

	<h2>Legislative Compliance Procedure</h2>	Version No:	2.1
		Issued:	November 2016
		Last Review:	March 2021
		Next Review:	February 2024

Name of Council	Wudinna District Council
File reference	9.87
Responsibility:	Governance
Policy Level	Discretionary
Minutes reference:	20 April 2021 - 10.5.2
Next review date:	Council will seek to review this Procedure every three years
Applicable Legislation:	Legislation as it applies to Council
Related Documents:	Relevant Staff Positions Descriptions

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1. OVERVIEW

This Procedure provides general guidance on legislative compliance responsibilities to ensure that the Chief Executive Officer as the accountable officer, can be satisfied that all measures are being taken across the Wudinna District Council (**Council**) to actively comply with all relevant legislation and other applicable standards.

The Procedure identifies legislation for which Council's departments have compliance responsibility, assigns primary responsibility for ensuring compliance with each Act and provides a process for remedying a breach of legislative requirements.

It is one element of Council's governance arrangements and is intended to complement existing procedures.

2. CORE COMPONENTS


The core components of this Procedure are:

- a) To identify Legislation for which Council has a Legislative Compliance responsibility, assigns primary responsibility for ensuring compliance with relevant legislation and provides a process for tracking, reporting, actioning and disseminating relevant changes to legislation that impact on Council's operations.
- b) Legislative Compliance Register

3. DEFINITIONS

SMT: The Senior Management Team Members are Identified as 'Responsible Person' – Primary

Human Resources Matters: For the purpose of this Procedure the Office Manager is responsible for any Legislative Changes

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Key Compliance Area: Indicates the department with Primary Responsibility for ensuring compliance with each piece of Legislation as contained in the Legislative Compliance Register (or as required to undertake their tasks in accordance with the law)

Legislative Compliance Register: Is a Council document that is utilised for identifying any relevant Legislation, recording changes to that legislation that impacts on Council's operations and Identifying any required actions emanating from changes to Legislation

Responsible Person – Primary: Indicates that individual fulfilling that role and assigned with the task of researching/compiling and disseminating any relevant changes to Legislation to affected workers.

Additionally, the 'Responsible Person' maintains ultimate responsibility for ensuring the Chief Executive Officer is able to meet any accountability requirements in respect to Legislative compliance.

The 'Responsible Person' shall be nominated by the SMT (at all times however, the SMT shall take ultimate responsibility for ensuring Council complies with any relevant Legislation).

Responsible Person – Secondary: Indicates the individual assigned with the task by the 'Responsible Person – Primary' of researching/compiling and disseminating relevant changes of Legislation to affected Staff.

4. PROCEDURE

- 4.1 This Procedure relates to compliance with Identified legislation as outlined in the Key Compliance area of the Legislative Compliance Register. The Legislative Compliance Register indicates the area of Council with Key Responsibility – Primary and the Responsible Person – Secondary (where nominated) responsible for Key Legislation.
- 4.2 Each Officer that is nominated as the Responsible Person – Primary or Responsible Person – Secondary shall be advised of such and those officers shall be identified within the Legislative Compliance Register.
- 4.3 The Responsible Person – Primary (or where nominated Responsible Person – Secondary) is responsible for ensuring that any changes to Legislation that impact on an officer's role (to the best of their knowledge) are communicated to those affected workers as soon as practical **and** other measures are implemented. These measures may include: training, changes to procedures, SWI's etc. that may be necessary and are facilitated and/or implemented to ensure compliance.
 - 4.3.1 Any such change to the Legislation must be advised to the Office Manager who will track the change and update the Legislative Compliance Register – close out of this process shall be an email notification advising all responsible persons (as per Legislative Compliance Register).
- 4.4 The Responsible Person – Primary (or where nominated Responsible Person – Secondary) is to ensure that any relevant changes to Legislation that impact on Council's operations are provided to the Office Manager for entry into the Legislative Compliance Register.
- 4.5 Any worker who becomes aware that a statutory responsibility or obligation in connection with Council's activities may have been breached should:
 - 4.5.1 Report the breach to their manager or supervisor;
 - 4.5.2 Consult with their manager or supervisor to determine whether the breach constitutes a reportable non-compliance;
 - 4.5.3 Any worker, their manager or supervisor who considers that an incident of reportable non-compliance has occurred, should immediately report the matter to the Responsible Officer together with all the details of the recommended remedial action where appropriate.
 - 4.5.4 If there is uncertainty around whether a particular breach constitutes reportable non-compliance they should assume it is.

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4.5.5 If the breach is not a reportable non-compliance they should seek advice from the Responsible Officer, or take any steps to remedy the breach as soon as practicable as agreed with their manager or supervisor.

4.6 IDENTIFYING CURRENT LEGISLATION

4.6.1 Electronic Versions of Legislation

Council accesses electronic up to date versions of legislation through the Government of South Australia Legislation website at legislation.sa.gov.au. The South Australian Legislation website is the official SA Government site for the online publication of legislation. It is provided and maintained by the Attorney General's Department.

Council staff should utilise this website as it is updated on a daily basis. Other sites, such as AUSTRALII may not have up to date versions of legislation.

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

4.7 IDENTIFYING NEW OR AMENDED LEGISLATION

4.7.1 South Australian Government Gazette

The South Australian Government Gazette publishes all new or amended legislation applicable to South Australia.

4.7.2 Local Government Association of South Australia

Council receives Latest News (previously referred to as LGA Circulars) from the Local Government Association of South Australia on any new and amended legislation relevant to local government.

This weekly summary report is distributed via email every Monday morning providing a summary of the Latest News articles from the previous week.

5. TRAINING

5.1 The Chief Executive Officer shall ensure that any necessary training is provided to the Responsible Officer and facilitate any Legislative requirement training as needed, e.g. WZTM, White Card, NHVR and High Risk Work etc.

6. RECORDS

The following records shall be maintained:


- 6.1 Council's Legislative Compliance Register;
- 6.2 Evidence of notification of changes to relevant Legislation impacting on Council's workers;
- 6.3 Activities;
- 6.4 Training Records; and
- 6.5 Corrective & Preventative Actions Register (CAPAR) "Council Actions" in Skytrust.

All records must be retained in line with the current version of State Records General Disposal Schedule (currently GDS40)

7. RESPONSIBILITIES

7.1 The Senior Management Team is accountable for:

- 7.1.1 Ensuring they are aware of their obligations under this procedure and provide any such notifications to the Responsible Person – Secondary where such a requirement is delegated.

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7.1.2 Ensuring that any decisions or actions requiring reference to legislation of any type are in accordance with the most current legislation available to them – if in doubt confirm the legislative requirements with a Legislative Database such as AUSTLII or Legislation SA

7.2 Managers and Supervisors are accountable for:

7.2.1 Ensuring they are aware of this Procedure and importance of complying with legislative requirements.

7.2.2 Ensuring that any decisions or actions requiring reference to Legislation of any type are in accordance with the most current legislation available to them – if in doubt confirm the legislative requirements with a Legislative Database such as AUSTLII or Legislation SA.

7.3 Workers are accountable for:

7.3.1 Ensuring they follow reasonable instruction with respect to this Procedure and are aware of the importance of complying with legislative requirements.

7.3.2 Bringing to the attention of their Supervisor or Manager any known breach of compliance with legislative requirements.

7.4 The Office Manager

7.4.1 Shall ensure that the Responsible Person affected by this procedure is advised and where necessary position descriptions reflect these responsibilities.

8. REVIEW

8.1 This Procedure will be reviewed by Council's Senior Management Team, in consultation with workers or their representatives, three yearly.

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Legislative Update Process Flowchart

