

Wagga Wagga City Council

LEGISLATIVE COMPLIANCE POLICY

REFERENCE NUMBER	POL 101		
ORIGINAL APPROVAL DATE	September 2007		
RESPONSIBLE MANAGER	Manager Audit, Risk & Governance		
RESPONSIBLE DIRECTORATE	Governance		
<p>This document is to be reviewed: every four (4) years or in the first twelve months of the new term of Council, whichever is the earliest. Next Review Date: April 2021</p>			
Revision number	Issue Date	Council Resolution	Council Meeting Date
1	25/09/2007	Res No: 07/367.4	24 September 2007
2		Res No: 09/077	27 July 2009
3	August 2013	Res No: 13/224.1	26 August 2013

PART 1: INTRODUCTION

~~Compliance is what Council does to ensure that it meets the requirements of the law relating to its activities. The Council has an obligation to its stakeholders, staff and the wider community to ensure compliance with the law. 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 and there could be significant loss of reputation.~~

~~The~~ Wagga Wagga City Council, in its role as a local government authority, is committed to compliance with all statutory and common law requirements relating to operations and governance of Council.

~~The~~ 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, ~~the~~ Council recognises its obligations to its stakeholders, its 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, transparency and accountability in all its operations.

In relation to compliance risk, Council's Risk Appetite states, "Council has a low appetite for compliance breaches..."

1.1 Policy Objectives

This policy, and the principles set out in this policy, aim to:

1. ~~prevent, and where necessary,~~ identify and respond to breaches of laws, regulations, codes or organisational standards occurring in the organisation;
2. promote a culture of compliance within the organisation; and
3. assist ~~the~~ Council in achieving the highest standards of governance.

1.2 Scope of Policy

This policy applies to all areas of Council's operations, and covers compliance with Commonwealth and State legislation, Council codes and policies, contracts, funding agreements, and relevant standards.

1.3 Definitions

Codes	Mandatory industry codes and voluntary industry codes with which the Council chooses and/or is required to
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	comply.
Compliance	Ensuring that the requirements of laws, regulations, industry codes and Council standards are met.
Compliance failure	A breach, of applicable laws, regulations, codes and Council standards.
Compliance culture	The promotion of a positive attitude to compliance within the Council.
Legal compliance	Effective control of legal risks in order to ensure that the law is complied with.
Legislation	The laws that are made by Parliament, or under the authority of Parliament of which Council is required to comply.
Council standards	Any codes of ethics, codes of conduct, policies, procedures and charters that Council may deem to be appropriate standards for its day-to-day operations.

1.4 Related Documents

- ~~POL 099 – Good Governance Policy~~
- Code of Conduct
- Good Governance Framework
- POL 103 Complaints Handling Policy
- Complaints Handling Framework

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1.5 Reporting Requirements

Compliance failures may require mandatory reporting to the relevant regulatory authority.

In addition, Council supports a risk-based internal escalation reporting process that considers investigation, rectification and continuous improvement in response to compliance failures.

PART 2: POLICY CONTENT

2.1 General Principles

Council has adopted the following principles based on the Australian Standards AS ~~ISO 3806-2006 Compliance Programs~~ 19600:2015 Compliance management systems - Guidelines:

1. Council is committed to achieving compliance in all areas of its operations.
- ~~2. Council will maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws, regulations, codes and Council standards.~~
- ~~3. Council will provide sufficient resources to support ongoing legislative compliance ensure that its Compliance Program can be implemented, maintained and improved.~~
- ~~4.2.~~ Council will ensure that all managers, supervisors and staff generally understand, promote and be responsible for compliance with relevant laws, regulations, codes and Council standards that apply to activities within their day-to-day responsibilities.
- ~~5.3.~~ Council will maintain its commitment to continuous improvement ~~in compliance~~ through its Work Listen Do It Better Framework.
- ~~6.4.~~ Council will use its established risk management practices to ~~accurately~~ identify, ~~assess, evaluate~~ and treat compliance risks.
- ~~7.5.~~ Council will ~~ensure~~ support integration of ~~that~~ compliance requirements ~~are integrated~~ into day-to-day operating procedures as appropriate.
- ~~8.6.~~ Council will maintain a Legislative Compliance Register in association with its *Risk Register*.
- ~~9.7.~~ Council will investigate, rectify and report all compliance failures to the relevant authority as may be required.
- ~~10.8.~~ Council will allocate appropriate responsibility for managing compliance at various levels.
- ~~11.9.~~ Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.
- ~~10.~~ Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- ~~12.11.~~ Council will monitor legislative compliance through activities approved within its Internal Audit Plan.

- ~~13. Council will monitor its Legislative Compliance Program through its three year Audit Plan.~~
- ~~14. Council will review its Legislative Compliance Program annually to ensure its effectiveness.~~

PART 3: POLICY IMPLEMENTATION GUIDELINES

The Legislative Compliance Policy will be implemented through the provisions of Council's Legislative Compliance ~~Program~~Management System.

The Legislative Compliance ~~Program~~Management System sets out a range of actions required to achieve compliance with legislation and to achieve excellence based on ~~benchmark activities set out in AS 2806-2006 Compliance Programs~~AS ISO 19600:2015 Compliance management systems - Guidelines.

Council has processes in place to:

- Identify its compliance obligations
- Identify new and changed laws, regulations, codes and other compliance obligations to support ongoing compliance
- Evaluate the impact of changes and implement any changes in management of compliance obligations
- Periodically identify, analyse and evaluate its compliance risks

Compliance can be promoted and maintained, and compliance failures identified by appropriate monitoring and assessment. Monitoring may also occur through an assessment of:

- Complaints made through Council's Complaints Management Policy and Complaints Management Framework
- Internal Audit activities in line with the approved Internal Audit Plan
- External Audit activities

Assessment of compliance failures identified should include recommendations for improvement to processes.

~~Achievement will be assessed internally through Council's Audit Plan and reported to the Audit Committee annually.~~