

Legislative Compliance

Part A

Policy Objective

To ensure that the Shire of Broome complies with legislative requirements.

The Shire of Broome and the Council are committed to ensuring integrity and ethics are uppermost for all elected members and staff whilst fulfilling their obligations to ensure compliance with all legislation applying to local government.

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

This policy shall be supported by other documents including operational policies, procedures and processes.

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 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 local governments to undertake a review of appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every two calendar years and report to the Audit Committee on the results of that review.

Policy Statement

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

These processes and structures will aim to:-

- a) Develop and maintain a system for identifying the legislation that applies to the Shire's activities.
- b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully addressed.
- c) Provide training for relevant staff, Councillors, volunteers and other relevant people regarding the legislative requirements that affect them.
- d) Provide people with the resources to identify and remain up-to-date with new legislation.
- e) Ensure audits are conducted to guarantee compliance.
- f) Establish mechanisms 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 Responsibilities

- a) Councillors and Committee Members

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

- b) 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 undertake training about key legal requirements relative to their work within the Shire's financial capacity to do so.

- c) Employees

Employees have a duty to seek information regarding legislative requirements applicable to their area of work and to comply with legislation.

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

Implementation of Legislation

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

Resources

Local Government Act 1995

Local Government (Audit) Regulations 1996

Australian Standard AS3806-2006: Compliance programs

Part B

Management Procedures

1. Identifying Current Legislation

- a) Electronic Versions of legislation

The Shire accesses up to date electronic 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.

- b) Hard copy versions of legislation

All Councillors, Executive Management are provided with a hard copy version of the *Local Government Act 1995* and associated legislation.

Hard copy versions all include a statement similar to the following:

"Current legislation including the Local Government Act and Regulations is available from the State Law Publisher website.

To ensure that you are referencing the most recent versions of the Act and Regulations, it is essential that you access the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>"

2. Identifying New or Amended Legislation

- a) Western Australian Government Gazette

The Shire of Broome provides website access for staff to the Government Gazette via the State Law Publisher website.

b) Department of Local Government and Communities

The Shire receives regular circulars from the Department of Local Government and Communities on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the relevant staff.

c) Department of Planning

The Shire receives Planning Bulletins from the Department of Planning regarding any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed by the Records staff to the relevant Council officers for implementation.

Australian Local Governments Association (ALGA)

The Shire receives regular issues of the ALGA News. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Council officers for information.

d) Western Australian Local Government Association (WALGA)

The Shire receives regular issues of the Local Government News from WALGA. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Council officers for information.

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 DCLG, WALGA or the relevant initiating government department for advice.

4. Informing Council of Legislative Changes

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

The Shire's format for all reports to Council meetings provides that all reports have headings "Statutory Environment" and "Policy Implications" which shall detail the current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

5. Review of Incidents and Complaints of Non-compliance

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Policy 1.2.6 – Complaint Resolution, the Shire of Broome Code of Conduct and where applicable the Shire of Broome Public Interest Disclosure Procedure.

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/Director. The Manager/Director shall determine the appropriate response and, if necessary, report the matter to the Chief Executive Officer

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the Department of Local Government and Communities.

The Chief Executive Officer will then take the necessary steps to improve compliance systems.

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