

Compliance Policy

VERSION NO	Version 2
APPROVAL	Peter Bean, Chief Executive Officer
	
	2 September 2022
TRIM REF	22/210195
REVIEW	2 September 2025
RESPONSIBLE EXECUTIVE	General Manager Customer & Corporate Support
POLICY OWNER	Manager Governance

1. Purpose

To assist Council to meet organisational compliance obligations and promote good governance practices by ensuring Council's operations are conducted in accordance with legislative and internal policy requirements. Compliance is a key component of Good Governance at Kingston and is included within elements of the Good Governance Framework's 'Accountability - own it' cornerstone.

This document sets out the organisation's principles and responsibilities for compliance obligations.

2. Scope

Council's Compliance Policy applies to staff, contractors and volunteers. It supports the maintenance and continuous improvement of all governance related compliance functions and drives the compliance culture for the whole organisation.

3. Council Plan Alignment

Goal 6 - A Well Managed and Effective Organisation

Outcome 6.1 - A well-governed, efficient and responsive organisation.

4. Related Documents

This policy is based on AS/ISO 19600:2015, compliance management system that provides guidance for establishing, developing, implementing, evaluating, maintaining and improving an effective and responsive compliance management system.

5. Delegation Authority

There are no delegated positions with responsibilities for this Policy.

6. Compliance framework

Council is committed to achieving the highest level of compliance with all legislation and standards that apply to the actions and decision making processes of all staff. This is achieved through Council's compliance framework that sets out Council's governance approach and responsibilities for managing compliance. It is designed to ensure compliance with statutory and policy obligations, that incidents are prevented through a suite of internal controls, and that breaches are managed, reported, tracked and reviewed effectively.

Elements of a compliance framework

Council's multi-pronged approach includes a compliance framework that is reflective of the diverse needs of teams across the organisation. The framework is made up of external, legislative and internal 'good governance' elements

that support staff and Managers to understand, assess, mitigate and manage compliance risks and reporting obligations.

Training and awareness

Compliance training and education is provided in multiple ways that includes access to governance information, an organisational development program, access to Council's Policy Portal and intranet, information and communications, identification of training needs through regular support and supervision, and ongoing monitoring and development of staff capability and capacity. It is the role of People Managers to ensure staff are aware of legislative responsibilities, policies and procedures relating to their roles, that staff are adequately trained to exercise judgement and decision making within the requirements of their role.

Policy Framework

The Policy Framework outlines the requirements for managing policies and provides guidance for storage and access including the Policy Portal and external website. Keeping all compliance related knowledge in one place, updated and regularly reviewed means that current information is available and accessible by all users.

Transparency

Transparency at Council means being proactive and making available information that shows how we work, decision making processes and outcomes. The Public Transparency Policy covers what and how information will be made publicly available.

Compliance database

The Governance team maintains a Compliance database for Council. Access by each manager to the database provides for ongoing check in opportunities. The database also administers regular legislative updates and changes that are communicated to the respective managers.

Legislative obligation review program

An overarching risk-based compliance attestation program that is substantiated with an annual review and sign off process is performed each year by Managers and General Managers to indicate compliance. The compliance results are reported annually to CLG (Corporate Leadership Group) and to the Audit & Risk Committee to show the status of compliance across the organisation.

Delegations and Authorisations

Delegations and Authorisations provide certainty and effective allocation of decision-making powers, duties and functions to members of council staff to allow staff to act and make decisions on Council's behalf. Staff are provided with delegations and authorisations to support statutory decisions made and powers exercised.

Internal assurance

Internal assurance is achieved by monitoring and completing activities such as inspections, investigations, desktop assessments, accreditation, monitoring statutory requirements and ensuring currency of registration and licensing requirements. Establishing processes to detect and address risks and to identify, rectify and prevent breaches are achieved through regular reviews and improvement initiatives.

Audit & Risk Committee

The role of the Audit and Risk Committee includes oversight of compliance and risk programs. The mandate of the independent monitoring and oversight responsibilities of the Committee includes compliance of Council policies and procedures with the overarching governance principles, the Act and other regulations and ministerial directions.

External Auditors

The Auditor-General is responsible for checking that the Annual Financial Statements of Council is in accordance with Accounting Standards and may review the Internal Audit program to understand the internal control framework that exists at Council.

7. Risk based approach

Council adopts a risk-based approach where compliance requirements representing the greatest degree of risk to Council are given priority. Risk ratings are used to inform training and awareness needs, level of compliance monitoring and how breaches are best managed. Risk ratings are based on consequence and likelihood and help determine whether compliance requirements are best managed centrally or at local team level.

Compliance obligations are treated as an elevated risk governance priority when they are:

- Outward facing with legislative obligations
- Internal facing with legislative obligations
- Council Resolutions
- Policies that reference delegations and authorisations
- Policy positions that uphold integrity of people, processes and systems
- Politically sensitive, have potential to impact on Council’s reputation or budget

8. Managing breaches

The Compliance framework promotes openness and transparency to drive a culture of proactive compliance and accountability so that legislative, policy or procedural compliance can be effectively managed locally by business units or escalated when indicated. Each manager is responsible for meeting requirements that fall under their area of responsibility.

Identify

Compliance breaches can be identified through self-disclosure, audit reviews, third party feedback or complaints, compliance certifications, and notifications by regulatory agencies and other authorities. Actual and potential breaches and other instances of non-compliance must be reviewed by officers and Managers, and where applicable, investigated for root causes, systemic failures and recommended improvements identified.

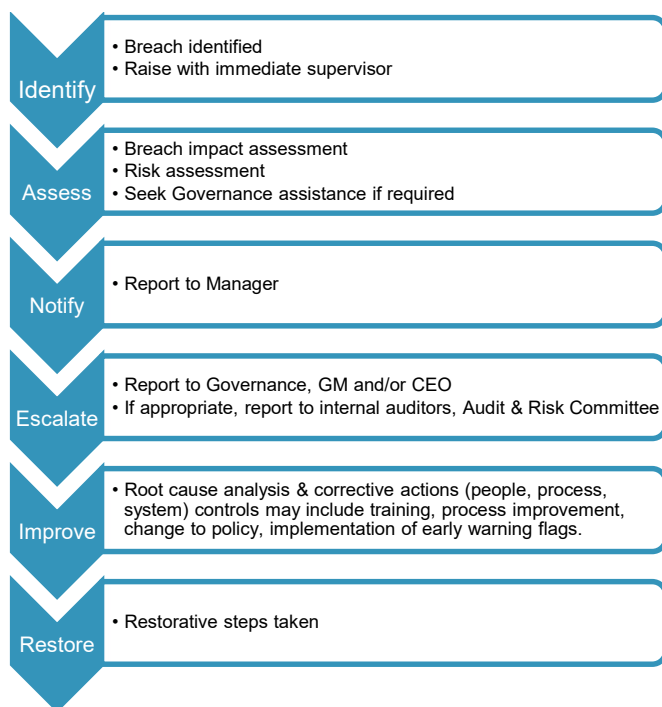
Assess

Council’s **Risk Management Tables & Matrix** can be used to help determine the level of risk associated with a compliance breach. Governance support to assess an actual or potential compliance breach is available to assist with this process.

Notify

Where a risk is assessed as low to medium, the breach can generally be managed by the business unit and / or Manager. Compliance breaches that have been assessed to be high or extreme risks must be escalated and reported to Governance and the respective General Manager. Examples may include breaches that; impact beyond the business unit, restrict Council in delivering services, could result in significant fines/costs, involve external law enforcement or integrity agencies or cause significant environmental harm.

All high and extreme risk non-compliance incidents or significant non-compliance trends will be reported to the Audit and Risk Committee and reviewed to ensure that any non-compliance has been satisfactorily addressed by the relevant manager or team.



9. Improve and Restore

The integrity of the compliance program is maintained by performing regular assessments and review of compliance obligations, regular updates to compliance and risk registers and ongoing review of systems and process changes and associated documents.

When items of non-compliance are identified, actions to correct the non-compliance or manage the incident will occur. Root causes of the non-compliance will be identified with an analysis of whether the incident is a one-off or reflective of a systemic issue.

As the organisation's compliance culture matures, opportunities to embed compliance management and controls into existing normal processes will be highlighted, providing ongoing improvement opportunities.

10. Roles and Responsibilities

Teams are supported to comply with their obligations under applicable legislation and standards, and to engage in the following practices:

- have processes in place to identify, manage, mitigate and communicate compliance risks
- seek continuous improvement opportunities and feedback from customers, peers and other stakeholders
- implement compliance management advice provided by Governance
- notify Governance of relevant, actual or potential compliance breaches

Councillors

Councillors have a responsibility to be aware of and abide by legislation applicable to their role.

Audit and Risk Committee (ARC)

The ARC receives an annual organisational compliance status report from the Governance team and is provided with additional quarterly updates on compliance by the Chief Executive Officer. The ARC can identify any issues of concern and recommend appropriate follow-up action.

Chief Executive Officer (CEO)

The CEO is responsible for ensuring a compliance framework is in place. Achievement is assessed through Council's Internal Audit Plan and reported to the Audit and Risk Committee annually.

General Managers

General Managers are responsible, and accountable to the CEO, for development and implementation of Compliance actions across the organisation.

Manager Governance

The Manager Governance is responsible for overseeing the Compliance Framework at Kingston.

Governance Compliance Officer

The Compliance Officer coordinates Council's compliance programs and promotes a high standard of accountability across the organisation.

Managers and People Managers

Managers are responsible for ensuring compliance with all regulatory business compliance requirements and compliance obligations associated with the activities of their department including identifying, reporting and managing compliance breaches.

Staff

Staff have a duty to understand and seek information regarding compliance requirements applicable to their area of work and to comply with them.

11. Policy review

This Compliance Policy will be reviewed every three years.

12. Related documents & resources

Risk Management Tables & Matrix
Legislation relevant to Council powers, functions and duties
Council's Instruments of Delegations
Policy Portal
KNET - Organisational Governance
Good Governance Framework
Compliance data management system 'RelianSys'