

Legislative Compliance Policy

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1. Purpose

This document sets out Federation Council's policy for compliance with the law and the governance structures, responsibilities and processes as required to ensure we are able to conduct our functions and activities lawfully and in a manner that is consistent with our legislative obligations.

2. Background

NSW Councils work within the laws established by the NSW Parliament and the Commonwealth Parliament. The Local Government Act 1993 establishes Federation Council as an entity, provides a legislative framework around community expectations, and gives councils broad powers to plan for and provide local community services and facilities. The Act is administered by the Minister for Local Government through the Office of Local Government.

The operations of Federation Council are subject to a wide range of legal requirements, embodied in excess of 100 instruments of legislation, regulations, licences, codes, guidelines and similar binding instruments.

Councils must take care to exercise their powers properly. Otherwise their decisions, and any resultant actions, may be declared void by a court, often with consequent financial loss.

3. Scope

This policy applies to all Council Officers (see definition below).

4. Policy Statement

Federation Council is committed to the highest standards of integrity, fairness and ethical conduct, including full compliance with all relevant legal requirements, and requires that all those with responsibilities under the policy meet those same standards of integrity, fairness and ethical behaviour, including compliance with any legal requirement.

There is no circumstance under which it is acceptable for Federation Council or any of its employees or contractors to knowingly and deliberately not comply with the law or to act unethically in the course of performing or advancing Federation Council's operations.

5. Responsibilities

1. Councillors will:
 - Ensure that they are aware of any legal requirements that apply to their role and that they comply with them.
 - Review and monitor the leadership and commitment given to legislative compliance through active promotion of the organisation's Legislative Compliance Policy.
 - Monitor compliance performance by way of periodic reports and assurances.
2. The General Manager will
 - Ensure that they are aware of any legal requirements that apply to their role and that they comply with them.
 - Prepare legislative compliance objectives and plans for review and consideration by the Council.

- Monitor performance against legislative compliance objectives and plans, and report to the Council on progress toward accomplishment of objectives.
 - Where appropriate, delegate responsibility for compliance to officers with responsibility for particular sections.
 - Oversee the performance of subordinate officers in these matters, including:
 - conforming to and applying relevant requirements of the Law within the workplace;
 - ensuring that systems and procedures established to make the policy effective are operational;
 - ensuring that staff are trained and have the necessary knowledge and understanding to perform their duties in compliance with the policy and all relevant requirements of the law;
 - ensuring that significant compliance responsibilities and accountabilities are included in position descriptions and performance reviews;
 - reporting and investigating any incident or occurrence thought or known to constitute a breach of any legal requirement; and
 - ensuring system enhancements to correct weaknesses are implemented where there is a risk that could result in a breach of such a requirement.
 - support Councils internal and external audit functions
 - Review and report annually to the Council on the effectiveness of the management systems established to deliver legislative compliance.
 - Analyse material breaches and identified compliance system weaknesses for systematic trends and ensure that any adverse trends are addressed.
 - Promote a culture of effective legislative compliance across the organisation.
 - Provide formal assurance to the Council as to the state of compliance of the organisation.
 - Investigate significant reports of non-compliance.
3. All staff, volunteers, Section 355 committee members and contractors, at all levels, will
- Ensure that they are aware of any legal requirements that apply to their work activities and that they comply with them.
 - Report all incidents of breaches of legal requirements.
 - Where appropriate, suggest ways in which practices, systems and procedures could be improved so as to reduce the likelihood of a breach occurring.

6. Definitions

Council Officer (also known as a Public Official) includes Councillors; employees whether they are permanent, temporary or casual, volunteers, contractors, and external members of Council Committees.

Legislative Compliance means adhering to the requirements of law, industry and organisation standards and codes, the principles of good governance, as well as accepted community and ethical standards.

7. Internal References & Associated Documents

Federation Council Legislative Compliance Procedure

Federation Council Compliance Register

[Federation Council Compliance Calendar](#)

[Delegations of Authority from Council to Mayor and General Manager](#)

Delegations from General Manager to Staff

[Federation Council Code of Conduct and Procedures for the Administration of the Model Code of Conduct](#)

[Public Interest Disclosure Policy](#)

8. External Legislation and References

[Legislation NSW](#)

[Office of Local Government Compliance Calendar](#)

[NSW Ombudsman \(March 2017\), Good conduct and administrative practice: Guidelines for state and local government](#)

[Governance Lighthouse Assessment Framework and Checklist for public sector governance.](#)

9. Policy History

Version	Date	Changes / Amendments
1	12/06/2019	New policy developed for Federation Council

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