

2.2.9 Legislative Compliance Policy and Procedure

Type:	Corporate Services – Risk Management
Legislation:	All current Acts and Regulations applicable to Local Government
Delegation:	N/A
Other Related Document:	

Objective

The primary objective of this Policy is to ensure that the Town of East Fremantle (TOEF) 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 Town 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 TOEF'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.

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.
- (l) Appropriate practical education and training of staff will be provided in order for them to meet their compliance obligations
- (m) Actively promote the importance of compliance to staff, contractors and other relevant third parties.

Roles and Responsibilities

(a) *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.

(b) *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.

(c) *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 non-compliance that they become aware of.

Procedure

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 an attachment to this policy.

Responsible Directorate:	Office of the CEO
Reviewing Officer:	Chief Executive Officer
Decision making Authority:	CEO
Policy Adopted	19/10/21
Policy Amended/Reviewed	

LEGISLATIVE COMPLIANCE PROCEDURE (PRO2.2.9)

1. Identifying Current Legislation

1.1 Electronic Versions of Legislation

Council accesses electronic up-to-date versions of legislation through the Western Australian legislation website at www.legislation.wa.gov.au. The WA legislation website is the official WA Government site for the online publication of legislation and is provided and maintained by the Parliamentary Counsel's Office.

Council staff should utilise this website as it is updated on a daily basis.

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

1.2 Australian Standards

The Standards purchased by Council are made available to staff through the Y drive.

2. Identifying New or Amended Legislation

2.1 WA Government Gazette

Council provides website access for its staff to the WA Government Gazette which publishes all new or amended legislation applicable to Western Australia.

2.2 Department of Local Government, Sport and Cultural Industries

Council receives regular circulars from the Department of Local Government, Sport & Cultural Industries on any new or amended legislation relevant to local government. Such advices are received through Council's Records Section and must be distributed by the Records staff to the relevant Council Officers for implementation and elected members for information where applicable.

2.3 Department of Planning

Council receives notification from the Department of Planning on any new or amended legislation. Such advice is received through Council's Records Section and must be distributed by the Records staff to the relevant Council officers for implementation.

2.4 WA Local Government Association

Council receives a weekly circular from the WA Local Government Association. These circulars have sections on finance, planning and environmental law that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and elected members for information.

3. Obtaining Advice on Legislative Provisions

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

may be made with the respective legal officer/solicitor from the following sources:

- (a) WALGA (Legal Officer),
- (b) Department of Local Government (Legal Services Branch), or
- (c) Council's Panel of Solicitors.

Note: Accessing of any legal advice must first be approved by the staff member's relevant Manager

4. Informing Council of Legislative Change

If deemed necessary, the Executive Manager or a nominated officer, will, on receipt of advice of legislative amendments, advise Council via a Concept Forum/Briefing 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

6.1 All instances of non-compliance shall be reported as soon as practicable to the respective Executive Manager. The Executive Manager shall determine the appropriate response. If the matter is deemed a significant breach or significant fines and/or criminal sanctions apply, the matter must be reported immediately to the Chief Executive Officer.

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

6.2 Compliance Audit Return

Undertake annual review of compliance requirements in accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*.

7. Auditing Legislative Compliance

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

8. Corporate Calendar

Monthly review of Corporate Calendar to ensure all legislative requirements are being met.

9. Review of Legislative Compliance Procedures

This Procedure will be reviewed every two years.

Town of East Fremantle - Legislative Compliance Matrix Register

Legislation	Office of CEO	Corporate Services			Regulatory Services				Operations	
		Admin & Fin	Rangers	HACC	Building	Health	Planning	Environment	Transport	Parks & Reserves
<i>Animal Welfare Act 2002</i>										
<i>Animal Welfare (General) Regulations 2003</i>										
<i>Building Act 2011</i>										
<i>Building and Construction Industry Training Fund and Levy Collection Regulations 1991</i>										
<i>Building Regulations 2012</i>										
<i>Bush Fires Act 1954</i>										
<i>Bush Fires Regulations 1954</i>										
<i>Bush Fires (Infringements) Regulations 1978</i>										
<i>Cat Act 2011</i>										
<i>Cat Regulations 2012</i>										
<i>Conservation & Land Management Act 1984</i>										
<i>Conservation & Land Management Regulations 2002</i>										
<i>Control of Vehicles (Off Road Areas) Act 1978</i>										
<i>Control of Vehicles (Off Road Areas) Regulations 1979</i>										
<i>Corruption and Crime Commission Act 2003</i>										
<i>Corruption, Crime and Misconduct Act 2003</i>										
<i>Disability Services Act 1993</i>										
<i>Disability Services Regulations 2004</i>										
<i>Dividing Fences Act 1961</i>										
<i>Dividing Fences Regulations 1971</i>										
<i>Dog Act 1976</i>										
<i>Dog Regulations 2013</i>										

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		Admin & Fin	Rangers	HACC	Building	Health	Planning	Environment	Transport	Parks & Reserves
<i>Planning & Development (Consequential) Regulations 2006</i>										
<i>Planning & Development (Development Assessment Panels) Regulations 2011</i>										
<i>Planning & Development (Fees) Notice 2021</i>										
<i>Planning & Development (Local Planning Schemes) Regulations 2015</i>										
<i>Planning & Development (Part 17 Fees) Notice 2020</i>										
<i>Planning & Development Regulations 2009</i>										
<i>Planning & Development (Transitional) Regulations 2006</i>										
<i>Public Interest Disclosure Act 2003</i>										
<i>Public Interest Disclosure Regulations 2003</i>										
<i>Public Health Act 2016</i>										
<i>Health (Miscellaneous Provisions) Act 1911</i>										
<i>Public Health Regulations 2017</i>										
<i>Health Act (Carbon Monoxide) Regulations 1975</i>										
<i>Health Act (Laundries and Bathrooms) Regulations</i>										
<i>Health Act (Sewerage Drainage and Underground Water Supply) Regulations 1959</i>										
<i>Health Act (Underground Water Supply) Regulations 1959</i>										
<i>Health (Air-handling and Water Systems) Regulations 1994</i>										
<i>Health (Aquatic Facilities) Regulations 2007</i>										
<i>Health (Asbestos) Regulations 1992</i>										
<i>Health (Cloth Materials) Regulations 1985</i>										
<i>Health (Construction Work) Regulations 1973</i>										
<i>Health (Garden Soil) Regulations 1998</i>										
<i>Health (Offensive Trades Fees) Regulations 1976</i>										
<i>Health (Pesticides) Regulations 2011</i>										
<i>Health (Public Buildings) Regulations 1992</i>										

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<i>Public Places and Local Government Property Local Law 2016</i>										
<i>Parking Local Law 2016</i>										
<i>Penalty Units Local Law 2016</i>										
<i>Waste Local Law 2017</i>										
<i>Waste Amendment Local Law 2017</i>										

	Office of CEO
	Corporate Services
	Regulatory Services
	Operations