

1.13 Legislative Compliance

POLICY STATEMENT

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

APPLICATION

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 in each year. The compliance audit is structured by the Department of Local Government, Sporting and Cultural Industries and relates to key provisions of the Local Government Act 1995.

Regulation 17 of the Local Government (Audit) Regulations 1996 also requires a review of the appropriateness and effectiveness of systems and procedures in relation to legislative compliance at least once every three financial years and a report to the Audit Committee on the results of that review.

1. The Shire will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the local government.
2. The 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 implemented.
 - c. Provide training for relevant employees, elected members, 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. Establish a mechanism for reporting non-compliance.
 - f. Review accidents, incidents and other situations where there may have been noncompliance.
 - g. Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.
3. Roles and Responsibilities
 - a. Elected members and committee members – Elected members and committee members have a responsibility to be aware 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 trained about key legal requirements relative to their work within the financial capacity to do so.
 - c. Employees – Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.
 - d. Employees shall report through their supervisors to Senior Management any areas of non-compliance that they become aware of.
4. Implementation of Legislation the Shire will have procedures in place to ensure that when legislation changes, steps are taken to ensure that future actions comply with the amended legislation.
5. Legislative Compliance Procedures
 - a. Identifying Current Legislation – The Shire accesses electronic up to date versions of legislation through the Department of Justice Parliamentary Counsel's Office website at www.legislation.wa.gov.au.
 - b. Identifying New or Amended Legislation –
 - i) Western Australian Government Gazette the Government Gazette publishes all new or amended legislation applicable to Western Australia. Copies of Government Gazettes

are able to be downloaded from the State Law Publisher website at slp.wa.gov.au. It is incumbent on the CEO and Senior Staff to determine whether any gazetted changes to legislation need to be incorporated into processes.

- ii) Department of Local Government, Sporting and Cultural Industries – The Shire receives regular circulars from the Department on any new or amended legislation. Such advice is received through the CEO and relevant Shire officers for implementation.
 - iii) Department of Planning, Lands and Heritage (DPLH) – The Shire receives Planning Bulletins from DPLH on any new or amended legislation. Such advice is received through relevant Shire officers or contractors for implementation.
 - iv) Western Australian Local Government Association (WALGA) – The Shire receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.
- c. Obtaining advice on Legislative Provisions the Shire will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, Sporting and Cultural Industries, WALGA or the relevant initiating government department for advice.
- d. Informing Council of legislative change
- v) If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.
 - vi) The Council's format for all its reports to Council meetings provides that all reports shall have a section headed 'Statutory implications' which shall detail the sections of any Act, Regulation or other legislation that is relevant.
6. Review of Incidents and Complaints of Non-compliance the CEO shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.
7. Reporting of Non-compliance
- a. All instances of non-compliance shall be reported immediately to the supervising Executive Manager.
 - b. The Executive Manager shall determine the appropriate response and then report the matter to the CEO.
 - c. The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department.
 - d. The CEO will also take the necessary steps to improve compliance systems

OBJECTIVE

To outline the obligations of Councillors and Staff to ensure that all legislative compliance is met.

STATUTORY CONTEXT

Local Government Act 1995

Local Government (Audit) Regulations 1996

CORPORATE CONTEXT

Policy Manual

Strategic Community Plan

HISTORY

Adopted 23rd July 2023
Revised _____

REFERENCES