

A decorative graphic at the top of the page shows stylized green grass on the left, a green leaf in the center, and a blue map of Australia on the right with yellow lines.

Legislative Compliance Framework



Governance and Safety

Version 1

Version History

Version	Comments/Change	Changed by and date	Reviewed by and date

Endorsement

Name	Title	Signature	Date
Kerri Verroen	Acting Manager Governance & Safety		6/11/19
Kylie Lamb	Director Organisational Services		7/11/19

Statement

Mackay Regional Council (MRC) has a responsibility to identify and comply with a range of legislative and regulatory requirements.

An effective, organisation-wide legislative compliance program enables an organisation to demonstrate its commitment to compliance with relevant laws, including legislative requirements, industry codes and organisational standards, as well as standards of good corporate governance, best practices, ethics and community expectations (NZS/AS 3806:2006 Compliance Programs AS/ISO 19600:2015 Compliance Management Systems – Guidelines

The intent of a robust and integrated program of legislative compliance is to provide assurance to Management and Councillors that the MRC is actively attentive to its legislative compliance obligations, considering impacts of any consequent changes, and ensuring that these are embedded in practice and procedures across the organisation.

Purpose

To achieve the objective of being a compliant organisation, MRC's Legislative Compliance Framework aims to:

- demonstrate a commitment to the highest standards of ethics and compliance with all applicable laws, regulations, rules and policies and promote a culture of compliance;
- promote a culture of frank and open disclosure of compliance breaches without fear of victimisation or unfair treatment;
- document and continuously review and update business processes to ensure they comply with applicable laws and regulations;
- provide employees with training and assistance to become effectively involved in compliance activities where identified to meet their obligations;
- maintain monitoring and reporting systems to identify instances of non-compliance or system failure and to protect MRC and its staff from deliberate or inadvertent breaches and consequent penalty;
- take prompt action where necessary to address instances of non-compliance or other circumstances that present an unacceptable exposure to legal risk; and
- assess compliance against pre-determined objectives and assessment criteria.

Current Legislative Compliance Functions

1. Identifying Current Legislation

- a) Up to date electronic versions of Queensland Legislation may be accessed through the [Queensland Government Legislation website](#). The Queensland legislation website is the official QLD Government site for the online publication of legislation and is provided and maintained by the Office of the Queensland Parliamentary Counsel. Direct access to this site is provided from MRC's intranet. The intranet is available for all staff.
- b) MRC has a current subscription for Australian Standards with SAI Global. As a member, MRC receives alerts and updates to amendments of the Standards it has purchased. The Standards purchased by MRC are made available to staff through Bruce.

2. Identifying New or Amended Legislation

- a) MRC receives regular circulars from the Department of Local Government, Racing & Multicultural Affairs on any new or amended legislation relevant to local government. Such advices are received through MRC's Governance & Safety Program and will be distributed to appropriate staff for their information.
- b) MRC also receives regular updates from the Local Government Association of Queensland (LGAQ). These circulars have sections on Legal, Finance, Planning and Environment and other highlighted changes in legislation applicable to local government and are distributed to relevant MRC officers and Councillors for information.
- c) As a member of the LGAQ, MRC has available a suite of delegations prepared by the LGAQ Solicitors for implementation. These are updated and received every 6 months.
- d) Regular newsletters from the Local Government Managers Association, Office of Information Commissioner, Queensland Ombudsman, Crime & Corruption Commission, Queensland Audit Office provide information of possible areas of change and process to be updated or implemented.

3. Informing Council of Legislative Change

Any new or amended legislation which may impact significantly on MRC's operations will be reported to the Management team and Councillors either via email, briefings or official Council reports.

4. Review of Incidents and Complaints for Non-compliance

MRC shall review all incidents and complaints in accordance with its Administrative Action Complaints Policy. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

5. Reporting of Non-compliance

Any instance deemed to be non-compliant shall be reported immediately to the respective Program Manager. The Program Manager shall determine the appropriate response and, if necessary, report the matter to the relevant Director or CEO depending on the seriousness of the non-compliance.

6. Legislative Compliance Audits

A series of legislative compliance audits will be undertaken annually. Given the nature and scope of information reported on via the Governance & Safety Program, compliance audits may be identified by the Governance & Safety staff from the following criteria:

- a) A strategic risk identified on the Enterprise Risk Management Register;
- b) An identified fraud risk (i.e. not following process);
- c) Compliance of an Act or Regulation;
- d) A reoccurring issue identified from the Administrative Action Complaints reporting;
- e) An area identified as part of information released under Right to Information;
- f) Requested by Management, Internal Audit or Audit Committee.

Completed Audits will be provided to the relevant Directors.

7. Audit on Legislative Compliance

MRC shall incorporate a review of its processes to ensure legislative compliance is included into its internal audit function. This internal audit function is currently the responsibility of the Senior Internal Auditor at the direction of the CEO.

8. Promotion of Compliance

MRC will undertake to provide necessary training and promotion to relevant staff in relation to legislative compliance.

9. Reporting

Any identified recommendations will be included in the Legislative Compliance Register which will be circulated to the relevant program manager and Directors for the necessary response and action.

Summary of Key Compliance Actions

Legislative Compliance Function	Compliance Action	Description	Responsibility	Timing
Identifying New or Amended Legislation	Review of Delegations	Review the Delegations Register to ensure appropriate positions have the necessary power to undertake duties on behalf of MRC.	Governance & Safety Program	Annually
Identifying New or Amended Legislation	Review of Authorised Persons	Review of the appropriate positions being authorized to undertake necessary investigation and enforcement powers on behalf of MRC.	Governance & Safety Program	Every 3 years.
Reporting of Non-Compliance	Review of Enterprise Risk Management Register	Review risks identified in the Enterprise Risk Management Register	Governance & Safety Program	Every Quarter with an annual report at the end of each financial year.
Reporting of Non-Compliance	Review of Operational Plan for Programs	Review of the actions identified by Programs in the Operational Plan and their action plans.	Governance & Safety Program	Every Quarter with an annual report at the end of each financial year.
Reporting of Non-Compliance	Review of the Fraud & Corruption Prevention Plan	Review of the actions identified as the year plan for investigation.	Governance & Safety Program	Annually
Promotion of Compliance	Review of all Council and	MRC has a Policy Framework implemented where all Policies are reviewed.	Governance & Safety Program	Every 3 Years or as required.

Legislative Compliance Function	Compliance Action	Description	Responsibility	Timing
	Administrative Policies			
Promotion of Compliance	Review and promotion of the Corporate Governance Handbook	Review handbook to ensure of reporting requirements are updated	Governance & Safety Program	Every 3 years or as required.
Legislative Compliance Audit	Legislative Compliance Audits	Undertake audits as identified	Governance & Safety Program	4 per year.
Promotion of Compliance	Training	Ensure staff are aware of the necessary policies and Code of Conduct in relation to obligations towards legislative compliance.	Employee Services	Available to all staff via e-learning packages rolled out during the year.