

1.22 Legislative Compliance

POLICY TITLE: LEGISLATIVE COMPLIANCE

FILE REF: SC67

EXPIRY DATE: NOVEMBER 2026

INTRODUCTION

A compliance program is an important element in the corporate governance and due diligence of an organisation. This policy sets out the structural, operational and maintenance elements of an effective compliance program.

OBJECTIVES

The aim of an effective compliance program is to:

- a) Prevent, and where necessary, identify and respond to, breaches of applicable laws, regulations, codes and organisational standards
- b) Promote a culture of compliance within the organisation
- c) Assist the organisation in remaining or becoming a good corporate citizen

COMMITMENT

Lockhart Shire Council is committed to fulfilling the community's expectations and being a good corporate citizen through compliance with all applicable laws, regulations, codes and organisational standards.

IMPLEMENTATION

The General Manager will have overall responsibility for compliance.

A compliance framework will be maintained identifying the more significant laws and regulations applying to the Council (refer Schedule 1) and reporting obligations (refer Schedule 2).

The compliance framework will allocate responsibility for individual compliance tasks within the organisation.

Compliance obligations are to be integrated into the day-to-day operational procedures of the organisation.

MONITORING AND MEASURING

The Audit and Risk Committee (to be established), will work closely with the Internal Auditor, to assist the Council in exercising due care, diligence and skill in discharging its oversight and monitoring responsibilities, especially regarding financial reporting, risk management and compliance with legislation and Council policies.

An Internal Audit Plan will be maintained and will include an ongoing program for the internal review of the Council's activities including periodic reviews of its compliance program.

Compliance failures and complaints will be investigated in order to rectify breaches and prevent systematic and recurring problems.

Council policies will be subject to periodic review by the Council in accordance with a predetermined timetable (refer Schedule 3).

CONTINUAL IMPROVEMENT

The Compliance program and the compliance framework referred to in Schedule 1 will be regularly reviewed and continually improved by:

- a) Incorporating periodic internal audit reviews focusing on compliance in the Council's Internal Audit Plan and monitoring the work of the Internal Auditors in their reports to the Audit Committee especially noting the risk ratings attached.
- b) Regular review of Council policies in accordance with a pre-determined timetable (refer Schedule 2);
- c) Remaining abreast of changes in legislation and policies of Government by subscribing to Office of Local Government (OLG) Circulars, retaining membership of LGNSW and participating in conferences, seminars and other events hosted by OLG, LGNSW, Local Government Professionals Australia, RERO and other local government industry bodies.

*Adopted by Council 20 November 2023
Refer minute 219/2023*

*Adopted by Council 16 November 2020
Refer minute 239/2020*

**Schedule 1
Compliance Framework**

Legislation/Award	Responsibility
New South Wales	
Anti-Discrimination Act 1977	Council General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Biodiversity Conservation Act 2016	Director of Engineering Director of Planning and Environment
Biosecurity Act 2015	Director of Engineering Director of Planning and Environment Environmental Officer
Companion Animals Act 1998	Director of Engineering Director of Planning and Environment Compliance Officer
Contaminated Land Management Act 1997	Director of Engineering Director of Planning and Environment
Crown Land Management Act 2016	General Manager Director Corporate and Community Services Director of Engineering
Disability Inclusion Act 2014	Council General Manager Director Corporate and Community Services Director of Engineering
Environmental Planning & Assessment Act 1979	Director of Engineering Director of Planning and Environment
Government Information (Public Access) Act 2009	Director Corporate and Community Services
Heavy Vehicle National Law	Director of Engineering
Heritage Act 1977	Director of Engineering Director of Planning and Environment
Impounding Act 1993	Director of Engineering Director of Planning and Environment Compliance Officer
Library Act 1989	General Manager Director Corporate and Community Services
Local Government Act 1993	Council General Manager Director Corporate and Community Services Director of Engineering
Local Government (NSW) State Award 2017	General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Privacy & Personal Information Protection Act 1998	Director Corporate and Community Services
Protection of the Environment Operations Act 1997	Director of Engineering Director of Planning and Environment
Public Health Act 2010	Director of Engineering Director of Planning and Environment

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Legislation/Award	Responsibility
Public Interest Disclosures Act 1994	General Manager Director Corporate and Community Services
Residential Tenancies Act 2010	Director Corporate and Community Services
Roads Act 1993	Director of Engineering
Rural Fires Act 1997	General Manager Director of Engineering
State Emergency & Rescue Management Act 1989	Director of Engineering
State Emergency Services Act 1989	Director of Engineering
State Records Act 1998	Director Corporate and Community Services
Valuation of Land Act 1916	Director Corporate and Community Services
Waste Minimisation and Management Act 1995	Director of Engineering Director of Planning and Environment
Work Health and Safety Act 2011	Council General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Commonwealth	
A New Tax System (Goods and Services Tax) Act 1999	Director Corporate and Community Services
A New Tax System (Pay As You Go) Act 1999	Director Corporate and Community Services
Fair Work Act 2009	General Manager Director Corporate and Community Services Director of Engineering Human Resources Co-ordinator
Fringe Benefits Tax Assessment Act 1986	Director Corporate and Community Services
National Heavy Vehicle Law	Director of Engineering
Native Title Act 1993	Director of Engineering

**Schedule 2
Reporting Obligations**

Reporting Requirement	Recipient	Due Date	Responsibility
Active Transport Completion Report	Roads & Maritime Services	30 June	Director of Engineering
Annual Report	Minister for Local Government	30 November	General Manager
Block Grant Annual Report	Roads & Maritime Services	July	Director of Engineering
Building Approvals	Long Service Leave Corporation	Monthly	Director of Planning & Environment
Cemeteries Annual Report	Crown Lands NSW	July	Director of Engineering
Code of Conduct Statistics	Council Office of Local Government	31 December	General Manager Human Resources Co-ordinator
Companion Animals Annual Report	Office of Local Government	30 September	Director of Planning & Environment
Crown Land Annual Report	Crown Lands NSW	31 October	Director of Engineering
Development & Building Approvals Statistics	Australian Bureau of Statistics	August	Director of Planning & Environment
Disclosure of Interest Annual Returns	Council	30 September	General Manager
Financial Statements	Office of Local Government	31 October	Director Corporate & Community Services
Financial Data Return	Office of Local Government	31 October	Director Corporate & Community Services
Food Inspections	Office of Local Government		Director of Planning & Environment
GIPA Annual Report	Minister for Local Government Information Commissioner	31 October	Director Corporate & Community Services
Landfill Annual Reports	Environment Protection Authority	31 August	Director of Engineering
Mines (Quarries) Annual Reports	Mines NSW (DPI)	September	Director of Engineering
National Local Roads Data Annual Report	Office of Local Government	November	Director of Engineering
Plan First Levy	Department of Planning	Monthly	Director of Planning & Environment
Public Interest Disclosures Annual Report	Minister for Local Government Ombudsman	31 October	General Manager Human Resources Co-ordinator
Regional Roads Repair Program	Roads & Maritime Services	30 June	Director of Engineering
Return of Information on Local Roads and Bridges on Local Roads	Local Government Grants Commission	30 September	Director of Engineering

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Reporting Requirement	Recipient	Due Date	Responsibility
Return of General Information	Local Government Grants Commission	30 November	Director Corporate & Community Services
Roads to Recovery	Department of Infrastructure	31 October	Director of Engineering
Sewerage Treatment Plants Annual Report	Environment Protection Authority	September	Director of Engineering
Sewerage Treatment Plants Annual Report	Office of Water	31 October	Director of Engineering
State Environmental Planning Policies	Department of Planning	Quarterly	Director of Planning & Environment

**Schedule 3
Lockhart Shire Council
Policy Review Timetable**

Section 1 – Council and Electoral

Policy	Last Review Date	Next Review Date
1.0 Policies – Procedure for Consideration and Adoption	March 2023	March 2026
1.1 Payment of Councillors and Mayoral Fees, Expenses and Facilities	April 2022	April 2025
1.2 Councillors Media Policy	October 2020	October 2023
1.3 Rescinded	NA	NA
1.4 Code of Conduct	April 2022	April 2025
1.5 Privacy Plan and Privacy Code of Practice	June 2020	June 2023
1.6 Statement of Business Ethics	March 2023	March 2026
1.7 Fraud Control Policy	September 2022	September 2025
1.8 Rescinded	NA	NA
1.9 Records Management	December 2020	December 2023
1.10 Investment Policy	October 2020	October 2023
1.11 Section 355 Committees	April 2022	April 2025
1.12 Debt Recovery Procedures	May 2020	May 2023
1.13 Asset Management	May 2022	May 2025
1.14 Use of Council's Corporate Logo	October 2020	October 2023
1.15 Rescinded – Presentations at Council Meetings	October 2023	NA
1.16 Rescinded – Donations/Contributions to Community Groups and Individuals	October 2023	NA
1.17 Rescinded	NA	NA
1.18 Public Interest Disclosures and Reporting	June 2020	June 2023
1.19 Local Preference Purchasing Policy	June 2022	June 2025
1.20 Related Party Disclosures	April 2022	April 2025
1.21 Investment Attraction Incentives	August 2022	August 2025
1.22 Legislative Compliance Policy	November 2020	November 2023
1.23 Cyber Security and Information Systems Security	October 2021	October 2024
1.24 Bribes, Gifts and Benefits Policy	September 2020	September 2023
1.25 Australian Citizenship Dress Code	February 2023	February 2026

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Policy	Last Review Date	Next Review Date
1.26 Naming of Roads, Bridges, Public Places and Buildings	February 2021	February 2024
1.27 Australia Day Awards	April 2023	April 2026
1.28 Child Safety and Child Protection		March 2026

Section 2 – Technical

Policy	Last Review Date	Next Review Date
2.1 Parking on Nature Strips	November 2020	November 2023
2.2 Disabled Persons Access	March 2021	March 2024
2.3 Response to Incidents Involving Hazardous Materials	March 2021	March 2024
2.4 Environmental Restoration – Emergency Grant Procedures	March 2021	March 2024
2.5 Provision of Water Tanks at Shows and Festivals	November 2020	November 2023
2.6 Public Arts Policy	April 2021	April 2024
2.7 Rescinded	NA	NA
2.8 Works for Local Management Committees	February 2018	February 2021
2.9 Rescinded	NA	NA
2.10 Authority to Undertake Enforcement Actions	August 2020	August 2023
2.11 Rescinded	NA	NA
2.12 Rescinded	NA	NA
2.13 Light Motor Vehicle Policy	September 2022	September 2025
2.14 Rescinded	NA	NA
2.15 Rescinded	NA	NA
2.16 Rescinded	NA	NA
2.17 Local Roads Classification & Maintenance	August 2020	August 2023
2.18 Private Water Pipes Under Roadways	August 2020	August 2023
2.19 Rescinded	NA	NA
2.20 Street Trees and Building Control	NA	NA
2.21 Rescinded	NA	NA
2.22 Private Works – Charges for Works under Section 67	August 2020	August 2023
2.24 Noxious Weeds Control	August 2020	August 2023

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Policy	Last Review Date	Next Review Date
2.25 Bush Fire Operations, Supply & Management of Equipment & Management of Equipment	August 2020	August 2023
2.26 Signs as Remote Supervision	August 2020	August 2023
2.27 Constructed Footpath Risk Management	August 2020	August 2023
2.28 Asbestos Cement	August 2022	August 2025
2.29 Equipment Hire for Emergency Situations	August 2020	August 2023
2.30 Dust Suppression	August 2020	August 2023
2.31 Procurement Policy	September 2022	September 2025
2.32 Disposal of Surplus, Obsolete or Scrap Materials, Stores, Equipment, Plant and Vehicles	October 2022	October 2025
2.33 Rescinded – Pensioner Concession	October 2023	NA
2.34 Refund of Development Related Fees	September 2020	September 2023
2.35 Collection of Firewood from Council Road Reserves and Dead Standing Trees	April 2020	April 2023
2.36 Refund of Fees to Community Organisations	September 2020	September 2023
2.37 Rescinded	NA	NA
2.38 Rescinded	NA	NA
2.39 Rescinded	NA	NA
2.40 Liquid Trade Waste	August 2020	August 2023
2.41 Rapid Response Plan for Noxious Weed Incursions	NA	NA
2.42 Rescinded	NA	NA
2.43 Rescinded	NA	NA
2.44 Street Tree Policy	August 2020	August 2023
2.45 Stock Movement and Grazing Policy	August 2021	August 2024
2.46 Keeping of Animals Policy	August 2020	August 2023
2.47 Contaminated Land Management	August 2020	August 2023
2.48 Awnings, Verandas & Balconies over Footways	June 2020	June 2023
2.49 Local Orders Policy No. 1 – Premises or Land not in a Safe or Healthy Condition	May 2022	May 2025
2.50 Low Pressure Sewer Systems	July 2021	July 2024
2.51 Event Management Policy	April 2021	April 2024

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Policy	Last Review Date	Next Review Date
2.52 Stormwater and Drainage Policy	July 2021	July 2024
2.53 Mobile Garbage Bin Issue and Replacement	June 2022	June 2025
2.54 Contract Management	July 2022	July 2025
2.55 Roadside Vegetation Management	August 2022	August 2025
2.56 Local Approvals Policy for Mobile Food Vans	August 2022	August 2025
2.57 Grants Management	December 2020	December 2023
2.58 Conflict of Interest – Council Related Developments	April 2023	April 2026

Section 3 – Staff Matters

Policy	Last Review Date	Next Review Date
3.1 Provision of Protective Clothing/Equipment	August 2022	August 2025
3.2 Rescinded	NA	NA
3.3 Bullying and Harassment	October 2021	October 2024
3.4 Superseded by Policy 2.13	NA	NA
3.5 Return to Work Program	November 2021	November 2024
3.6 Work Health & Safety	November 2021	November 2024
3.7 Rental of Staff Dwellings	September 2020	September 2023
3.8 Conference Expenses – Senior Officers	September 2020	September 2023
3.9 Training	November 2021	November 2024
3.10 Equal Employment Opportunity	November 2021	November 2024
3.11 Smoke Free Workplace Policy	February 2023	February 2026
3.12 Provision of Indoor Staff Uniform	March 2023	March 2026
3.13 Rescinded	NA	NA
3.14 Complaints Management	February 2021	February 2024
3.15 Incident/Accident Investigation	February 2021	February 2024
3.16 Drugs & Alcohol in the Workplace	March 2023	March 2026
3.17 Workplace Health & Safety Consultation	November 2021	November 2024
3.18 Credit Card Use	May 2022	May 2025
3.19 Council Volunteers	October 2020	October 2023
3.20 Guidelines for Secondary Employment	September 2020	September 2023

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Policy	Last Review Date	Next Review Date
3.21 Risk Management	April 2021	April 2024
3.22 Gathering Information	February 2021	February 2024
3.23 Employee Assistance Program (EAP) and Trauma Counselling	March 2021	March 2024
3.24 Recognition of Service	September 2020	September 2023
3.25 Payment of Interview and Removal Expenses	May 2021	May 2024
3.26 Computer, Internet, Email and Social Media Policy	May 2021	May 2024
3.27 Remote and Isolated Work	May 2021	May 2024
3.28 Safe Driving Policy	May 2021	May 2024
3.29 Excessive Leave	August 2022	August 2025
3.30 Workplace Surveillance	September 2022	September 2025