



# TATIARA DISTRICT COUNCIL

# LEGISLATIVE COMPLIANCE POLICY

## 1. STATEMENT OF POLICY INTENT

The intent of this policy is to ensure that Tatiara District Council establishes systems which:

1. Promote a culture of compliance within the organisation;
2. Prevent, and where necessary, identify and respond to, breaches of laws, regulations, codes or organisational standards applicable to Council;
3. Meet the expectations, of the community and those working at Council, that Council shall take all appropriate measures to ensure that Council will comply with applicable legislation
4. Assist Council in achieving the highest standards of governance;
5. Provide sufficient resources to ensure that Council's compliance program can be implemented, maintained and improved.

## 2. DEFINITIONS AND ABBREVIATIONS

**Act** - Local Government Act 1999 (SA)

**Codes** - Mandatory industry codes; and voluntary industry codes with which Council chooses to comply

**Compliance** - Measuring 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

**Council standards** - Any code of ethics, codes of conduct, policies, procedures, charters that Council may deem to be appropriate standards for its day to day operations

**CEO** – Chief Executive Officer

**Legal compliance** - Effective control of legal risks in order to ensure that the law is complied with

**Regulations** -Local Government (General) Regulations 2009 (SA)

**Senior Management** - Council's Senior Managers plus the CEO

## 3. POLICY

### Policy Statement

Council shall have appropriate resources, 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 implement the following principles:

### Commitment

- Commitment by the governing body and top management to effective compliance that permeates the whole organisation;
- The compliance policy is aligned to the organisation's strategy and business objectives, and is endorsed by the governing body;
- Appropriate resources are allocated to develop, implement, maintain and improve the compliance program;
- The objectives and strategy of the compliance program are endorsed by the governing body and top management;
- Compliance obligations are identified and assessed.

### Implementation

- Responsibility for compliant outcomes is clearly articulated and assigned;
- Competence and training needs are identified and addressed to enable employees to fulfil their compliance obligations
- Behaviours that create and support compliance are encouraged and behaviours that compromise compliance are not tolerated;
- Controls are in place to manage the identified compliance obligations and achieve desired behaviours;

### Monitoring and Measuring

- Performance of the compliance program is monitored, measured and reported;
- The organisation is able to demonstrate its compliance program through both documentation and practice

### Continual Improvement

- The compliance program is regularly reviewed and continually improved.

## 4. RESPONSIBILITY/ACCOUNTABILITY

Councillors and committee members have a responsibility to be aware and abide by legislation applicable to their role.

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.

The CEO will be responsible for developing a system (Legislative Compliance Program) to ensure that when legislation changes steps are taken to ensure that actions comply with the amended legislation. The Legislative Compliance Program will set out a range of actions required to achieve compliance with legislation. Achievement will be assessed internally through Council's Audit Plan and reported to the Internal Audit Committee annually.

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 non-compliance that they become aware of.

## 5. RELATED DOCUMENTS

- Burial and Cremation Act 2013
- Development Act 1993 and Development Act Regulations 2008
- Dog & Cat Management Act 1995
- Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010
- Expiation of Offences Act 1996
- Fences Act 1975
- Fire and Emergency Services Act 2005 and Fire and Emergency Services Act Regulations 2005
- Food Act 2001
- Freedom of Information Act 1991

- Heavy Vehicle National Law (South Australia) Act 2013
- Housing Improvement Act 1940
- Land & Business (Sale and Conveyancing) Act 1994
- Liquor Licensing Act 1997
- Local Government Act 1999 and associated Regulations
- Local Nuisance and Litter Control Act 2016
- Natural Resources Management Act 2004, Natural Resources Management (General)Regulations 2005 and Natural Resources (Transitional Provisions) Regulations 2004
- Work Health and Safety Act 2012
- SA Public and Environmental Health Act 2011 and SA Public Health (Waste) Regulations 2013
- Roads (Opening & Closing) Act 1991
- Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 1999 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 1999
- Safe Drinking Water Act 2011
- Water Industry Act 2012
- All associated Council policies and documents

## **6. POLICY REVIEW**

This policy may be amended or revoked at any time and must be reviewed at least two years since its adoption (or latest amendment).

## **7. RECORD OF AMENDMENTS**

<b>DATE</b>	<b>REVISION NO</b>	<b>REASON FOR AMENDMENT</b>
24 <sup>th</sup> September 2012	Rev: 00	Draft Copy prepared
9 <sup>th</sup> October 2012	Rev: 01	Policy Adopted by Council Res: 170
13 <sup>th</sup> June 2017	Rev: 02	Policy reviewed with several very minor changes