



Legislative Compliance Policy

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Policy owner:	Governance and Business Services
Approved by:	Gary Murphy, Chief Executive Officer
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Purpose

1. Central Coast Council (Council) is committed to conducting its functions and activities lawfully and in a manner consistent with its compliance obligations.
2. This Policy and its principles aim to:
 - a. Prevent (and where necessary identify and respond to) breaches of laws, regulations or codes occurring in Council;
 - b. Promote a culture of compliance within the organisation; and
 - c. Assist the Council in achieving the highest standards of governance.

Scope

3. This Policy applies to all **Council Officials** (as defined in Council's [Code of Conduct](#)) and all activities of the Council.
4. Council's compliance obligations include adhering to legislative, regulatory, binding industry obligations as well as Council's policies, management directives.

General

5. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.
6. Council has an obligation to ensure that legislative requirements are complied with.
7. Compliance requirements refer to the activities performed by Council to ensure that it meets its legal obligations. If offences are committed by an act or omission of Council, or Council Officials or representatives, as a result of legislation not being complied with, Council and Council Officials could be prosecuted, and Council could be sued resulting in significant financial loss and loss of reputation.
8. Council maintains the highest standards of diligence in all areas of public accountability, through its Policies, in meeting its legal obligations, by maintaining a compliance management system and by promoting a compliance culture integrated into the day to day operations of Council.
9. Council recognises its responsibility to its stakeholders, staff and the wider community to provide an environment that is safe, a culture that promotes equity and an administration that adopts the highest standards of probity, accountability and transparency in all its operations.

Processes and structures to ensure compliance

10. Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

11. These processes and structures will aim to:

- a. Develop and maintain a system for identifying the legislation that applies to Council's activities.
- b. Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- c. Identify training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- d. Identify the resources to remain up-to-date with new [and amended] legislation.
- e. Support the conduct of management review to ensure there is compliance.
- f. Establish a mechanism for reporting non-compliance.
- g. Review errors, incidents and other situations where there may have been non-compliance.
- h. Review management review reports, incident reports, complaints and other information to assess how the systems of compliance can be continuously improved.

Principles

12. Through this Policy Council has adopted the following principles which are based on the Australian Standards AS ISO 19600:2015 Compliance Management Systems – Guidelines:

- a. Council is committed to achieving compliance in all areas of its operations;
- b. Council will maintain a Legislative Compliance Policy (this Policy) that sets out its commitment to compliance with applicable laws and regulations;
- c. Council will provide sufficient resources to ensure that this legislative compliance program can be implemented, maintained and improved;
- d. Council will ensure that all Council Officials generally understand, promote and are responsible for compliance with relevant laws, regulations, codes and standards that apply to activities within their day-to-day responsibilities;
- e. Council will maintain a Legislative Compliance Program that:
 - i. will develop and maintain systems to support its commitment to continuous improvement in compliance;
 - ii. will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate;

- iii. will have a *Legislative Compliance Register* with all identified legislation imposing compliance and impacting on Council being included; and
 - iv. will provide a quarterly compliance Report to the Executive Leadership Team clearly stating all legislative compliance and any breaches (including rectification processes (Management response) if required);
- f. Council will investigate and rectify all compliance failures as required; and
- g. Council will review its Legislative Compliance Program annually, and will monitor the Program to ensure it remains relevant, up to date and effective, including by carrying out formal reviews from time to time (See also Compliance, monitoring and review).

Roles and responsibilities

13. The Unit Manager Governance and Business Services is responsible for the implementation of this Policy in conjunction with the Executive Leadership Team and all other Council Officials as appropriate.
14. The Executive Leadership Team should ensure that directions relating to compliance are clear and unambiguous and that legal requirements which apply to each activity for which they, and their Directorate, are responsible for are identified and complied with.
15. All Council Officials are under a duty to report through their supervisors to the Chief Executive Officer any area/s of non-compliance that they become aware of.

Compliance, monitoring and review

16. Suspected breaches of this Policy or Council's Legislative Compliance obligations are to be reported to the Chief Executive Officer, and in accordance with mandatory reporting of incidents or non-compliance (such as the need to inform regulators/our insurers) where specific legislation or obligations require it.
17. Staff must maintain all records relevant to administering this Policy in a recognised Council recordkeeping system.
18. This Policy will be reviewed at least once every four years.

Related resources

19. Legislation:
- a. [Local Government Act 1993 \(NSW\)](#)

- b. [Local Government \(General\) Regulations 2005](#)

Note: For a non-exhaustive list of compliance requirements see Council's Legislative Compliance Reporting Database.

20. Associated Council documents:

- a. [Code of Conduct](#) and [Procedures for the Administration of the Code of Conduct](#)
- b. [Central Coast Council Community Strategic Plan 2018 - 2028](#)
- c. Council's Legislation Compliance Reporting Database.

21. Other documents:

- a. [AS/ISO 19600:2015 Compliance Management Systems - Guidelines](#)
- b. [Good Conduct and Administrative Practice – Guidelines for state and local Government](#), Third Edition, NSW Ombudsman, 2017.

History of revisions

Amendment history	Details
Original approval authority details	<p data-bbox="603 600 895 633">Chief Executive Officer</p> <hr data-bbox="587 703 1439 707"/> <p data-bbox="603 728 951 761">30 June 2020 - D14053907</p> <hr data-bbox="587 779 1439 784"/> <p data-bbox="603 817 1414 965">This policy aims to prevent, identify and respond to breaches of laws, regulations, codes or organisational standards; and to promote a culture of compliance and the highest standards of governance across Central Coast Council.</p>