



AP16 – LEGISLATIVE COMPLIANCE POLICY

MANAGEMENT PRACTICE: Legislative Compliance Procedure

DELEGATION: N/A

POLICY OBJECTIVE

The primary objective of this Policy is to ensure that the Shire of Jerramungup (the Shire) complies with its legislative and regulatory requirements. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

The Shire will maintain the highest standards of diligence in all areas of public accountability, through its policies and processes, to meet its legal obligations.

POLICY SCOPE

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

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

DEFINITIONS

Compliance Culture: Values, ethics, beliefs and conduct that exist through the Codes of Conduct of the Shire and interact with the Shire's structures and control systems to produce behavioural norms that are conducive to compliance.

Compliance Risks: Likelihood of occurrence and the consequences of noncompliance with the Shire's compliance obligations.

Conduct: Behaviours and practices that impact outcomes for customers, workers, suppliers, markets and communities.

Interested Parties: Person or organisation that can affect, be affected by, or perceive itself to be affected by a decision or activity.

Non-Compliance: Non-fulfilment of compliance obligations.

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 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, 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) Conduct 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.

General Principles

Council has adopted the following principles based on the Australian Standards AS ISO 19600:2015 Compliance Management Systems – Guidelines.

- a) Commit to achieving compliance in all areas of its operations.
- b) Maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws and regulations.
- c) Provide sufficient resources to ensure that this legislative compliance program can be implemented, maintained and improved.
- d) Ensure that all managers, supervisors and staff generally understand, promote and be responsible for compliance with relevant laws, regulations, codes and standards that apply to activities within their day-to-day responsibilities.
- e) Use its established risk management practices to accurately identify, rate and treat compliance risks.
- f) Ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.
- g) Maintain an effective complaints management system, including the coverage of compliance failures.
- h) Council will maintain a Statute and Regulation Register and all identified legislation imposing compliance and impacting on Council will be included on the Register.
- i) Use the Annual Compliance Return as the register to record any non-compliance matters.
- j) Will investigate, rectify and report all compliance failures.
- k) Appropriate practical education and training of staff will be provided in order for them to meet their compliance obligations.
- l) Actively promote the importance of compliance to staff, contractors and other relevant third parties.

POLICY PROCESS

As part of its Legislative Compliance Management System, Council will have in place a Legislative Compliance Procedure to ensure that staff utilise the latest version of legislation and when legislation changes, steps are taken to ensure that staff are aware of amendments to legislation. The Legislative Compliance Procedure is a Management Practice attached to this Policy.

RESPONSIBILITIES

Elected Members and Committee Members

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

Senior Management Team (Executive Managers)

- 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.

Employees

- Comply with relevant legislative obligations within the scope of their roles and their delegated authority.
- Follow relevant procedures, guidelines and checklists as far as practicable and implement this Policy.
- Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.
- Employees shall report through their supervisors to senior management any areas of noncompliance that they become aware of.

Relevant Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i> <i>Work Health and Safety Act 2020</i> <i>Work (Health and Safety) General Regulations 2022</i>
Related Documents:	Strategic Community Plan Record Keeping Plan Register of Delegations Code of Conduct
Related Local Law:	N/A
Related Policies:	AP4 – Records Management Policy AP9 – Risk Management Governance Framework Policy
Adopted:	26 March 2025
Last Reviewed:	N/A
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