

POLICY



CENTRAL TABLELANDS WATER

**LEGISLATIVE
COMPLIANCE
POLICY**

DOCUMENT CONTROL

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Introduction

Central Tablelands Water is committed to compliance with all statutory and regulatory requirements relating to operations and governance of Council. The consequences of breaching legislation can vary greatly between minimal impact on Council to severe consequences of both a civil and criminal nature. The Council ensure that its 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 that expectation is met.

Policy Aim

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

- a.) Prevent, and where necessary, identify and respond to breaches of laws, regulations, codes, or organisational standards occurring in the organisation.
- b.) Promote a culture of compliance within the organisation; and
- c.) Assist the Council in achieving the highest standards of governance.

Scope

This policy applies to all Council officials, areas of Council's operations, and covers compliance with Commonwealth and State legislation, Council codes, policies, and relevant standards. It is noted that Council has limited staff resources and senior staff have to pick up responsibilities for tasks that are routinely undertaken by the engagement of separate officers.

Policy

CTW is committed to complying with all applicable legislation, regulations, and recognised codes and guidelines, acknowledging that compliance with these obligations is both necessary and desirable. 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:

- 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.) Provide training for relevant staff, Councillors, volunteers, and other relevant people in the legislative requirements that affect them.
- d.) Provide people with the resources to identify and remain up to date with new legislation.
- e.) Conduct of audits to ensure there is compliance.
- f.) Establish a mechanism for reporting non-compliance.
- g.) Review accidents, incidents, and other situations where there may have been non-compliance.
- h.) Review audit reports, incident reports, complaints, and other information to assess how the systems of compliance can be improved.

Roles and Responsibility

This policy is issued under the authority of the General Manager and will be reviewed and amended as required in consultation with the Directors and staff of CTW

Position	Responsibility
Councillors and Committee Members	<ul style="list-style-type: none"> • Councillors and Committee members have a responsibility to be aware of and abide by legislation applicable to their role. • providing appropriate resourcing for the management to comply obligations • reviewing and making recommendations regarding the annual compliance certification report and providing the report to the Audit Committee of CTW
Senior Management (General Manager and Directors)	<ul style="list-style-type: none"> • Ensuring all relevant internal compliance controls are applied within their department. • Taking all necessary actions to resolve breaches • Senior management should ensure that directions relating to compliance are clear and unambiguous 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 the financial capacity to do so. • Reporting all breaches that occur in their department. • Providing compliance certification for selected legislation as required and any other required reporting
Audit, Risk & Improvement Committee	<ul style="list-style-type: none"> • responsible for endorsement and the monitoring of the legislative compliance framework. • assistance to Council on risk management, control, governance, and external accountability responsibilities.
Governance Officer	<ul style="list-style-type: none"> • Responsible to maintain the legislative compliance register.
Employees	<ul style="list-style-type: none"> • Employees shall report through their supervisors to senior management any areas of non-compliance that they become aware of. • Reporting breaches to supervisor

General Principles

- a) Council is committed to achieving compliance in all areas of its operations.
- b) Council will maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws, regulations, codes, and Council standards.
- c) Council will provide sufficient resources to ensure that its Compliance Program can be implemented, maintained and improved.
- d) 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.
- e) Council will use its established Enterprise Risk Management Framework to accurately identify, rate and treat compliance risks.
- f) Council will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.
- g) Council will maintain a compliance register in association with its Risk Register.
- h) Council will investigate, rectify and report all compliance failures.
- i) Council will allocate appropriate responsibilities for managing compliance at various levels.
- j) Council will provide appropriate education and training of staff in order for them to meet their compliance obligation.
- k) Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- l) Council will review its legislative compliance programme regularly to ensure its effectiveness.

Reporting a Compliance Breach

If staff identify actual or suspected non-compliance with legislative obligations, this must be reported where required and as soon as practicable. If an established reporting pathway exists for an obligation, it must be reported through this pathway. If there is no established compliance pathway, or the pathway is unknown, staff should report to their supervisor, or General Manager, who must promptly action the report and manage any impacts arising from the non-compliance. The legislative compliance register outlines where non-compliance should be reported for compliance focus areas only.

Procedure

Council will have a system in place (legislative compliance register) to ensure that when legislation changes, steps are taken to ensure that actions comply with the amended legislation. A Legislative Compliance Register has been prepared and is an attachment to this policy.

Acknowledgement

CTW would like to extend acknowledgement to the following organizations from which samples were taken to draft this policy.

- Parkes Shire Council
- Information and Privacy Commission NSW
- Office of Local Government Legislative Compliance Calendar

Review

This Policy will be reviewed at least every four years in the absence of any significant changes or more frequently where required taking into account legislative or organisational changes, risk factors and consistency with other supporting policies.

Definitions

Codes	Mandatory industry codes and voluntary industry codes with which the Council chooses and/or is required to 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.
Legislation	Effective control of legal risks in order to ensure that the law is complied with.
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.

Central Tablelands Water Legislative Compliance Procedure

1. Identifying Current Legislation

Electronic Versions of Legislation

Council accesses electronic up-to-date versions 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.

Federal laws and instruments should be accessed through the Federal Register of Legislation at www.legislation.gov.au

2. Identifying New or Amended Legislation

a) NSW Government Gazette

Council provides website access for its staff to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales.

b) Office of Local Government

Council receives regular circulars from the Office of Local Government on any new or amended legislation relevant to Local government. Such advice are received through Council's main email address i.e. water@ctw.nsw.gov.au and must be distributed by the Customer Service staff to the relevant Council Officer for implementation and Councillors for information where applicable.

c) Local Government NSW

Council receives a weekly circular from the Local Government NSW. These circulars have sections on legal, finance and water matter that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and Councillors for information.

3. Obtaining Advice on Legislative Provisions

Advice on matters of legislative interpretation may be sought when deemed necessary.

4. Informing Council of Legislative Change

If deemed necessary, the General Manager or a nominated officer, will, on receipt of advice of legislative amendments, submit a report to a Council meeting on the new or amended legislation where any changes will impact significantly on Council or its operations.

5. Review of Incidents and Complaints for Non-compliance

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations 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 as soon as practicable to the respective supervisor/manager. The manager shall determine the appropriate response and ensure the legislative compliance register is updated appropriately. If the matter is deemed a significant breach or significant fines and/or criminal sanctions apply, the matter must be reported immediately to the relevant Director.

Directors should report the matter to the General Manager via Senior Staff Meetings on a fortnight basis and report the matter to the General Manager immediately if the breach in question is significant or criminal sanctions may be involved.

The General Manager may instigate an investigation into any non-compliance matter and will report significant non-compliance matters to the Council and external agencies as required.

7. Auditing Legislative Compliance

Council shall incorporate a review of its processes to ensure legislative compliance is included in its internal audit function.

8. Review of Legislative Compliance Procedures

Legislative compliance procedures will be reviewed as the regulatory environment changes.