



Draft Legislative Compliance Policy

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1. Purpose

The purpose of this policy is to provide the systems and operating environment to ensure that Murrumbidgee Council complies with its legislative responsibilities.

2. Policy scope

The responsibility to comply with legislative requirements applies to all elected representatives and Council employees, including contractors and volunteers.

3. Outcomes

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

‘Compliance requirements’ refers to the activities performed by Council to ensure that it meets its legal obligations. If offences are committed by Council, or people at Council, as a result of legislation not being complied with, Council, staff and Councillors could be prosecuted, Council could be sued resulting in significant financial loss and/or loss of reputation.

Council, in its role as a Local Government authority, is committed to managing its compliance with all statutory and common law requirements relating to its operations and governance.

Council maintains the highest standards of diligence in all areas of public accountability, through its policies, in meeting its legal obligations, in the maintenance of a compliance management system and in the promotion of a compliance culture.

In particular, 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.

4. Policy Statement

Council shall have appropriate processes and structures in place to ensure that legislative requirements are known and understood, made achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:-

- capture all legislative compliance matters and obligations that Council is required to comply with or report on.
- distribute to relevant staff updates to legislation that applies to Council’s activities.
- assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.

- provide training and updates for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- nominate specific staff with the resources to identify and remain up-to-date with new legislation.
- effectively communicate new and amended legislative requirements through the organisation.
- conduct periodic audits to ensure there is compliance.
- establish a mechanism for reporting non-compliance.
- review accidents, incidents and other situations where there may have been non-compliance.
- review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved, and implement identified improvements in a timely way.

5. Roles and Responsibilities

Councillors and Committee Members

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

Executive Team

Executive Team should ensure that instructions relating to compliance are clear and unequivocal, and that legal requirements which apply to each activity for which they are responsible are identified.

Executive Team should have systems in place to ensure that all staff have the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work.

Executive Team will respond in a timely way to reports of non-compliance, and take follow-up action to ensure that compliance has resumed.

Information Services Officer

Distribute information received about new or amended legislative requirements to all relevant staff. Report to the Executive Team significant legislative changes requiring an organisational response (such as staff training, and/or policy/procedure development or revision).

Employees

Employees have a duty to be familiar with information provided to them about the legislative requirements applicable to their area of work, and to comply with the legislation.

Employees must rely on current legislation only (accessed from relevant government legislation website) rather than referring to paper or archived electronic records.

Employees shall report through their supervisors to Executive Team any areas of non-compliance that they become aware of.

6. Definitions

To encourage the consistent understanding and use of terminology, Council has adopted the definitions contained in AS/ISO 19600:2015 Compliance Management Systems – Guidelines. The main definitions contained in the standard are reproduced below for ease of reference.

Requirement	Need or expectation that is stated, generally implied or obligatory.
Compliance requirement	Requirement that an organisation has to comply with.
Compliance commitment	Requirement that an organisation chooses to comply with.
Compliance obligation	Compliance requirement or compliance commitment.
Compliance	Meeting all the organisation's compliance obligations.
Compliance culture	Values, ethics and beliefs that exist throughout an organisation and interact with the organisation's structure and control systems to produce behavioural norms that are conducive to compliance outcomes.

7. Legislation and Supporting Documents

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Australian Standard AS3806-2006: Compliance Programs
- Murrumbidgee Council's Enterprise Risk Management Policy
- Good Conduct and Administrative Practice – Guidelines for State and Local Government (NSW Ombudsman)
- AS/ISO 19600:2015 Compliance Management Systems - Guidelines

8. Procedure

8.1 Implementation of Legislation

Council will ensure that when legislation changes steps are taken to ensure relevant staff are advised of the changes, and related policies or procedures are updated to reflect the change where necessary.

8.2 Identifying Current Legislation

When relying on legislation for decision-making purposes, Council accesses the current version of legislation through the New South Wales legislation website at 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.

8.3 Identifying New or Amended Legislation

- NSW Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation. Such advice is received through Council's Information Services section and is distributed by the Information Services Officer to the relevant Council officers for implementation.

- Department of Planning

Council receives regular circulars from the Department of Planning on any new or amended legislation. Such advice is distributed to the relevant Council officers for implementation.

- Local Government NSW

Council receives a weekly circular from Local Government NSW. These circulars have sections on Legal and Finance, and Planning and Environment that highlight changes in legislation applicable to Councils.

- Special Interest Groups and Professional Networks

Council is involved in a number of Local Government professional networks. These special interest groups meet periodically to discuss matters which include legislative changes and associated Council implementation.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council (refer Schedule 1) and reporting obligations (refer Schedule 2).

8.4 Obtaining Advice on Legislative Provisions

Council shall obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the relevant Legal Officer of one or another of the following:

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

8.5 Informing Council of Legislative Change

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

Council's format for all its reports to Council meetings provides that all reports include a reference to any legislative or statutory implications arising from the subject matter of the report.

Council shall review all incidents and complaints relating to its legislative compliance in accordance with its complaint handling policy. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

8.6 Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the supervising manager. The supervising manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director.

The General Manager may investigate any reports of significant noncompliance and, if necessary, report the non-compliance to the Council and/or the Office of Local Government. The General Manager will also take the necessary steps to improve compliance systems through the Enterprise Risk Management Framework and the Audit, Risk and Improvement Committee.

9. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Schedule 1 – Compliance Framework Legislation/Award

Compliance Framework Legislation/Award	Responsibility
1. New South Wales	
Anti-Discrimination Act 1977	Council General Manager People and Culture Officer
Biodiversity Conservation Act 2016	Director of Infrastructure Director of Planning, Community & Development
Biosecurity Act 2015	Director of Planning, Community & Development
Companion Animals Act 1998	Director of Planning, Community & Development
Contaminated Land Management Act 1997	Director of Planning, Community & Development
Crown Land Management Act 2016	Director of Planning, Community & Development
Disability Inclusion Act 2014	Council General Manager Director of Infrastructure Director of Planning, Community & Development Corporate & Community Services Manager
Environmental Planning & Assessment Act 1979	Director of Planning, Community & Development
Food Act 2003	Director of Planning, Community & Development Environmental Health Officer
Government Information (Public Access) Act 2009	Corporate & Community Services Manager
Health Records & Information Privacy Act 2002	Corporate & Community Services Manager
Heritage Act 1977	Director of Planning, Community & Development
Impounding Act 1993	Director of Planning, Community & Development
Library Act 1989	General Manager Corporate & Community Services Manager
Local Government Act 1993	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer
Local Government (State) Award 2023	General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Privacy & Personal Information Protection Act 1998	Corporate & Community Services Manager
Protection of the Environment Operations Act 1997	Director of Planning, Community & Development
Public Health Act 2010	Director of Planning, Community & Development Environmental Health Officer
Public Interest Disclosures Act 1994	General Manager Corporate & Community Services Manager
Residential Tenancies Act 2010	General Manager Corporate & Community Services Manager
Roads Act 1993	Director of Infrastructure
Rural Fires Act 1997	General Manager Director of Planning, Community & Development
State Emergency & Rescue Management Act 1989	General Manager
State Emergency Services Act 1989	General Manager

State Records Act 1998	Corporate & Community Services Manager
Compliance Framework Legislation/Award	Responsibility
Valuation of Land Act 1916	Chief Financial Officer Revenue Officer
Waste Avoidance & Resource Recovery Act 2001	Director of Planning, Community & Development
Work Health and Safety Act 2011	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer WHS Risk Advisor
Commonwealth	
A New Tax System (Goods and Services Tax) Act 1999	Chief Financial Officer Finance Manager
A New Tax System (Pay As You Go) Act 1999	Chief Financial Officer Finance Manager
Disability Discrimination Act	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Fair Work Act 2009	Council General Manager Director of Infrastructure Director of Planning, Community & Development Chief Financial Officer People & Culture Officer
Fringe Benefits Tax Assessment Act 1986	Chief Financial Officer Finance Manager
Privacy Act 1998	Council General Manager Director of Infrastructure Director of Planning, Community & Development Corporate & Community Services Manager Chief Financial Officer People & Culture Officer
National Heavy Vehicle Law	Director of Infrastructure
Native Title Act 1993	Director of Planning, Community & Development

Schedule 2 - Reporting Obligations

Reporting Requirement	Recipient	Due Date	Responsibility
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Transport for NSW	July	Director of Infrastructure Finance Manager
Building Approvals	Long Service Leave Corporation	Monthly	Director of Planning, Community & Development
Business Activity Statement	Australian Taxation Office	Monthly	Chief Financial Officer Accountant
Cemeteries Annual Report	Crown Lands NSW	July	Director of Infrastructure
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Corporate & Community Services Manager
Companion Animals Annual Report	Minister for Local Government	30 September	Director of Planning, Community & Development
Crown Land Annual Report	Crown Lands NSW	31 October	Director of Planning, Community & Development
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Director of Planning, Community & Development
Disability Inclusion Act Annual Report	Department of Family & Community Services	30 November	General Manager Corporate & Community Services Manager
Disclosure of Interest Annual Returns	Council	30 September	General Manager
Financial Statements	Office of Local Government	31 October	Chief Financial Officer Finance Manager
Financial Data Return	Office of Local Government	31 October	Chief Financial Officer Finance Manager
Food Safety Report	NSW Food Authority	31 July	Director of Planning, Community & Development Environmental Health Officer
GIPA Annual Report	Minister for Local Government Information	31 October	Corporate & Community Services Manager

Landfill Annual Reports	Environment Protection Authority	31 August	Director of Planning, Community & Development
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Director of Infrastructure
National Local Roads Data Annual Report	Office of Local Government	November	Director of Infrastructure Finance Manager
Plan First Levy	Department of Planning	Monthly	Director of Planning, Community & Development
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	Six monthly	Corporate & Community Services Manager
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Director of Infrastructure Finance Manager
Return of General Information	Local Government Grants Commission	30 November	Finance Manager Accountant
Roads to Recovery - Standard Annual Report	Department of Infrastructure, Transport, Regional Development & Communications	31 October	General Manager Chief Financial Officer
Roads to Recovery - Quarterly Reports	Department of Infrastructure, Transport, Regional Development & Communications	January, April, July, October	Director of Infrastructure Finance Manager
Sewerage Treatment Plants Annual Report	Environment Protection Authority	January	Director of Infrastructure
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Director of Infrastructure
State Environmental Planning Policies	Department of Planning	Quarterly	Director of Planning, Community & Development