on overall compliance performance within their areas of responsibility.

## **Council Compliance Officer**

Assets and Risk Coordinator

## **Council Employees**

Council Employees:-

- Are responsible for adhering to the compliance obligations which are relevant to, and are associated with, the activities of their position;
- Have a duty to understand the legislative, regulatory and other relevant compliance obligations applicable to their area of work or responsibility;
- Undertake appropriate compliance related awareness and training, where necessary; and
- Report and escalate compliance concerns or instances of non-compliance which they become aware of.

## **REVIEW**

Council reserves the right to review, vary or revoke this Policy.

## RELEVANT LEGISLATION

Local Government Act 1993;  
Local Government (General) Regulation 2021;  
Australian Standard AS3806 - 2006: Compliance Programs;  
Local Government (State) Award 2023;  
Public Interest Disclosures Act 2022;  
Government Information (Public Access) Act 2009;  
Privacy and Personal Information Protection Act 1998;  
State Records Act 1998;  
Independent Commission against Corruption Act 1988;  
Council Fraud and Corruption Prevention Policy;  
Council Code of Conduct.

## DEFINITIONS

<b>Codes</b>	Mandatory industry codes and voluntary industry codes with which Council chooses to comply.
<b>Compliance</b>	Adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards.
<b>Compliance Framework</b>	A series of activities that when combined are intended to achieve compliance. It includes the policies, processes, tools, templates, registers and systems that define and support compliance management activities.
<b>Obligation</b>	A requirement specified by laws, regulations, codes or organisational standards.
<b>Organisational Standards</b>	Any codes of ethics, codes of conduct, good practices and Charters that Council deems to be appropriate standards for its day to day operations.