



Policies, Procedures and Guidelines

LEGISLATIVE COMPLIANCE POLICY

GEN012

This document may be cited as Lachlan Shire Council's Legislative Compliance Policy.

VALIDITY

This Policy derives its validity from a Better Practice Review 2014/15 and subsequent Council Resolution on

POLICY OBJECTIVES

A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

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.

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.

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- 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.

ROLES AND RESPONSIBILITIES

Councillors and Committee Members

Councillors and Committee members have a responsibility to be aware and abide by legislation applicable to their role.

Senior Management (General Manager & Directors)

Senior Management should ensure that directions relating to compliance are clear and unequivocal 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 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.

IMPLEMENTATION OF LEGISLATION

Council will ensure that when legislation changes steps are taken to ensure that actions comply with the amended legislation.

IDENTIFYING CURRENT LEGISLATION

Legislation

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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.

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.

IDENTIFYING NEW OR AMENDED LEGISLATION

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. A designated staff member scans each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Details of such new or amended legislation are distributed to the applicable officers within Council by email or hard copy.

Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation. Such advices are received through Council's Records section and are distributed by the Records staff to the relevant Council officers for implementation.

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 are distributed by the Records staff to the relevant Council officers for implementation.

Local Government NSW

Council receives a weekly circular from the Local Government NSW. These circulars have sections on Legal and Finance and Planning and Environment that highlight changes in legislation applicable to Councils.

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Special Interest Groups and Networking

Council is involved in a number of Council networking and alliance groups including planning, human resources, governance, risk management and records groups. These special interest groups meet periodically to discuss matters which include legislative changes.

OBTAINING ADVICE ON LEGISLATIVE PROVISIONS

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer in either of the following for advice:-

- Local Government NSW (Legal Officer)
- Office of Local Government
- Council's Solicitors

INFORMING COUNCIL OF LEGISLATIVE CHANGE

If necessary the General Manager or his delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation.

REVIEW OF INCIDENTS/COMPLAINTS

Council shall review all incidents and complaints in accordance with its complaint handling policy. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

REPORTING OF NON-COMPLIANCE

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The General Manager may investigate any reports of significant noncompliance and if necessary report the non-compliance to the Council and/or the Office of Local Government. The General Manager will also take the necessary steps to improve compliance systems.

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