

Council Policy

Policy Title: Legal Compliance Policy 2018
Responsibility: Policy Planning
First Adopted: 14 June 2011
Review Frequency: Three yearly, or as otherwise required
Last Reviewed: 21 November 2018
Next Review Due: 21 November 2021
Doc No 704785

File No P50-0028



1 Policy Objectives

- 1.1 The objective of this policy is to ensure that Council pursues full compliance with legislation.

2 Definitions

- 2.1 **Compliance** – means full compliance e.g. one failure to deliver information one time out of one hundred successful instances shall be interpreted to mean that Council has not complied with that legislative obligation.
- 2.2 **Council** – in the context of this policy, Council means Council, committees, elected members and staff.
- 2.3 **Legislation** – in the context of this policy, legislation and legislative compliance refers to a 'comprehensive' and wide collection of Acts, regulations and proclamations.

3 Principles

- 3.1 The principles of legal compliance are:
- (a) Commitment
 - (b) Ownership
 - (c) Transparency
 - (d) Comprehensive
 - (e) Systematic
 - (f) Ongoing Development
- 3.2 **COMMITMENT**
There must be a commitment to an effective legal compliance process by local elected members, management and staff.
- 3.3 **OWNERSHIP**
Legal compliance and the processes which underpin it are to be owned by all persons within the local authority.
- 3.3.1 All staff are encouraged to recognise the importance of legal compliance in their daily work and to collectively and individually contribute to a culture of compliance.

3.4 TRANSPARENCY

Legal compliance processes should be open to public scrutiny.

- 3.4.1 Legal compliance processes should be accountable from management to Council and from Council to the general public.

3.5 COMPREHENSIVE

The legal compliance process must consider:

- (a) Acts of Parliament, including Public Acts, Local and Private Acts which apply to Council.
- (b) Statutory regulations.
- (c) Case law.
- (d) Local authority bylaws.
- (e) Regional and District Plans; National and Regional Policy Statements.
- (f) Authoritative pronouncements which could form part of legal compliance, including:
 - (i) Standards issued by Standards NZ.
 - (ii) Codes of practice issued by reputable national or representative bodies.
 - (iii) Charters or customer agreements.

3.6 SYSTEMATIC

There must be a systematic approach to support and sustain legal compliance activities.

- 3.6.1 Legal compliance systems should form part of Council's integrated risk management processes.

3.7 ONGOING DEVELOPMENT

Legal compliance training should be integrated with Council's professional development of staff.

- 3.7.1 An important aspect of ongoing development is to ensure that procedures improve as a result of the legal compliance work.

4 Background

- 4.1 Council needs to comply with all legislation relevant to all of its roles. There are a number of acts and regulations that govern the way Council operates.
- 4.2 Council is responsible for keeping up to date with all legislative changes and new legislation.
- 4.3 This policy is to be read alongside the Risk Management Policy.

5 Policy Statement

- 5.1 Legal compliance is managed at each level of management in the organisation:
- (a) Council and the Audit and Risk Committee.
 - (b) Chief Executive and Senior Managers.
 - (c) Staff

5.2 COUNCIL AND THE AUDIT AND RISK COMMITTEE

Council is responsible for the overall conduct of the organisation and achieving the organisations goals.

- 5.2.1 Council and committees will comply with the law.
- 5.2.2 Individual elected members, when purported to be acting in their capacity of elected members, will comply with the law.
- 5.2.3 Council acts through the Audit and Risk Committee to ensure that internal processes deliver appropriate probity and, in this case, compliance with legislation.
- 5.2.4 The Audit and Risk Committee sets an internal audit programme which may address specific elements of legislative compliance.
- 5.2.5 The Audit and Risk Committee commissions, receives, considers and acts on reports from Audit NZ, internal audits and staff on legislative compliance.
- 5.2.6 The Audit and Risk Committee considers an annual review report on legislative compliance for the prior year in the first quarter of the new financial year.

5.3 CHIEF EXECUTIVE AND SENIOR MANAGERS

Managers are responsible to ensure that they and their staff are appropriately trained in legislative obligations, remain up to date and comply with legislation.

- 5.3.1 Managers facilitate training staff in the legal environment relevant to their activities and train staff in their part in the legal compliance process.
- 5.3.2 Managers communicate any upcoming changes to legislation to relevant staff.
- 5.3.3 Managers include responsibility for legal compliance in all Job Descriptions.
- 5.3.4 Managers monitor that staff perform in accordance with legislation.
- 5.3.5 Managers ensure that a report on legislative compliance and instances of non-compliance is submitted to Senior Management and to the Audit and Risk Committee in the first quarter of the new financial year.
- 5.3.6 Managers develop Action Plans for subsequent action, treatment or remedies and to provide guidance for achieving legislative compliance.

5.4 STAFF (INCLUDES MANAGERS)

All relevant staff are active on the LGNZ List Serve (all lists that cover specific fields of work necessary for a role).

- 5.4.1 All relevant staff review the Legal Compliance Modules part of the LGSectorGoodToolkit website (www.solgm.co.nz) at least every six months for any updates or changes.
- 5.4.2 All relevant staff review "Inside Wellington" updates as they arrive.
- 5.4.3 All relevant staff proactively keep abreast of changes in their area of work.
- 5.4.4 All staff will comply with the law.

5.4.5 All relevant staff will contribute to the annual assessment of legislative compliance.

6 Annotations

Date	Description
14 June 2011	Policy first adopted
October 2015	Policy reviewed and updated
November 2018	Policy reviewed. No changes made.