

POLICY MANUAL

POLICY NO	A.20
PROCEDURE SUBJECT	LEGISLATIVE COMPLIANCE POLICY
FILE NUMBER	
ADOPTION DATE	25 NOVEMBER 2014 (Council Resolution No. 344/11/14)
REVIEW DATE	

OBJECTIVES

To ensure that the Shire of Toodyay (the Shire) complies with legislative requirements.

BACKGROUND

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

The Shire has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Shire will comply with applicable legislation and that the Shire will take all appropriate measures to ensure that expectation is met.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The Compliance Audit is structured by the Department of Local Government and Communities (DLGC) and relates to key provisions of the *Local Government Act 1995*.

Regulation 17 of the *Local Government (Audit) Regulations 1996* also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and a report to the Audit Committee on the results of that review.

POLICY STATEMENT

The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the Shire. These processes and structures will aim to:

1. Develop and maintain a system for identifying the legislation that applies to the Shire's activities;
2. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented;
3. Provide training for relevant staff, Councillors, volunteers and other relevant people within the legislative requirements that affect them;

4. Provide people with the resources to identify and remain up to date with new legislation;
5. Establish a mechanism for reporting non-compliance;
6. Review accidents, incidents and other situations where there may have been non-compliance; and
7. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

ROLES & RESPONSIBILITIES

1. Councillors & Committee Members

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

2. Senior Management

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 their financial capacity to do so.

3. 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.

4. Implementation of Legislation

The Shire will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.

LEGISLATIVE COMPLIANCE PROCEDURES

1. Identifying Current legislation

The Shire accesses electronic up to date versions of legislation through the Western Australian State Law Publisher website at www.slp.wa.gov.au.

Direct access to this site is provided from the Shire's networked computers.

2. **Identifying New or Amended Legislation**

(a) Western Australian Government Gazette (WAGG)

The Shire receives hard copies of the WAGG which publishes all new or amended legislation applicable to Western Australia. Copies of WAGGs are distributed to Senior Management and other designated staff. It is the responsibility of the CEO and Senior Management to determine whether any gazetted changes to legislation need to be incorporated into processes.

(b) Department of Local Government and Communities (DLGC)

The Shire receives regular circulars from the DLGC on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

(c) Department of Planning

The Shire receives Planning Bulletins from the Department of Planning on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

(d) Western Australian Local Government Association (WALGA)

The Shire receives regular circulars from WALGA and these Circulars highlight changes in legislation applicable to local government. Such advice is received and processed through the Shire's Records Department and is distributed to the CEO and other relevant Officers for implementation.

3. **Obtaining Advice on Legislative Provisions**

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DLGC, WALGA or the relevant initiating government department for advice.

4. **Informing Council of Legislative Changes**

If appropriate, the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Shire's format for all its reports to Council meetings provides that all reports have a section headed 'Statutory Implications' which shall detail

relevant Sections of any Act, Regulation or other relevant and/or applicable legislation.

5. Review of Incidents & Complaints of Non-Compliance

The Shire shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-Compliance

All instances of non-compliance shall be reported immediately to the relevant Manager. The Manager shall then determine the appropriate response and then report the matter to the CEO.

The CEO may investigate any reports of significant non-compliance and if necessary, report the non-compliance to the Council and/or the relevant government department.

The CEO will then take all necessary steps to improve compliance systems.

Adopted by Council Ordinary Meeting of Council 25 November 2014