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**Standard:**

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**Corporate Compliance**

**2020**

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## INFORMATION ABOUT THIS DOCUMENT

<b>Date Endorsed by General Manager</b>	29 April 2020	<b>Document Reference Number of Endorsement</b>	ET Minutes
<b>Document Owner</b>	<i>Director Corporate and Community Services</i>		
<b>Document Development Officer</b>	<i>Manager Corporate Services</i>		
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### ***Document History***

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details/Comments eg Resolution No.</b>
<b>E2019/49393</b>	9 July 2019	Draft document prepared (following review by OCM Dec 2017)
	21 April 2020	Amendments following working group discussions and outcomes
	29 April 2020	Adopted by the Executive Team

### ***Further Document Information and Relationships***

*List here the related strategies, procedures, references, Management Policy or other documents that have a bearing on this Management Policy and that may be useful reference material for users of this Management Policy.*

<b>Related Legislation*</b>	Local Government Act 1993
<b>Related Policies</b>	
<b>Related Procedures/ Protocols, Statements, documents</b>	<ul style="list-style-type: none"> <li>• Australian Standard for Compliance Programs (AS ISO 19600:2015)</li> <li>• Audit, Risk and Improvement Advisory Committee Constitution</li> <li>• OLG Calendar of Compliance and Reporting Requirements and General, non-date specific, compliance and reporting</li> <li>• OLG Councillor Handbook</li> <li>• Corporate Compliance Plan 2020 (E2019/49579)</li> </ul>

*Note: Any reference to Legislation will be updated in the Management Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.*

## TABLE OF CONTENTS

1. OBJECTIVES .....	1
2. SCOPE .....	1
3. DEFINITIONS .....	1
4. STATEMENT .....	1
5. LEGISLATIVE AND STRATEGIC CONTEXT .....	2
6. ROLES AND RESPONSIBILITIES .....	2

## **1. OBJECTIVES**

The Corporate Compliance Standard outlines management's approach to the Council's corporate compliance and reporting obligations. The objective of this Standard is to ensure that Council consistently and transparently manages its legislative, policy, and other obligations, providing a framework for good public administration.

## **2. SCOPE**

This Standard applies to Byron Shire Council councillors, employees, contractors and volunteers to ensure that Council complies with legislation, regulation, Council policy, agreements and other organisational requirements, including the Office of Local Government's Calendar of Compliance and Reporting Requirements.

## **3. DEFINITIONS**

Corporate Compliance	An outcome of an organisation meeting its obligations. The act of adhering to, and demonstrating adherence to, laws, regulations, conditions, standards and policies.
Reporting Requirement	Necessary information required by a governmental body or organisation.

## **4. STATEMENT**

Byron Shire Council is committed to:

- 4.1 managing corporate compliance in accordance with the Australian Standard for Compliance Programs (AS ISO 19600:2015) and to the level required for Council's reporting requirements.
- 4.2 making available sufficient resources to develop, implement, maintain and improve a corporate compliance program. Resources include staff resources, access to external advice and specialised skills, corporate records, reference material, professional development and technology.
- 4.3 identifying and assessing corporate compliance and reporting obligations. Corporate compliance obligations will be regularly monitored for currency and relevance to Council activities and services, and prioritised against the risk of compliance failure.
- 4.4 identifying and addressing competence and training needs to enable employees to fulfil their corporate compliance and reporting obligations. Methods of achieving competence will include education, training and work experience; each method will be routinely assessed for effectiveness.
- 4.5 encouraging ethical behaviours that support corporate compliance. Council acknowledges behaviours that support achievement of corporate compliance objectives as well as reporting of compliance failures will result in continual improvement in compliance performance.
- 4.6 ensuring controls are in place to manage the identified corporate compliance obligations and achieve desired behaviours. Control methods will support the integration of compliance obligations into operating and administrative procedures and include specific arrangements to deal with compliance failures that could arise.

- 4.7 identifying and reporting on breaches of corporate compliance obligations. Breaches will be reported through existing management arrangements and will be assessed for severity and to determine the most appropriate action.
- 4.8 monitoring, measuring and reporting on the performance of the corporate compliance program. Monitoring of the program will include effectiveness of training, allocation of responsibilities and currency of corporate compliance obligations. Monitoring of compliance performance will include compliance failures. Reporting will be transparent; align with existing Council reporting mechanisms; and include a process of enabling remedial action to be taken.
- 4.9 demonstrating the corporate compliance program through both documentation and practice. Accurate, up-to-date records of Council's corporate compliance activities will be maintained in Council's electronic records management system.
- 4.10 ensuring the corporate compliance program is regularly reviewed to confirm its continued suitability, adequacy and effectiveness and review findings and recommendations are appropriately communicated and actioned.

## **5. LEGISLATIVE AND STRATEGIC CONTEXT**

This Standard has been prepared in accordance with Community Objective 5 of the Community Strategic Plan, 'We have community led decision making which is open and inclusive', and the NSW Local Government Act 1993.

## **6. ROLES AND RESPONSIBILITIES**

While all Councillors, staff, contractors and volunteers are responsible for managing compliance with corporate compliance obligations, the following specific roles and responsibilities exist:

<b>Role</b>	<b>Responsibility</b>
Councillors	Ensuring management of their personal compliance obligations.
General Manager	Ensuring Council has developed and implemented a corporate compliance management framework, including: <ul style="list-style-type: none"><li>a) Identifying and documenting corporate compliance obligations;</li><li>b) Developing and implementing processes to manage corporate compliance obligations;</li><li>c) Ensuring breaches of corporate compliance obligations are identified, reported, assessed and addressed.</li></ul>
Audit, Risk and Improvement Committee	As detailed in the Audit, Risk and Improvement Committee Constitution, the Committee is responsible to: <ul style="list-style-type: none"><li>a) Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.</li><li>b) Review the findings of any examinations by regulatory agencies, and any auditor observations.</li><li>c) Review the process of communicating the Council's Code of Conduct and other corruption resistance controls to personnel,</li></ul>

<b>Role</b>	<b>Responsibility</b>
	<p>and for monitoring compliance.</p> <p>d) Obtain regular updates from management and the Council's legal representatives regarding compliance matters.</p> <p>e) Consider whether management has included legal and compliance risks as part of risk assessment and management arrangements undertaken.</p>
Governance Coordinator	Maintaining the Council's Legislative Compliance Reporting Register and coordinating periodic compliance reports to the Executive Team and the Audit, Risk and Improvement Committee.
Directors and Managers	<p>In addition to managing corporate compliance obligations, responsible for receiving reports on breaches of compliance obligations, assessing the severity of the breach and taking appropriate action.</p> <p>Ensuring adequate training and instruction is given to all reporting staff to ensure that legal obligations for their responsibilities are identified and met.</p>
All Council employees	Responsibility for ensuring that they remain abreast of legislation changes which affect their area of work to ensure that they are aware of their legislative obligations and compliance is achieved at all times. All employees must immediately report through their supervisor any areas of non-compliance identified.