



# Legislative Compliance Procedure

<b>Version No:</b>	1.0
<b>Issued:</b>	January 2017
<b>Next Review:</b>	January 2020

## 1. Overview

This procedure provides general guidance on legislative compliance responsibilities to ensure that the Chief Executive Officer, as the accountable officer, can be satisfied that all measures are being taken across the District. The organisation is required to actively comply with all relevant legislation and other applicable standards.

The procedure identifies legislation for which the organisation's departments have compliance responsibility, assigns primary responsibility for ensuring compliance with each Act and provides a process for remedying a breach of legislative requirements.

It is one element of the organisation's governance arrangements and is intended to complement existing procedures.

## 2. Core Components

The Core components of this procedure are:

- to identify legislation for which the organisation has a Legislative Compliance responsibility, assign primary responsibility for ensuring compliance with relevant Legislation and provide a process for tracking, reporting, actioning and disseminating relevant changes to legislation that impact on the organisation's operations.

## 3. Definitions

SMT	The Senior Management Team members are identified as 'Responsible Person – Primary'
Human Resource matters	For the purpose of this procedure the Finance Manager is responsible for any changes to Legislative Changes
Key Compliance area	Indicates the department with Primary responsibility for ensuring compliance with each piece of Legislation as contained in the Legislative Compliance Register (or as required to undertake their tasks in accordance with the law)
Legislative Compliance Register	Is an organisational document that is utilised for identifying any relevant SA Legislation, recording changes to that legislation that impacts on the organisation's operations and identifying any required actions emanating from changes to Legislation



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Responsible Person	<p>Indicated the individual fulfilling that role and assigned with the task of researching/compiling and disseminating any relevant changes to Legislation to affected workers.</p> <p>Additionally the 'Responsible Person' maintains ultimate responsibility for ensuring the Chief Executive Officer is able to meet any accountability requirements in respect to Legislative compliance.</p> <p>The 'Responsible Person' shall be nominated by the SMT (at all times however the SMT shall take ultimate responsibility for ensuring the organisation complies with any relevant legislation.)</p>
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### 4. Procedure

- 4.1 This procedure relates to compliance with Identified Legislation as outlined in the Key Compliance area of the Legislative Compliance Register. The Legislative Compliance Register indicates the area of the organisation with Key Responsibility and the person responsible for Key Legislation
- 4.2 The Responsible Person is responsible for ensuring that any changes to Legislation that impact on an officers role (to the best of their knowledge) are communicated to those affected workers as soon as practical and other measures are implemented. These may include: (training, changes to procedures, SWIs etc.) that may be necessary and are facilitated and / or implemented to ensure compliance.
- 4.2.1 Any such change to the Legislation must be advised to the Finance Manager who will track the change and update the Legislative Compliance Register – close out of this process shall be an email notification advising all responsible persons (as per Legislative Compliance Register).
- 4.3 The Responsible Person is to ensure that any relevant changes to Legislation that impact on the organisation's operations are provided to the Finance Manager for entry into the Legislative Compliance Register.
- 4.4 Any worker who becomes aware that a Statutory responsibility or obligation in connection with the organisation's activities may have been breached should:
- 4.4.1 Report the breach to their manager or supervisor;
- 4.4.2 Consult with their manager or supervisor to determine whether the breach constitutes a reportable non – compliance.
- 4.4.3 Any worker, their manager or supervisor who considers that an incident of reportable non – compliance has occurred, should immediately report the matter to the Responsible Officer together with all the details of the recommended remedial action where appropriate.



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4.4.4 If there is uncertainty around whether a particular breach constitutes reportable non – compliance they should assume it is.

4.4.5 If the breach is a not reportable non – compliance they should seek advice from the Responsible Officer, or take any steps to remedy the breach as soon as practicable as agreed with their manager or supervisor.

### 5. Training

5.1 The Finance Manager shall ensure that any necessary training is provided to the Responsible Officer and facilitate any Legislative requirement training as needed, e.g. WZTM, White Card, High Risk work.

### 6. Records

6.1 The following records shall be maintained:

- a) The organisation Legislative Compliance Register
- b) Evidence of notification of changes to relevant Legislation impacting on the organisation's workers
- c) Activities
- d) Training Records
- e) CAPA Register

All records must be retained in line with the current version of GDS20

### 7. Responsibilities

7.1 The Senior Management Team is accountable for:

7.1.1 Ensuring they are aware of their obligations under this procedure and provide any such notifications.

7.1.2 Ensuring that any decisions or actions requiring reference to Legislation of any type are in accordance with the most current Legislation available to them – if in doubt confirm the Legislative requirements with a Legislative Database such as AUSTLII.

7.2 Managers and Supervisors are accountable for:

7.2.1 Ensuring they are aware of this procedure and importance of complying with Legislative Requirements.

7.2.2 Ensuring that any decisions or actions requiring reference to Legislation of any type are in accordance with the most current Legislation available to them – if in doubt confirm the Legislative Database such as AUSTLII.

7.3 Workers are accountable for:

7.3.1 Ensuring they follow reasonable instruction with respect to this procedure and are aware of the importance of complying with Legislative Requirements.

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7.3.2 Bringing to the attention of their Supervisor or Manager any known breach of compliance with Legislative requirements.

7.4 The Finance Manager

7.4.1 Shall ensure that the Responsible Person affected by this procedure is advised and where necessary Position Descriptions reflect these responsibilities.

## 8. Review

8.1 This Procedure will be reviewed by the organisation's Senior Management Team, in consultation with workers or their representatives, at a minimum of three (3) years of issue date.

## 9. References

9.1 Legislation as it applies to the organisation.

## 10. Related Documents

10.1 Relevant Position Descriptions

10.2 Documentation

10.2.1 All Policies & Procedures, Templates and Checklists are available on the organisation's web site and in X drive,

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	January 2017	New document