

Legislative Compliance

Introduction

The Shire of Toodyay (Shire) is committed to upholding its legal and regulatory obligations in alignment with its values, objectives, and community expectations. Through proactive measures, continual improvement, and collaboration, we ensure compliance with legislative requirements while fostering a culture of integrity and accountability.

Objective

- (a) to ensure a commitment to compliance is communicated widely to all Workers and relevant interested parties in clear and convincing statements supported by action.
- (b) to meet the requirements of regulatory and legislative requirements including a commitment to continual improvement of the Shire's compliance management system.
- (c) to align with the Shire's compliance obligations, governance and risk management framework, integrating legislative requirements into the Shire's operations while considering compliance management practicalities and risk management practices.
- (d) to align with the Shire's values, objectives and strategy contained in the Council Plan.

Scope

This policy applies to all Members and Workers of the Shire of Toodyay.

Definitions

Definitions related to this policy are in the table below.

Term	Definition
Compliance culture	Values, ethics, beliefs and conduct that exist through the Codes of Conduct of the Shire and interact with the Shire's structures and control systems to produce behavioural norms that are conducive to compliance.
Compliance risks	Likelihood of occurrence and the consequences of noncompliance with the Shire's compliance obligations.
Conduct	Behaviours and practices that impact outcomes for customers, workers, suppliers, markets and communities.
Interested parties	Person or organisation that can affect, be affected by, or perceive itself to be affected by a decision or activity.
Non-compliance	Non-fulfilment of compliance obligations.

Term	Definition
<p><i>Please refer to the Shire of Toodyay Glossary (Definitions) document located on the Shire of Toodyay (Shire) website for other definitions not listed:</i> https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)</p>	

1. Policy Statement

The Shire recognises the importance of compliance with legislative requirements to maintain trust and meet community expectations. This policy establishes processes and structures to integrate legislative obligations into our operations effectively. We aim to cultivate a compliance culture that empowers all Members and Workers to fulfill their obligations while aligning with our strategic objectives and capabilities.

2. Responsibilities

- a) Members and workers have a responsibility to be aware of and abide by legislation applicable to their role.
- b) The Shire shall have systems in place to ensure that Members and Workers are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their role, within its financial capacity to do so.

3. Management strategies and allocation of responsibilities and resources

- (a) The Shire will maintain a compliance calendar to set objectives, identify obligations, and assess compliance risks. Regular reviews will ensure the currency of the calendar, incorporating relevant legislation and updates from authoritative sources.
- (b) The Office of the CEO will oversee the implementation of legislative obligations, ensuring clear lines of responsibility.
- (c) Executive Managers will support the CEO in executing compliance strategies within their respective domains.
- (d) Members and Workers will receive ongoing training and resources to stay updated on relevant legislation.
- (e) The Executive Management Group will review accidents, incidents, complaints, and audit reports to identify compliance gaps and facilitate improvements.

4. Compliance Obligations

The most obvious compliance obligations affecting the Shire arise from legal and regulatory contexts that the Shire operates in however, obligations or risks can also arise from other factors such as the Council Plan that outlines the objectives of the community. The Shire shall maintain awareness of regulatory and legislative requirements through various channels including:

- (a) utilisation of government websites for up-to-date legislation;
- (b) membership in professional groups and attendance at industry forums;
- (c) meeting with the DLGSC and other regulators;

- (d) arrangements with legal advisors; and
- (e) subscription to relevant information services and consultation with external and internal stakeholders.

5. Other compliance matters

In addition to regulatory and legislative obligations, the Shire will adhere to:

- (a) agreements with community groups or non-governmental organisations;
- (b) agreements with public authorities and ratepayers;
- (c) organisational requirements through local laws, policies, procedures, and directives;
- (d) principles or codes of practice;
- (e) obligations arising from contractual arrangements with the Shire; and
- (f) relevant organisational and industry standards.

A risk-based approach through the Shire's risk management framework will ensure the effective management of compliance obligations.

6. Non-compliance

In the event of nonconformity or noncompliance, the Shire will take immediate action to control and correct the issue to:

- a) ensure that Workers report all instances of non-compliance to the relevant Manager. The Manager shall then evaluate the root causes and determine what corrective actions are to be implemented to prevent recurrence the appropriate response and report the matter to the CEO.
- b) ensure that in cases where a Member becomes aware of non-compliance, they report the matter to the Shire President, who will then determine the appropriate response and liaise with the CEO regarding the matter.
- c) investigate any reports of significant non-compliance through the Office of the CEO, and if necessary, report the non-compliance to the Council and/or the relevant government authority if required.
- d) take corrective action through the documentation of all non-conformities and the corrective actions for review and process improvement to be implemented through operational procedures and processes, including training.

7. Compliance and Review

This policy will undergo regular review to ensure alignment with legislative requirements, industry standards, and best practices. Members and Workers will be informed of any updates through standard communication channels.

8. Implementation

This policy will be disseminated to all employees, elected officials, contractors, volunteers, and stakeholders of the Shire to ensure widespread understanding and adherence.

Reference Information

- Local Government Regulatory Compliance Framework (DLGSC) (<https://www.dlgsc.wa.gov.au/local-government/local-governments/compliance-and-governance/local-government-compliance-framework>)

Legislation

[Local Government Act 1995:](#)

[Local Government \(Audit\) Regulations 1996:](#)

[Work Health and Safety Act 2020:](#)

[Work \(Health and Safety\) General Regulations 2022.](#)

Associated documents

[Register of Delegations.](#)

[Governance Framework;](#)

[Risk Management Framework](#)

[Risk Management Policy;](#)

CEO Directive: Communication and Compliance.

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