

Statutory Compliance Policy



Policy Type:	Council
Version:	V1.0
Date Adopted:	4 October 2023
Service Unit	Democratic Support and Corporate Governance
Directorate:	CEO Office
Review Date:	Two years from adoption

1. Purpose

This policy provides a rationale and framework for an equitable, transparent and consistent approach to compliance activities undertaken by Moorabool Shire Council (Council) so the community can be assured that standards are met.

2. Definitions

Council	Moorabool Shire Council.
Councillors	The individuals holding the office of a member of Moorabool Shire Council.
Councillor Officer	The Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Compliance	Adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards.
Compliance Framework	Structured set of guidelines that detail an organisation's processes for maintaining accordance with established regulations, specifications or legislation.
Integrity	The quality of being honest and having strong moral principles, and operating within the rule of law.

3. Scope

This policy applies to all employees undertaking compliance activities on behalf of Moorabool Shire Council.

The Policy is part of the Statutory Compliance Framework and its principles in accordance with the ISO 37301:2021 Compliance Management Systems Guidelines (the Standard).

4. Non-Compliance

Violations of this policy may lead to disciplinary action (including dismissal) and/or action by the relevant regulatory authorities.

5. Policy

Council is committed to developing and maintaining a culture of effectively managing its compliance obligations. It will do this by:

- Displaying its commitment to effective compliance management through the adoption of this policy.
- Implementing a compliance management program that assists staff in meeting compliance obligations and achieving desired behaviours.

This policy has been prepared with reference to the Australian Standard for Compliance Management Systems - Guidelines: AS/ISO 37301:2021, which outlines the principles for managing compliance. In an ethical culture, employees and managers understand why doing the right thing is important to the organisation's long term viability. An ethical culture supports independent thinking employees and managers who make decisions consistent with the principles of good governance and Council's values.

Section 9 of the Local Government Act 2020 (the Act) requires Council to, in the performance of its role, give effect to the overarching governance principles listed below. The principles require Council staff and Councillors to avoid conflicts of interest, act honestly, lawfully, impartially, with integrity and accountability; respect other peoples' beliefs and opinions; exercise reasonable care and diligence; to use public resources and manage financial risks prudently; consider the effect of decisions on future generations and ensure accurate and timely disclosure of financial information.

5.1. Compliance Management Program

The objective of the compliance management program is to establish an ongoing set of activities within the principles for managing compliance obligations that supports the implementation of this policy. The scope of Council's compliance management program covers the elements in ISO 37301:2021 and includes:

- Understanding the organisation and its context
- Understanding the needs and expectations of interested parties
- Establishing the compliance management system
- Identifying compliance obligations
- Identifying, analysing and evaluating compliance risks
- Promoting roles, responsibilities and authorities
- Developing actions to address compliance risks
- Developing compliance objectives and plans to achieve them
- Establishing controls and procedures
- Monitoring, measuring, analysing and evaluating the program
- Providing stakeholders with assurance that Council is meeting its compliance obligations
- Working with responsible officers to prevent nonconformity and noncompliance and put in place corrective actions where required
- Continually improving the compliance management program.

6. Roles and Responsibilities

Role	Responsibility
Council	Council is responsible for approving this policy and will actively demonstrate a commitment to a compliance culture, with the aim of promoting good governance, accountability and transparency of decision making.
Chief Executive Officer	The Chief Executive Officer is responsible to Council for the management of compliance and integrity obligations.
Executive Management Team	The Executive Management Team is responsible for leading by example and demonstrating an active commitment to and support of the compliance management system.
Managers/Supervisors/Team Leaders	Managers, supervisors and team leaders are responsible for demonstrating an active commitment to and support of the compliance management system.
Responsible Officers	<p>Obligations are assigned to responsible officers who are required to:</p> <ul style="list-style-type: none">• Confirm that they are seeking, in the course of their operational activities, to ensure compliance with each obligation for which they are designated the responsible officer;• Report on any incidents of non-compliance and any remedial action taken to address them, including any ongoing non-compliance issues;• Maintain a sound knowledge of their designated obligations;• Ensure new obligations arising from, for example, common law, legislation changes, policies, procedures, investigations or audits, are added to Council's compliance management software, if not added by the software provider; and• Arrange for the removal/archiving of any obsolete obligations from Council's compliance management software, if not removed by the software provider.
Employees	In accordance with the Code of Conduct and the principle of respect for the rule of law, all Council employees should be conscientious in seeking to comply with relevant obligations in the course of their duties.

Democratic Support and Corporate Governance	Democratic Support and Corporate Governance is responsible for maintaining this policy. Governance is responsible for establishing and demonstrating a good governance culture that ensures compliance across Council. Governance is responsible for giving advice, education and support across the organisation.
Audit and Risk Committee	The Audit and Risk Committee is responsible for endorsing this policy and recommending approval to the Council. It is also responsible for monitoring, reviewing and advising the Council on the standard of its compliance management system.

7. Related Legislation and Corporate Documentation

- *Local Government Act (Victoria) 2020*
- *Local Government Act (Victoria) 1989*
- Councillor Code of Conduct
- Fraud and Corruption Prevention and Control Policy
- Fraud and Corruption Prevention and Control Framework
- Public Interest Disclosures Policy
- Records management Policy
- Risk management Policy
- Risk Management Framework
- Staff Code of Conduct

8. Council Plan Reference

Objectives:	A Council that listens and adapts to the needs of our evolving communities.
Context:	Measure performance, communicate our results and continue to improve our services every day.

9. Review

As a minimum, this policy will be reviewed every second year after adoption.