

GOV015 – Legislative Compliance Policy

1. POLICY CERTIFICATION

Policy title:	Legislative Compliance
Policy number:	GOV015
Category:	Policy
Classification:	Governance
Status:	APPROVED

2. PURPOSE

Roper Gulf Regional Council (RGRC) is committed to ensuring its utmost compliance with all applicable legislative obligations. This policy sets out RGRC’s legislative compliance principles, and commitment to ensuring that its obligations are met in a proactive, timely, and transparent manner.

3. ORGANISATIONAL SCOPE

This policy applies to all RGRC members: Elected Members, Local Authority Members, and Committee Members, and to all staff, activities and undertakings.

4. POLICY STATEMENT

As a local government body, RGRC carries out its duties and functions without fear or favour, affection or ill-will, according to law, and is committed to upholding the principles of integrity, accountability, transparency, and concern for the public interest.

RGRC is committed to a proactive, Organisation-wide approach to meeting its legislative obligations, and has dedicated staff and internal processes for that purpose.

RGRC undertakes continuous research and compliance activities to ensure that its members and staff members understand, meet, and document their legislative obligations.

5. DEFINITIONS

Common Law	Binding or persuasive principles of law arising from judicial decisions of various bodies, based on the judicial interpretation of applicable statutes. Also known as Case Law.
Compliance	Ensuring legislative or other obligations and responsibilities are adhered with and the provision of documentary evidence thereof.
Law	Statute law set out by various Acts, Ordinances, Statutes, Regulations etc. of the Territory or Commonwealth, and Common Law of the Territory or Commonwealth.
Legislation	An Act of the Territory or Commonwealth.
Legislative	Of legislation, in accordance with legislation.
Organisation	Roper Gulf Regional Council.
Statutory Instrument	Legislation subordinate to a parent Act such as Regulations or By-Laws.

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6. PRINCIPLES

6.1 Roles and Responsibilities

Legislative compliance is an ongoing responsibility of all RGRC members and staff. So as to ensure Organisation-wide legislative compliance:

The CEO will:

- Provide broad level direction to legislative compliance and may delegate implementation to relevant Executive/Managers.

The Director of Corporate Governance, with assistance from the Governance and Corporate Planning business unit will:

- Undertake continuous and thorough legal research to ensure that all legislative obligations and responsibilities applicable to RGRC and its activities and undertakings are ascertained, understood, complied with, and documented.
- Develop, implement and maintain internal processes which review RGRC's activities and undertakings to ensure compliance with all applicable legislative obligations and responsibilities.
- Develop/review policies and policy support documents, internal and external processes, decisions and agreements to ensure their compliance with applicable Territory and Commonwealth legislation, and consistency with applicable Common Law (i.e. decisions of the *High Court of Australia*, *Fair Work Commission* etc.).
- Ensure comprehensive records of RGRC's activities and undertakings are kept, and regularly updated as to ensure compliance with applicable law.
- Develop, implement, and review compliance material and activities to inform and train RGRC members and staff of their legal obligations and how to ensure and document compliance thereof.
- Source external legal expertise where required.

The Directors and Managers, Area Managers, and Coordinators are responsible for:

- Ensuring that subordinate staff members are made aware of, understand and meet their legislative compliance obligations.
- Ensuring that all activities are carried out in a manner compliant with all applicable law.
- Implementing any legislative compliance directives from the CEO, the Director of Corporate Governance, and the Governance and Corporate Planning business unit
- Ongoing review of their activities and staff members to ensure that compliance obligations are met and documented.
- Bringing concerns pertaining to legislative compliance to the attention of the Governance and Corporate Planning business unit.
- Keeping concise and up-to-date records of activities and undertakings.
- Ensuring risks relating to legislative compliance are incorporated into risk management activities.

Employees are responsible for reporting actual or suspected examples of non-compliance up the Chain of Command as discovered. It is the responsibility of every Member and staff to ensure that they understand and meet their compliance obligations.

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Reporting of Non-Compliance:

- All instances of non-compliance/legislative breaches shall be reported immediately to the applicable senior staff member of coordinator level and above.
- The senior staff member shall report the matter to Governance and Corporate Planning business unit who will determine the appropriate response.

7. REFERENCES

Acknowledgements (original author/source documents)	<ul style="list-style-type: none"> • Butt, P. (2008) <i>Butterworths Concise Australian Legal Dictionary – Third Edition</i>. Chatswood, NSW: LexisNexis Butterworths
Related Policies	<ul style="list-style-type: none"> • GOV023 Risk Management Policy • GOV001 Policy Framework
Related Publications	<ul style="list-style-type: none"> • <i>Local Government Act</i> • <i>Information Act</i>
Relevant Forms	

8. DOCUMENT CONTROL

Policy number	GOV015
Policy Owner	Director Corporate Governance
Endorsed by	Ordinary Meeting of Council
Date approved	27 July 2016
Revisions	July 2017
Amendments	August 2017
Next revision due	June 2021

9. CONTACT PERSON

Contact person	Manager, Governance and Corporate Planning
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