



## LEGISLATIVE COMPLIANCE POLICY

### Summary:

The purpose of this policy is to ensure that legislative requirements are complied with by councillors, staff, volunteers and contractors of Tenterfield Shire Council.

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<b>Approved By</b>	Council
<b>Endorsed By</b>	Senior Management Team
<b>Minute Number</b>	69/21
<b>Consultation Period</b>	14 Days
<b>Review Due Date</b>	March 2023
<b>Department</b>	Corporate & Governance
<b>Policy Custodian</b>	Chief Corporate Officer
<b>Superseded Documents</b>	All policies and subordinate documents
<b>Related Legislation</b>	NSW Local Government Act 1993 NSW Local Government Regulations 2012
<b>Delegations of Authority</b>	Manager Customer Service, Governance & Records

### 1. Overview

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 this expectation is met.

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

### **3. Scope**

#### **3.1 Implementation of Legislation**

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

#### **3.2 Identifying Current Legislation**

Council accesses electronic up to date versions of legislation through subscription to the Local Government Legal Legislative Compliance Database (<https://database.lglegal.com.au/CouncilCompliance>) as well as the New South Wales legislation website at [www.legislation.nsw.gov.au](http://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.

#### **3.3 Identifying New or Amended Legislation**

##### **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.

##### **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.

##### **Professional Groups and Networking**

Council is involved in a number of Council networking and professional groups including planning, human resources, governance, risk management and records

groups. These professional groups meet periodically, and disseminate information and guidance on legislative amendments and changes.

### **3.3 Obtaining Advice on Legislative Provisions**

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with Council's Chief Corporate Officer or Manager Customer Service, Governance & Records in the first instance, or if required, the relevant Legal Officer in either of the following for advice:

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

### **3.4 Informing Council of Legislative Change**

If necessary, the Chief Executive Officer or their delegated officer will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation.

### **3.5 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.

### **3.6 Reporting of Non-Compliance**

Instances of non-compliance will be reported immediately to a Supervisor/Manager who will determine the appropriate response, and if necessary, report the matter to the Chief Corporate Officer or the Director of Infrastructure.

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

## **4. Accountability, Roles & Responsibility**

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

The **Chief Executive Officer, Chief Corporate Officer, Director of Infrastructure and Managers** 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. 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.

**All 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/Managers any areas of non-compliance of which they become aware.

**5. Related Documents, Standards & Guidelines**

NSW Local Government Act 1993  
NSW Local Government Regulations 2012

**6. Version Control & Change History**

<b>Version</b>	<b>Date</b>	<b>Modified by</b>	<b>Details</b>
V1.0	7/04/2021	Council	Adoption of Original Policy (Res 69/21)