



LEGISLATIVE COMPLIANCE

A RISK BASED APPROACH

WHAT ARE THE RISKS?



Statutory and regulatory requirements are not met;



Council could be exposed to penalties, litigation, or any other adverse outcomes for non-compliance;



Potential for significant reputational damage if widespread media attention of non-compliances;



Failure to identify changes to regulatory and legislative requirements

WHAT ARE OUR CONTROLS?



**Access to In
house Lawyers
and Legal Panel**



**Annual Statutory
Requirements
checklist for
Executive and
Senior Managers**



**Internal audit
program**



**Legislative
Compliance
Framework**



**COVID-19
Compliance**

IN HOUSE LAWYERS AND LEGAL PANEL

- SINCE 2010, COUNCIL HAS EMPLOYED A TEAM OF IN-HOUSE LAWYERS.
- THE TEAM HAS EXPERTISE ACROSS PLANNING AND ENVIRONMENTAL LAW, BUILDING AND CONSTRUCTION LAW, COMMERCIAL AND PROPERTY LAW, AS WELL AS INSURANCE AND LITIGATION.
- STRAIGHTFORWARD ACCESS TO CO-LOCATED LAWYERS HAS LED TO MORE RESPONSIVE AND CONFIDENT DECISION MAKING.
- THE TEAM ARE REQUIRED TO HOLD PRACTISING CERTIFICATES ISSUED BY THE NSW LAW SOCIETY, AND UNDERTAKE MANDATORY CONTINUOUS PROFESSIONAL TRAINING.
- COUNCIL HAS ALSO IN PLACE A PANEL OF FOUR (4) LAW FIRMS, WITH EXPERTISE ACROSS A RANGE OF LEGAL AREAS.
- REQUESTS FOR LEGAL SERVICES ARE REVIEWED BY THE GENERAL COUNSEL, AND THEN UNDERTAKEN IN-HOUSE OR REFERRED TO A PANEL FIRM, DEPENDING ON THE NATURE OF THE REQUEST AND CURRENT ALLOCATION OF INTERNAL LEGAL RESOURCES.

STATUTORY REQUIREMENTS CHECKLIST

- ANNUAL SIGN-OFF PROGRAM FOR ALL EXECUTIVE AND SENIOR MANAGERS
- CHECKLIST OF STATUTORY REPORTING REQUIREMENTS IN THEIR AREA OF RESPONSIBILITY
- 73 ITEMS COVERING 21 PIECES OF LEGISLATION
- CHECKLIST REVIEWED FOLLOWING EACH LEGISLATION RISK ASSESSMENT



INTERNAL AUDIT PROGRAM



**Rolling 3-year Internal
Audit Program**



**Focus in each audit on
policy and legislative
requirements as well as
compliance by the area
of operations**



**Oversight by the
ARIC to identify
trends in non-
compliances**



**Internal Self
Assessment of Best
Practice**

LEGISLATIVE COMPLIANCE FRAMEWORK

- ESTABLISHMENT OF A LEGISLATIVE COMPLIANCE FRAMEWORK
- FRAMEWORK DESIGNED WITH FOLLOWING COMPONENTS:
 - ESTABLISHMENT OF A LEGISLATION REGISTER
 - ESTABLISH LEGISLATIVE COMPLIANCE IMPROVEMENT REGISTER
 - UNDERTAKING OF A RISK ASSESSMENT TO IDENTIFY HIGH RISK LEGISLATION
 - IDENTIFY OWNERS OF EACH PIECE OF LEGISLATION
 - UPDATING OF THE STATUTORY REPORTING REQUIREMENTS REGISTER
 - PROCESS FOR MONITORING AND RESPONDING TO LEGISLATION CHANGES BASED ON RISK
 - PROCESS TO IDENTIFY CHANGES REQUIRED TO DELEGATIONS AND POLICIES ARISING FROM LEGISLATIVE CHANGES

LEGISLATION REGISTER

Legislation Name	Legislation Owner	Requirements / Obligations	Policies that cover obligation	Controls in place to support compliance	Risk Of Non Compliance (Low, Medium, High)	Is WCC compliant (yes/no/partial)
Privacy & Personal Information Protection Act 1998	Manager Governance & Customer Service	12 x Information Protection Principles	Privacy Management Plan	Numerous – See PMP	Medium	Partial

LEGISLATIVE COMPLIANCE IMPROVEMENT REGISTER

Legislation Name	Legislation Owner	Oversight Agency Aware of Non-Compliance	Further Action Needed to ensure compliance	Completed yes/No	Corrective action plan in place	Due date for completion of Corrective Action Plan
Privacy & Personal Information Protection Act 1998	Manager Governance & Customer Service	No	<ul style="list-style-type: none"> Update PMP to reflect <ul style="list-style-type: none"> web/cookie usage Data sharing with service providers Conduct Privacy Impact Assessments prior to each One Council module rollout Privacy Training for new users of mobile systems 	No	Yes	30 June 2021

COVID-19 COMPLIANCE



**Pandemic Response
Team**



**Monitoring of Public
Health Order
Requirements**



**Central Review of all
COVID Safe Plans
and Risk Assessments**



**Staff briefing and
information
awareness process**

QUESTIONS

TODD HOPWOOD
MANAGER GOVERNANCE AND CUSTOMER SERVICE
WOLLONGONG CITY COUNCIL

EMAIL: thopwood@wollongong.nsw.gov.au