

Responsible Officer	Chief Executive Officer
Voting requirements	Simply Majority
Initial Council adoption	17 June 2021
Amendments	
Last Council adoption	17 June 2021
Review due	2023

PURPOSE/OBJECTIVE

To ensure that the Tamala Park Regional Council (TPRC) has a high level of compliance with legislative requirements applying to local government.

SCOPE

Good governance requires that appropriate policies, procedures and processes are in place for local governments to comply with legislative requirements.

Elected Members of TPRC have an expectation that the local government will comply with applicable legislation and the Council should take all appropriate measures to ensure this expectation is met.

POLICY STATEMENT

The Council will have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the operations of the local government.

These processes and structures will aim to:

- a) Develop and maintain a system for identifying legislation applicable to the Council's activities;
- b) Assign responsibilities for ensuring that regulatory obligations are fully considered and implemented;
- c) Provide relevant and appropriate training for staff in the legislative and regulatory requirements;
- d) Provide necessary resources to identify and remain up-to-date with new legislation;
- e) Establish a mechanism for recording and reporting non-compliance;
- f) Review instances where there may have been non-compliance and report through risk management processes to mitigate against future occurrences;
- g) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved;
- h) Ensure audits are performed to assess compliance;
- i) Require necessary action to rectify any identified breach as soon as reasonably possible; and
- j) Establish an internal audit function to provide an independent and objective evaluation of the Council's internal procedures and controls.

Roles and Responsibilities

Elected Members and Committee Members

Elected Members and Committee Members have a responsibility to be aware of and to abide by legislation applicable to their role.

Employees

All employees have a duty to seek information and guidance on legislative requirements applicable to their area of work and to comply with the legislation. Employees shall report any areas of non-compliance they become aware of.

Employees should be regularly briefed, updated and/or trained about key legal requirements relative their position description.

Legislative Compliance Procedures

1. Identifying current legislation

TPRC accesses electronic up to date versions of legislations through the Western Australian State Law Publisher (www.slp.wa.gov.au) as well as through the Department of Local Government, Sport and Cultural Industries (www.dlgsc.wa.gov.au)

2. Identifying New or Amended Legislation

Western Australian Government Gazette which publishes all new or amended legislation applicable to Western Australia. Copies of gazetted changes are distributed to staff. It is incumbent on the CEO to determine whether any gazetted changes to legislation need to be incorporated into processes.

a. Department of Local Government, Sport and Cultural Industries

TPRC receives regular circulars from the Department of Local Government on any new or amended legislation. These are circulated to the relevant officers for implementation.

b. Department of Planning

TPRC receives Planning Bulletins from the Department of Planning on any new or amended legislation. These are circulated to the relevant officers for implementation.

c. Western Australia Local Government Association (WALGA)

TPRC receives regular circulars from WALGA and these circulars highlight changes in legislation applicable to local governments.

3. Obtaining advice on Legislative Provisions

TPRC will obtain advice on matters of legislation and compliance where this is necessary. Contact can be made with the Department of Local Government, WALGA or the relevant initiating government department for advice.

4. Informing Council of Legislative Change

If appropriate the CEO will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation. The TPRC's format for all its reports to Council meetings provides that all reports shall have a section headed 'Legal / Policy' which shall detail the sections of any Act, Regulation or other legislation that is relevant.

5. Reviewing Incidents and Complaints of Non-compliance

The Council shall review all incidents and complaints of non-compliance. Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-compliance

All instances of non-compliance shall be reported immediately to the CEO. The CEO may investigate any reports of significant non-compliance and if necessary report the non-compliance to the Council and/or the relevant government department. The CEO will also take the necessary steps to improve compliance systems.

IMPLEMENTATION

The TPRC will have procedures in place to ensure that when legislation changes, steps are taken to ensure future actions comply with the amended legislation and changes are appropriately communicated to all required personnel.