

Corporate Compliance

Head of Power

Local Government Act 2009
Local Government Regulation 2012

Related Legislation

All other legislation, regulations or subordinate legislation where local government has a legislative obligation.

Objective

This policy outlines Council's commitment to a centre-led approach to legislative compliance management and embedding a proactive culture of compliance across the organisation.

This policy is to be considered in conjunction with Council's regulatory compliance framework that defines our approach as a regulator and guides compliance and enforcement activities within the community (for example planning building and construction, environmental protection, animal management, public health and safety, parking and transport).

Definitions

Audit Committee means an advisory committee of Council consisting of Councillors and independent external members charged with providing assurance, oversight and advice to Council and the CEO in relation to the operations of the Council and its controlled entities.

Legislative (corporate) compliance means of the degree of adherence to relevant legislation, regulation, industry standards, codes and Council local laws, policies and procedures.

Legislative compliance framework means the overarching system used by Council to understand, manage and assure its compliance with legislative obligations. It is supported by this policy as well as various elements such as an operational directive, compliance risk assessments, compliance controls, treatment plans, training and awareness.

Council means Moreton Bay City Council, also known as City of Moreton Bay.

Councillor means the Mayor and Councillors of Moreton Bay City Council.

CEO means the Chief Executive Officer of Moreton Bay City Council.

ELT means the Executive Leadership Team.

Leader means Council team members that have supervisory responsibilities of workers. This includes the CEO, Directors, Chiefs and Managers.

Non-compliance means a breach of, or failure to comply with, a legislative obligation by Council or its team members. Non-compliance can arise due to an act, or a failure to act.

Team Member means all employees of Council, whether employed on a permanent, temporary, or part-time basis and includes volunteers and employees of businesses and entities contracted to provide services to, or on behalf of Council.

Application

This policy applies to all Council team members. Compliance matters relating to Councillors are dealt with under the regulatory and policy frameworks established in the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland.

Policy Statement

The City of Moreton Bay (Council) is committed to complying with relevant legislative obligations, industry standards and codes together with Council's own local laws, policies and procedures. Effective legislative compliance is an essential part of good corporate governance, supports good decision-making, builds community trust and is driven by a proactive compliance culture.

Council's legislative compliance framework is underpinned by a risk-based, centre led approach that aims to ensure effective compliance management across all areas of the organisation. This will enable Council to proactively identify issues, manage compliance risk, assure accountability and maintain a high level of transparency.

Council's compliance culture is supported by Council's risk appetite statements, compliance management requirements, and Code of Conduct for Employees. All leaders are responsible for promoting behaviours that create and support compliance and uphold a culture of open disclosure of non-compliance without fear of reprisal.

Council is committed to:

- Adopting a compliance management approach that is consistent with the Australian Standards AS /ISO 37301:2023 Compliance Management Systems.
- Ensuring legislative obligations are identified and assessed and responsibility for compliance are clearly articulated and assigned.
- Maintaining effective compliance management systems and tools including legislative obligations registers that captures key information that will ensure Council has a better understanding of its obligations, assessment of compliance, controls and actions planned.
- Applying a risk-based approach to monitoring compliance which supports prioritisation and concentrates on compliance focus areas aligned to Council's enterprise risk appetite.
- Developing a positive compliance culture through awareness, education, training for team members to enable understanding of compliance obligations and required management actions.
- Ensuring that non-compliance reporting pathways are documented, understood and accessible to all team members.
- Monitoring and reporting on compliance to identify potential breaches or system failures.
- Promptly addressing identified breaches or other non-compliances to mitigate Council's exposure to legal, financial or reputational risk.
- Ensuring accountability for non-compliance is enforced where appropriate.
- Monitoring and improving compliance management practices through a program of continuous improvement.

Legislative updates and changes

Council will ensure adequate processes are in place to ensure that timely advice is provided to team members regarding changes to compliance obligations and good governance practices by:

- maintaining arrangements with legal advisors;
- continuing memberships with professional bodies;
- subscribing to relevant information services;
- monitoring the Department of Local Government, Local Government Association of Queensland, and other regulator's websites; and
- attending industry forums, conferences, workshops and seminars.

Compliance management responsibilities

All team members have a responsibility to ensure they are aware of the legislative obligations that relate to their position including any relevant professional certification and qualification. Team members also have a responsibility to report any known legislative changes or examples of non-compliance that affect their area of work to their leader.

All leaders are responsible for compliance management within their relevant business areas and should ensure that adequate procedures are established and maintained to support compliance with the framework, and training and instruction is provided to team members to ensure that legislative obligations are identified, and compliance outcomes are achieved. Reports of non-compliance must be promptly address and the necessary actions taken to comply.

The Governance and Executive Services Department and Legal Services are responsible for overseeing the implementation of the legislative compliance framework and approach including coordinating the establishment of legislative obligations registers, general training, awareness and support for departments to strengthen their compliance processes and controls.

The Internal Audit team is responsible for conducting periodic audits to examine the effectiveness of the compliance management framework and approach, or its components.

Compliance management reporting

Council will ensure that reportable and notifiable breaches are reported to the relevant regulatory authority as required. Compliance trends and non-compliance will also be periodically reported to Council's Audit Committee and the Executive Leadership Team where appropriate.

Non-compliance management

Council will apply the principle of procedural fairness (also known as natural justice) when dealing with non-compliance under this policy. All parties to an instance of non-compliance will receive equal opportunity to voice their individual concerns. In applying the principles of procedural fairness, Council decisions will be made objectively and impartially and without bias on a case by case basis.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Audit Committee Policy
- Enterprise Risk Management Policy
- Fraud and Corruption Control Policy
- Work Health and Safety Policy and Procedures
- Code of Conduct for Employees
- Legislative Compliance Operational Directive
- Legislative Obligation Registers
- Australian Standard AS ISO 37301:2023: Compliance Management Systems
- Australian Standard AS ISO 31000:2018 Risk Management Guidelines

Review and evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every four years.

Responsibility

This Policy is to be:

- (1) implemented by Director, Finance and Corporate Services; and
- (2) reviewed and amended in accordance with the "Review Triggers" by Manager, Governance and Executive Services

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