

# Governance & Compliance

## Legislative Compliance

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### Objective

To ensure that the Shire of Koorda (**“the Shire”**) upholds its commitment to meet a high level of compliance with legislative requirements applying to local government and takes any necessary action to rectify any breach as soon as reasonably possible.

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### Policy

#### **Background**

Many principles of good governance make reference to ensuring appropriate policies, procedures and processes are in place for local governments to comply with both the letter and the spirit of the law.

The Shire has an obligation to ensure that legislative requirements are complied with. The community and those working at the Shire have an expectation that the Shire will comply with applicable legislation and that the Shire will take all appropriate measures to ensure that expectation is met.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires local governments to carry out a compliance audit for the period 1 January to 31 December in each year. The Compliance Audit is structured by the Department of Local Government, Sport and Cultural Industries (DLGSC) and relates to key provisions of the Local Government Act 1995.

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review of the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance not less than once in every 3 financial years and report to the Audit Committee the results of that review.

Regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996* also requires the CEO to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

#### **Policy Statement**

The Shire 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:

- Develop and maintain a system for identifying legislation applicable to the Local Government's activities;
- Assign responsibilities for ensuring that regulatory obligations are fully considered and implemented;
- Provide relevant and appropriate training for staff, elected members, volunteers and other applicable people in the legislative and regulatory requirements affecting them;
- Provide necessary resources to identify and remain up-to-date with new legislation;
- Establish a mechanism for recording and reporting non-compliance;
- Review instances where there may have been non-compliance and report through risk management processes to mitigate against future occurrences;
- Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved;
- Ensure audits are performed to assess compliance;

- Requires necessary action to rectify any identified breach as soon as reasonably possible; and
- Establish an internal audit function to provide an independent and objective evaluation of the Local Government's internal procedures and controls.

## **Roles and Responsibilities**

### **Elected Members and Committee Members**

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

### **Executive Management Team**

The Executive Management Team should ensure that directions relating to compliance are clear, unambiguous and applicable legal requirements for each activity they are responsible for administering are identified. All staff are to be given the opportunity to be regularly informed, briefed, updated and/or trained about key legal requirements relative to their position description, utilising available resources to accomplish this.

### **Employees**

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 through their supervisors to Senior Management any areas of non-compliance they become aware of.

## **Implementation of Legislation**

The Local Government 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.

## **Legislation Compliance Procedures**

- **Identifying current legislation**
  - Electronic versions of legislation  
The Shire accesses up to date electronic versions of legislation through the Western Australian State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).
- **Identifying new or amended legislation**
  - Western Australian Government Gazette  
The Shire accesses the Government Gazette via the State Law Publisher website.
  - Department of Local Government, Sport and Cultural Industries  
The Shire receives regular circulars from the DLGSC on any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to relevant Shire officers.
  - Department of Planning  
The Shire receives Planning Bulletins from the Department of Planning regarding any new or amended legislation. Such advice is received and processed through the Shire's Records Department and is distributed to the relevant Shire officers for implementation.
  - Australian Local Governments Association (ALGA)  
The Shire receives regular issues of the ALGA News. Such information is received and processed through the Shire's Records Department and distributed by Records staff to the relevant Shire officers for information.
  - Western Australian Local Government Association (WALGA)  
The Shire receives regular issues of the Local Government News from WALGA. Such information is received and processed through the Shire's Records Department and distributed to the relevant Shire officers for information.

- **Obtaining advice on legislative provisions**

The Shire will obtain advice on matters of legislation and compliance where necessary. Contact can be made with the DLGSC, WALGA or the relevant initiating government department for advice.

- **Informing Council of legislative changes**

If appropriate, the Chief Executive Officer will, on receipt of advice of legislative amendments, advise the Council on new or amended legislation.

The Shire's format for all reports to Council meetings provides that all reports have headings "**Statutory Implications**" and "**Policy Implications**" which shall detail the current sections of any Act, Regulation or other legislation and any current Policy that is relevant to the report before Council.

- **Review of incidents of complaints of non-compliance**

The Shire shall review all incidents and complaints of non-compliance in accordance with Council Policies and Documents. (Code of Conducts, Complaints Policy/Procedure, and where applicable Public Interest Disclosure)

Such reviews will assess compliance with legislation, standards, policies and procedures that are applicable.

- **Reporting of non-compliance**

All instances of non-compliance shall be reported immediately to the relevant Supervisor/Manager. The Supervisor/Manager shall determine the appropriate response and, if necessary, report the matter to the Chief Executive Officer.

The Chief Executive Officer may investigate any reports of significant non-compliance and if necessary, report the non-compliance to the Council and/or the DLGSC.

The Chief Executive Officer will then take the necessary steps to improve compliance systems.

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### **Related Documents (Legislation/Local Law/Policy/Procedure/Delegation)**

*Local Government (Audit) Regulations 1996*

*Local Government (Financial Management) Regulations 1996*

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### **Review History**

Review Due: March 2024

<b>Date</b>	<b>Council Resolution</b>	<b>Description of review/amendment</b>
28/06/2023	RES: 120623	V1.0. Adoption of Policy following recommendation from 2023 Review of Financial Management, Risk Management, Legislative Compliance and Internal Controls.