

Subject: **REGULATORY COMPLIANCE POLICY (1.2.14)**

Description: This policy defines Council's commitment to compliance with legislation, regulations, professional standards and guidelines that regulate its operating environment.

Objectives: To establish a co-ordinated, organisation wide compliance framework to ensure that Council's business and operations are conducted in accordance with legal and policy requirements and to encourage proactive, accountable management.

PART 1 - POLICY

Definitions

Compliance: Ensuring that the requirements of laws, regulations, industry codes and organisational standards and Council policies are met.

Legislation: A law or a body of laws enacted

Regulations: A rule of order prescribed by authority

Guidelines: A statement which offers advice on the implementation of a policy

Professional Standards: Standards prescribing the conduct of a professional.

Overview

The regulatory environment in which Uralla Shire Council operates is extensive, complex and constantly changing. Effective compliance requires an appropriate level of commitment, planning and ongoing management and maintenance. The implications of non-compliance can include exposure to substantial penalties, loss of funding for the provision of community services, reputational damage and significant disruption for those personnel dealing with the effects of the non-compliance.

Scope

This policy relates to regulatory compliance and is intended to include:

- Applicable legislation including:

- Applicable rules and regulations made under applicable legislation,
- Licences, permits and the like issued under applicable legislation,
- Regulatory directions made under the authority of applicable legislation.
- Applicable policies – both external and internal
- Contractual obligations including funding agreements with Commonwealth and State government departments.
- Any other regulation, directive or guideline which may form part of the regulatory environment of Uralla Shire Council and its auspiced organisations.

Objectives

- to implement effective processes to ensure compliance with all legislation, regulations, industry codes and standards, and policies that are relevant to Council's operations,
- to ensure staff (and volunteers) are aware of their compliance obligations in relation to their role within Council and comply with relevant Council policies that reflect legal requirements,
- to identify compliance issues that impact upon Council's operations and establish effective procedures in response,
- to promote a culture of regulatory compliance across all Council's operations and activities,
- to reduce Council's potential exposure to legal actions and associated penalties by minimising the incidence of compliance failures and ensuring appropriate responses to potential or actual breaches,
- to protect and enhance Council's relationship with its customers, residents and ratepayers, regulatory authorities and the organisations with which it has commercial dealings.

Policy Principles

Uralla Shire Council is committed to the following principles, which are in line with Australian Standard AS3806, for an effective compliance program of:

Commitment Implementation Monitoring and Measuring, and Continual Improvement

Commitment

1. by the Council and senior management to effective compliance that permeates the whole organisation.

2. to the alignment of regulatory compliance to Uralla Shire Council's Community Strategic Plan and operational plans.
3. to appropriate allocation of resources to the development, implementation, maintenance and improvement of the compliance program.
4. that the objectives and the strategy of the compliance program are endorsed by the Council and senior management.
5. to identify and continually assess compliance obligations.

Implementation

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

Monitoring and Measuring

10. Performance of the compliance program is monitored, measured and reported.
11. Uralla Shire Council demonstrates its compliance program through both documentation and practice.

Continual Improvement

12. The compliance program is regularly reviewed and continually improved.

Roles and Responsibilities

General Manager

The General Manager is responsible for ensuring that the whole organisation is committed to regulatory compliance through leading by example and by adhering to and actively supporting the compliance program. At the strategic level, the General Manager has overall responsibility for ensuring that Council fulfils its legal obligations and effectively manages any risk exposure that may result from legal compliance failures.

Directors and Managers

Directors and Managers are responsible for demonstrating a personal commitment to regulatory compliance and for achieving compliance by identifying key

legislation, regulations, standards and requirements that apply to their area of responsibility.

Directors and Managers are also responsible for ensuring that the staff who report to them receive necessary training and instruction to keep them up-to-date with relevant legislative requirements.

Employees

All employees are required to:

- Adhere to the compliance obligations relevant to their positions,
- Perform their duties in an ethical, lawful and safe manner,
- Report and escalate compliance concerns, issues and failures.

The provisions in Council's Regulatory Compliance Policy also apply to internal policies and procedures that are linked to legal requirements, as well as to the legislation itself.

PART 2 - EXEMPTIONS

NIL.

PART 3 - CRITERIA

PART 4 – RELATED DOCUMENTS

There is extensive legislation, NSW Government Standards and Guidelines, industry codes and professional standards that Uralla Shire Council is required to comply with. Accordingly it is not practical to detail those requirements in this policy.

Other Related Documents

Uralla Shire Council Code of Conduct (February 2011)

PART 5 – OTHER MATTERS

This policy will take effect from 27 February 2012.

Review: This policy is to be reviewed as necessary or every four (4) years in accordance with Sections 158 to 167, Local Government Act, 1993.

Resolution No: **503/11 - Adopted for submissions 19 December 2011; Adopted without Change 27 August 2013 (249/13).**