


Hay Shire Council Policy



Title of Policy	Legislative Compliance Policy		
This applies to	All of Council		
Author	David Webb	Date Approved:	28 th November 2023
Position of Author	General Manager	Authorised by:	Council
Legislation, Australian Standards, Code of Practice.	Various as listed in the policy below.		
Related Policies/Procedures	Various as listed in the policy below.		
Attachments			
Aim	The aim of an effective compliance program is to - a) Prevent, and where necessary, identify and respond to, breaches of applicable laws, regulations, codes and organisational standards; b) Promote a culture of compliance within the organisation; c) Assist the organisation in remaining or becoming a good corporate citizen.		
Version	Details	Date	
Version 1	Initial Issue	22/10/19	
Version 2	Review	27/11/23	
Superseded Policies			
The Policy			

INTRODUCTION

A compliance program is an important element in the corporate governance and due diligence of an organisation. This policy sets out the structural, operational and maintenance elements of an effective compliance program.

COMMITMENT

Hay Shire Council is committed to fulfilling the community's expectations and being a good corporate citizen through compliance with all applicable laws, regulations, codes and organisational standards.

IMPLEMENTATION

The General Manager will have overall responsibility for compliance.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council (refer Schedule 1) and reporting obligations (refer Schedule 2).

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The compliance framework will allocate responsibility for individual compliance tasks within the organisation.

Compliance obligations are to be integrated into the day to day operational procedures of the organisation.

MONITORING AND MEASURING

The Audit, Risk and Improvement Committee, will work closely with the Internal Auditor, to assist the Council in exercising due care, diligence and skill in discharging its oversight and monitoring responsibilities, especially regarding financial reporting, risk management and compliance with legislation and Council policies.

An Internal Audit Plan will be maintained and will include an ongoing program for the internal review of the Council's activities including periodic reviews of its compliance program.

Compliance failures and complaints will be investigated in order to rectify breaches and prevent systematic and recurring problems.

Council policies will be subject to periodic review by the Council in accordance with a predetermined timetable (refer Schedule 3).

CONTINUAL IMPROVEMENT

The Compliance program and the compliance framework referred to in Schedule 1 will be regularly reviewed and continually improved by –

- a) Incorporating periodic internal audit reviews focusing on compliance in the Council's Internal Audit Plan and monitoring the work of the Internal Auditors in their reports to the Audit Committee especially noting the risk ratings attached.
- b) Regular review of Council policies in accordance with a pre-determined timetable (refer Schedule 2);
- c) Remaining abreast of changes in legislation and policies of Government by subscribing to Office of Local Government (OLG) Circulars, retaining membership of LGNSW and participating in conferences, seminars and other events hosted by OLG, LGNSW, Local Government Professionals Australia, RAMJO and other local government industry bodies.

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Schedule 1
Compliance Framework

Legislation / Award	Responsibility
New South Wales	
Anti-Discrimination Act 1977	Council General Manager Director Corporate & Community Services Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Executive Manager - People & Governance
Biodiversity Conservation Act 2016	Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance
Biosecurity Act 2015	Executive Manager - Engineering & Operations Biosecurity Officer
Companion Animals Act 1998	Executive Manager - Planning & Compliance Compliance Officer
Contaminated Land Management Act 1997	Executive Manager - Planning & Compliance
Crown Land Management Act 2016	General Manager Director Corporate & Community Services Executive Manager - Planning & Compliance Executive Manager – Engineering & Operations
Disability Inclusion Act 2014	Council General Manager Director Corporate and Community Services Executive Manager - Engineering & Operations

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Legislation / Award	Responsibility
New South Wales	
	Executive Manager - Planning & Compliance Executive Manager – People & Governance
Environmental Planning & Assessment Act 1979	Executive Manager - Planning & Compliance Planning & Compliance Assistants
Food Act 2003	Executive Manager - Planning & Compliance Building & Health Officer
Government Information (Public Access) Act 2009	Director Corporate & Community Services
Heavy Vehicle National Law	Executive Manager - Engineering & Operations
Heritage Act 1977	Executive Manager - Planning & Compliance
Impounding Act 1993	Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Compliance Officer
Library Act 1989	General Manager Director Corporate & Community Services
Local Government Act 1993	Council General Manager Director of Corporate & Community Services Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Executive Manager – People & Governance
Local Government (NSW) State Award 2023	General Manager

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Legislation / Award	Responsibility
New South Wales	
	Director Corporate and Community Services Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Executive Manager - People & Governance
Privacy & Personal Information Protection Act 1998	Director Corporate & Community Services
Protection of the Environment Operations Act 1997	Executive Manager - Planning & Compliance
Public Health Act 2010	Executive Manager - Planning & Compliance Building & Health Officer
Public Interest Disclosures Act 1994	General Manager Director Corporate & Community Services
Residential Tenancies Act 2010	Director Corporate & Community Services
Roads Act 1993	General Manager Executive Manager - Engineering & Operations
Rural Fires Act 1997	General Manager Executive Manager - Engineering & Operations
State Emergency & Rescue Management Act 1989	General Manager Executive Manager - Engineering & Operations
State Records Act 1998	Director Corporate and Community Services

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Legislation / Award	Responsibility
New South Wales	
Valuation of Land Act 1916	Director Corporate & Community Services
Waste Minimisation and Management Act 1995	Executive Manager - Engineering & Operations Executive Manager – Planning & Compliance
Work Health and Safety Act 2011	Council General Manager Director Corporate & Community Services Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Executive Manager – People & Governance

Legislation / Award	Responsibility
Commonwealth	
A New Tax System (Goods and Services Tax) Act 1999	Director Corporate & Community Services
A New Tax System (Pay As You Go) Act 1999	Director Corporate & Community Services
Fair Work Act 2009	General Manager Director Corporate & Community Services Executive Manager - Engineering & Operations Executive Manager - Planning & Compliance Executive Manager - People & Governance

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Legislation / Award	Responsibility
Fringe Benefits Tax Assessment Act 1986	Director Corporate & Community Services
National Heavy Vehicle Law	Executive Manager - Engineering & Operations
Native Title Act 1993	Executive Manager - Planning & Compliance

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Schedule 2

Reporting Obligations

Note: This Schedule should be read in conjunction with Office of Local Government's latest 'Calendar of Compliance and Reporting Requirements' found on the OLG website.

Reporting Requirement	Recipient	Due Date	Responsibility
Active Transport Completion Report	Roads & Maritime Services	30 June	Executive Manager - Engineering & Operations
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Roads & Maritime Services	30 th September	Executive Manager - Engineering & Operations
Building Approvals	Long Service Leave Corporation	Monthly	Executive Manager - Planning & Compliance
Cemeteries Annual Report	Crown Lands NSW	30 th September	Director of Corporate & Community Services
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Executive Manager - People & Governance

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Reporting Requirement	Recipient	Due Date	Responsibility
Companion Animals Annual Report	Office of Local Government	30 September	Executive Manager - Planning & Compliance
Crown Land Annual Report	Crown Lands NSW	31 October	Director of Corporate & Community Services
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Executive Manager - Planning & Compliance
Disability Inclusion Reporting	Communities & Justice	1 December	Executive Manager – People & Governance
Disclosure of Interest Annual Returns	Council	30 September	Executive Manager – People & Governance
Financial Statements	Office of Local Government	31 October	Director Corporate & Community Services
Financial Data Return	Office of Local Government	31 October	Director Corporate & Community Services
Food Inspections	Food Authority NSW	TBC	Executive Manager - Planning & Compliance

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Reporting Requirement	Recipient	Due Date	Responsibility
GIPA Annual Report	Minister for Local Government Information Commissioner	31 October	Director Corporate & Community Services
Landfill Annual Reports	Environment Protection Authority	31 August	Executive Manager - Engineering & Operations
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Executive Manager - Engineering & Operations
National Local Roads Data Annual Report	Office of Local Government	November	Executive Manager - Engineering & Operations
Plan First Levy	Department of Planning	Monthly	Executive Manager - Planning & Compliance
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	31 October	General Manager Executive Manager - People & Governance
Regional Roads Repair Program	Roads & Maritime Services	30 June	Executive Manager - Engineering & Operations

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Reporting Requirement	Recipient	Due Date	Responsibility
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Executive Manager - Engineering & Operations
Return of General Information	Local Government Grants Commission	30 November	Director of Corporate & Community Services
Roads to Recovery	Department of Infrastructure	31 October	Executive Manager - Engineering & Operations
Sewerage Treatment Plants Annual Report	Environment Protection Authority	September	Executive Manager - Engineering & Operations
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Executive Manager - Engineering & Operations
State Environmental Planning Policies	Department of Planning	Quarterly	Executive Manager - Planning & Compliance

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Schedule 3
Hay Shire Council
Policy Review Timetable

Section 1 – Council and Electoral

Policy	Last Review Date	Next Review Date

Section 2 – Technical

Policy	Last Review Date	Next Review Date

Section 3 – Staff Matters

Policy	Last Review Date	Next Review Date