

## 1. BACKGROUND

Coonamble Shire Council, in its role as a local government authority, is committed to compliance with all statutory and common law requirements relating to operations and governance of Council.

Council maintains the highest standards of diligence in all areas of public accountability, through its policies, in meeting its legal obligations and in the promotion of a compliance culture.

In particular, Council recognises its obligations to its stakeholders, its 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, transparency and accountability in all its operations.

## 2. PURPOSE

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.

## 3. POLICY OBJECTIVE

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

1. identify and respond to breaches of laws, regulations, codes or organisational standards occurring in the organisation.
2. promote a culture of compliance within the organisation; and
3. assist Council in achieving the highest standards of governance.

## 4. LEGISLATION

This Policy is to be read in conjunction with the following:

- Local Government (General) Regulation 2021.
- Local Government Act 1993.

- Good Conduct and Administrative Practice – Guidelines for State and Local Government – Third Edition (NSW Ombudsman published March 2017)
- 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
- Australian Standard AS3806-2006: Compliance Programs.

## **5. APPLICATION/SCOPE**

### **5.1 APPLICATION**

This policy is issued under the authority of the General Manager and will be reviewed and amended as required in consultation with the Councillors, Directors and staff of the Coonamble Shire Council.

#### ***Councillors and Committee Members***

Councillors and Committee members have a responsibility to be aware of and abide by legislation applicable to their role. To facilitate the development of this knowledge and to strive to ensure compliance with *Section 23A of the Local Government Act 1993*, appropriate training will be included and provided as part of Council's Councillor Induction and Professional Development program.

#### ***Senior Management (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.

#### ***Employees***

Employees shall report through their supervisors to senior management any areas of non-compliance that they become aware of.

### **5.2 SCOPE**

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

## **6. POLICY**

### **6.1 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:

- Develop and maintain a system for identifying the legislation that applies to Council's activities.
- Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up to date with new legislation.
- Conduct of audits to ensure there is compliance.
- Establish a mechanism for reporting non-compliance.
- Review accidents, incidents and other situations where there may have been non-compliance.
- Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

## **6.2 GENERAL PRINCIPLES**

Council has adopted the following principles based on the Australian Standards AS 3806-2006 *Compliance Programs*.

- 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, regulations, codes and Council standards.
- c) Council will provide sufficient resources to ensure that its 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 Council standards that apply to activities within their day-to-day responsibilities.
- e) Council will use its established Enterprise Risk Management Framework 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 Compliance Register in association with its Risk Register.
- i) Council will investigate, rectify and report all compliance failures.
- j) Council will allocate appropriate responsibility for managing compliance at various levels.
- k) Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.
- l) Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- m) Council will monitor its Legislative Compliance Program through a three-year Audit Plan, and
- n) Council will review its Legislative Compliance Program regularly to ensure its effectiveness.

### **6.3 IMPLEMENTATION OF LEGISLATION**

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

A legislative compliance procedure to assist and inform staff of individual and organisational legislation responsibilities supports this policy.

### **6.4 REVIEW**

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be every three (3) years from the effective date. The Director Corporate Services will be responsible for the review of this policy.

## 7. DEFINITION

Term	Definition
Codes	Mandatory industry codes and voluntary industry codes with which the Council chooses and/or is required to comply.
Compliance	Ensuring that the requirements of laws, regulations, industry codes and Council standards are met.
Compliance failure	A breach, of applicable laws, regulations, codes and Council standards.
Compliance culture	The promotion of a positive attitude to compliance within the Council.
Legislation	Effective control of legal risks in order to ensure that the law is complied with.
Council standards	Any codes of ethics, codes of conduct, policies, procedures and charters that Council may deem to be appropriate standards for its day-to-day operations.

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<b>Paul Gallagher</b> <b>General Manager</b>		