



LEGISLATIVE COMPLIANCE POLICY

VERSION: TBA; ADOPTED: 28 JULY 2023

1. INTENT

The objective of this Policy is to ensure that the Brewarrina Shire Council complies with its legislative and regulatory requirement. A fundamental principle of good public administration is that Public officials comply with both the letter and the spirit of the law.

The objectives of this policy are to:

- Council, acts 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 obligations and expectation that Council will comply with applicable legislation. Council should take all appropriate measures to ensure that the 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.

2. SCOPE

This policy applies to current and prospective employees and extends to cover councillors, apprentices, trainees, volunteers, contractors, service providers and visitors.

This policy applies to interactions either in person or via any form of communication including email, text message or social media.

This policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work related; for example, work lunches, conferences, end of year parties and client functions.

3. FRAMEWORK

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day-to- day operations of Councils

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.
- 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.



LEGISLATIVE COMPLIANCE POLICY

VERSION: TBA; ADOPTED: 28 JULY 2023

- Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

4. ACCOUNTABILITIES

4.1. Councillors and Committee Members

- Councillors and Committee members have a responsibility to be aware of any legislation applicable to their role.

4.2. General Manager

- Ensure that processes and policies are implemented.
- Model appropriate workplace behaviour and monitor the workplace to ensure the behaviour of others is in accordance with this policy.
- Ensure managers and supervisors support, manage and apply this policy within their area.
- Ensure all employees are aware of the procedures outlined in this policy.

4.3. Managers

- Managers 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.

4.4. Managers

- 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

5.1. All Employees have the right to;

- a) Council is committed to achieving compliance in all areas of its operations.
- b) Council will provide sufficient resources to ensure that this legislative compliance program can be implemented, maintained and improved.
- c) 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.
- d) Council will use its established risk management practices to accurately identify, rate and treat compliance risks.
- e) Council will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.



LEGISLATIVE COMPLIANCE POLICY

VERSION: TBA; ADOPTED: 28 JULY 2023

- f) Council will maintain an effective complaints management system, including the coverage of compliance failures.
- g) Council will investigate, rectify and report all compliance failure.
- h) Council will allocate appropriate responsibility for managing compliance at various levels.
- i) Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations

6. LEGISLATIVE COMPLIANCE PROCEDURE

6.1. Identifying Current 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.

6.2. Identifying New or Amended Legislation:

- a) NSW Government Gazetted
Council provides website access for its staff to the NSW Government Gazette which, publishes all new or amended legislation applicable to New South Wales. For any new or amended legislation applicable to Council, copies of such new or amended legislation are distributed to the Managers and staff if necessary.
- b) Department of Local Government
Council receives regular circulars from the Department of Local Government on any new or amended legislation relevant to local government. Senior managers will be notified through Senior Management Team meeting. Senior managers will evaluate the information whether it is relevant for implementation. The information also pass to 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 distributed to Council officers for implementation. Senior Managers will be notified and updated for information.
- d) Local Government and Shires Association
Council receives a weekly circular from the LGNSW (Local Government NSW). The circulars may have sections on Legal, 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

6.3. Obtaining Advice on Legislative Provisions



LEGISLATIVE COMPLIANCE POLICY

VERSION: TBA; ADOPTED: 28 JULY 2023

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) Department of Local Government (Legal Services Branch), or
- c) Council's Panel of Solicitors

Note: Accessing of any legal advice must first be approved by General Manager.

6.4. Informing Council of Legislative changes

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.

6.5. 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.

6.6. Reporting of Non-compliance

All non-compliance shall be reported to respective Manager. The Manager will determine the appropriate response. 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 Manager.

Managers will report the matter to the General Manager (or via MANNEX). The General Manager may instigate an investigation into any non-compliance matter and will report significant non-compliance matters to the Council and / or external agencies as required.

6.7. Auditing Legislative Compliance

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

6.8. Review of Legislative Compliance Procedures

This procedure will be reviewed every three years

7. DEFINITIONS

Term	Definition
None	

8. LINKAGES



LEGISLATIVE COMPLIANCE POLICY

VERSION: TBA; ADOPTED: 28 JULY 2023

8.1. Applicable Legislative

This Policy Is To Be Read In Conjunction With The Following:

- All Legislation applicable to Brewarrina Shire Council
- 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)
- AS/ISO 19600:2015 Compliance Management Systems - Guidelines

8.2. Related Policies and Procedures

Please refer to the following Policies/Procedures:

- Legislative Compliance Procedures

9. REVIEW

This Policy will be reviewed every 3 years or as required in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

10. POLICY AMENDMENTS

Policy Amendments

VERSION	DATE APPROVED	RESOLUTION NO	DESCRIPTION OF CHANGES
1			
2	28 JULY 23		Formatting update of legislation