

TEMORA SHIRE COUNCIL



TEMORA
The Friendly Shire

Legislative Compliance Policy

ACTIVE

Review Details

ABOUT THIS RELEASE

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REVIEW

Revision Date	Revision Description		Date approved by Council	General Managers Endorsement
July 2019	New Policy	1	15 August 2019	Gary Lavelle

PLANNED REVIEW

Planned Review Date	Revision Description		Review by
October 2023	Review		

Introduction

A compliance program is an important element in the corporate governance and due diligence of an organisation. This policy sets out the structural, operational and maintenance elements of an effective compliance program.

Objectives

The aim of an effective compliance program is to:

- a. Prevent, and where necessary, identify and respond to, breaches of applicable laws, regulations, codes and organisation standards;
- b. Promote a culture of compliance within the organisation’;
- c. Assist the organisation in remaining or becoming a good corporate citizen

Commitment

Temora Shire Council is committed to fulfilling the community’s expectations and being a good corporate citizen through compliance with all applicable laws, regulations, codes and organisational standards.

Implementation

The General Manager will have overall responsibility for compliance.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council and reporting obligations.

The compliance framework will allocate responsibility for individual compliance tasks within the organisation.

Compliance obligations are to be integrated into the day to day operational procedures of the organisation.

Monitoring and Measuring

The Audit and Risk Committee, will work closely with the Internal Auditor, to assist the Council in exercising due care, diligence and skill in discharging its oversight and monitoring responsibilities, especially regarding financial reporting, risk management and compliance with legislation and Council policies.

An Internal Audit Plan will be maintained and will include an ongoing program for the internal review of the Council’s activities including periodic reviews of its compliance program.

Compliance failures and complaints will be investigated in order to rectify breaches and prevent systematic and recurring problems.

Council policies will be subject to periodic review by the Council in accordance with a predetermined timetable.

General Principles

Council has adopted the following principles based on the Australian Standard AS ISO 19600:2015 Compliance management systems – Guidelines:

1. Council is committed to achieving compliance in all areas of its operations.
2. Council will provide sufficient resources to support ongoing legislative compliance. 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.
3. Council will maintain its commitment to continuous improvement.
4. Council will use its established risk management practices to identify, assess, evaluate and treat compliance risks.
5. Council will support integration of compliance requirements into day-to-day operating procedures as appropriate.
6. Council will maintain a Legislative Compliance Register in association with its *Risk Register*.
7. Council will investigate, rectify and report all compliance failures to the relevant authority as may be required.
8. Council will allocate appropriate responsibility for managing compliance at various levels.
9. Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.
10. Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
11. Council will monitor legislative compliance through activities approved within its Internal Audit Plan.

Continual Improvement

The Compliance program and the compliance framework will be regularly reviewed and continually improved by:

- a. Regular review of Council policies in accordance with a pre-determined timetable.
- b. Remaining abreast of changes in legislation and policies of Government by subscribing to Office of Local Government (OLG) Circulars, retaining membership of LGNSW and participating in conferences, seminars and other events hosted by OLG, LGNSW, Local Government Professionals Australia, REROC, Riverina JO and other local government industry bodies.

Schedule 1 Compliance Framework

Legislation/Award	Responsibility
New South Wales	
Anti-Discrimination Act 1977	Council General Manager Director of Administration & Finance Director of Environmental Services Engineering Technical Manager Human Resources Officer
Biodiversity Conservation Act 2016	Director of Environmental Services
Biosecurity Act 2015	Director of Environmental Services
Companion Animals Act 1998	Director of Environmental Services Ranger
Contaminated Land Management Act 1997	Director of Environmental Services Engineering Technical Manager
Crown Land Management Act 2016	General Manager Director of Administration & Finance
Disability Inclusion Act 2014	Council General Manager Director of Administration & Finance
Environmental Planning & Assessment Act 1979	Director of Environmental Services
Government Information (Public Access) Act 2009	Director of Administration & Finance
Heavy Vehicle National Law	Engineering Technical Manager
Heritage Act 1977	Director of Environmental Services
Impounding Act 1993	Director of Environmental Services Ranger
Library Act 1989	General Manager Director of Administration & Finance
Local Government Act 1993	Council General Manager Director of Administration & Finance Director of Environmental Services Engineering Technical Manager
Local Government (NSW) State Award 2017	General Manager Director of Administration & Finance Director of Environmental Services Engineering Technical Manager Human Resources Officer
Privacy & Personal Information Protection Act 1998	Director of Administration & Finance
Protection of the Environment Operations act 1997	Director of Environmental Services
Public Health Act 2010	Director of Environmental Services
Public Interest Disclosures Act 1994	General Manager Director of Administration & Finance

Residential Tenancies Act 2010	Director of Administration & Finance
Roads Act 1993	Engineering Technical Manager
Rural Fires Act 1997	General Manager Engineering Technical Manager
State Emergency & Rescue Management Act 1989	Engineering Technical Manager
State Emergency Services Act 1989	Engineering Technical Manager
State Records Act 1998	Director of Administration & Finance
Valuation of Land Act 1916	Director of Administration & Finance
Waste Minimisation and Management Act 1995	Director of Environmental Services
Work Health and Safety Act 2011	Council General Manager Director of Administration & Finance Director of Environmental Services Human Resources Officer
Commonwealth	
A New Tax System (Goods & Services Tax) Act 1999	Director of Administration & Finance
A New Tax System (Pay As You Go) Act 1999	Director of Administration & Finance
Fair Work Act 2009	General Manager Director of Administration & Finance Director of Environmental Services Engineering Technical Manager Human Resources Officer
Fringe Benefits Tax Assessment Act 1986	Director of Administration & Finance
National Heavy Vehicle Law	Engineering Technical Manager
Native Title Act 1993	Director of Environmental Services

**Schedule 2
Reporting Obligations**

Reporting Requirement	Recipient	Due Date	Responsibility
Active Transport Completion Report	Roads & Maritime Services	30 June	Engineering Works Manager
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Roads & Maritime Services	July	Engineering Technical Manager
Building Approvals	Long Service Leave Corporation	Monthly	Director Environmental Services
Cemeteries Annual Report	Crown Lands NSW	July	Director Environmental Services
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Human Resources Officer
Companion Animals Annual Report	Minister for Local Government	30 September	Director Environmental Services
Crown Land Annual Report	Crown Lands NSW	31 October	Director Environmental Services
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Director Environmental Services
Disclosure of Interest Annual Returns	Council	30 September	General Manager
Financial Statements	Office of Local Government	31 October	Director Administration & Finance
Financial Data Return	Office of Local Government	31 October	Director Administration & Finance
Food Inspections			Director Environmental Services
GIPA Annual Report	Minister for Local Government Information Commissioner	31 October	Director Administration & Finance
Landfill Annual Reports	Environment Protection Authority	31 August	Director Environmental Services
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Engineering Technical Manager
National Local Roads Data Annual Report	Office of Local Government	November	Engineering Technical Manager
Plan First Levy	Department of Planning	Monthly	Director Environmental Services
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	31 October	General Manager Human Resources Officer
Regional Roads Repair Program	Roads & Maritime Services	30 June	Engineering Works Manager
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Engineering Technical Manager
Return of General Information	Local Government Grants Commission	30 November	Director Administration & Finance

Roads to Recovery	Department of Infrastructure	31 October	Engineering Technical Manager
Sewerage Treatment Plants Annual Report	Environment Protection Authority	September	Engineering Technical Manager
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Engineering Technical Manager
State Environmental Planning Policies	Department of Planning	Quarterly	Director Environmental Services