

# Compliance Policy

## Purpose

This policy outlines Riverina Water's approach to compliance. It focusses on internal compliance maintenance, performance and oversight.

## Policy Statement

Riverina Water, as a local government authority, is committed to compliance with all relevant statutory requirements relating to its operations. Riverina Water will adopt policies and practices that best supports it legislative obligations, and is committed to promoting probity, accountability and a fair and just workplace environment and culture.

## Scope

Compliance in this policy refers to legislation (and associated regulations) with which Riverina Water must comply, as well as council codes, policies, procedures, guidelines, standards and practices that either the CEO or the Board have adopted as requiring mandatory compliance for administering Riverina Water's business and services.

## Definitions

ARIC	Audit Risk & Improvement Committee
Code of Conduct	Code of Conduct Policy 1.0
Compliance	A measure of the degree to which the requirements of legislation, codes and council standards and policies are met
Council standards	Any code, policy, procedure, guideline or practice that council's Executive Leadership Team has accepted as an appropriate standard for council's day- to- day operations
Executive Team	The CEO and Directors
Non-compliance	The failure to take a required action, as well as actual unlawful activities

Policies	Mandatory requirements of staff and or the Board, or customers, or statement of intent of Riverina Water, as approved by the Board or the Executive Team (e.g. Code of Conduct; Net Zero policy)
Riverina Water	Riverina Water County Council, also referred to as council

## Principles

### 1. Demonstrated commitment

Riverina Water's commitment to compliance is demonstrated through:

- Transparency and timely reporting on compliance and non-compliance
- Active engagement of the Executive Team and management in the effective identification and management of compliance issues and risks
- The allocation of resources to the management of compliance obligations, including integration, training and continual improvement.

Riverina Water recognises that it has a responsibility to its staff and the wider community to ensure that it provides a safe workplace and services. Riverina Water is committed to promoting probity, accountability and a fair and just workplace.

### 2. Determining compliance standards

Compliance activities and controls are developed to help ensure that Riverina Water meets its legal requirements. Compliance failures by council, or by individuals working on behalf of council, may result in damage to personal or organisational reputation.

A list of core legislation under which Riverina Water conducts its activities is provided in Attachment 1. This is not an exhaustive list.

Riverina Water must also comply with:

- Any relevant Ministerial Directives
- Mandatory codes
- Binding contracts
- Departmental or commissioner guidelines
- Notices and Orders
- Court orders and judgments

- Licences and permits
- Resolutions of the Board

The following also inform Riverina Water's compliance standards:

- ISO and/or Australian/New Zealand standards
- Model policies and guidance documents published by organisations such as the Independent Commission Against Corruption (ICAC), the NSW Audit Office or the Office of Local Government
- Council values, principles and ethics

### **3. Management and integration of compliance**

Riverina Water has some centralised compliance oversight functions, managed within the Corporate Services team. However, most compliance administration and management, including policy development and execution, occurs within the respective Directorates and their departments. This relies on the expertise of the respective managers to ensure that their staff are appropriately trained and supported. This includes ensuring staff are provided with up-to-date policies and procedures and clearly defined delegated authority.

Transparent, appropriate and achievable policies are central to compliance. The Policy Register, including version control, is managed through Governance. Although the authoring and management responsibility for policy is de-centralised, the approval of policies is centralised through the executive leadership team, with approval by the CEO, or through the Board.

#### **Roles and responsibilities**

All staff and Board members must be conscientious and responsive in seeking to comply with legislation and council standards in the course of their duties. This is including, but not limited to, the key legislation under which council has responsibilities and policies that help manage compliance.

All staff and board members are personally responsible for transparently and accurately recording and reporting activities relating to compliance and any instances of non-compliance. All staff must appropriately report or escalate instances of non-compliance to their manager or the CEO.

### **3.1 The Board and Executive Team**

Board members and the executive team are required to lead by example and demonstrate their active commitment to a positive compliance culture within Riverina Water. The CEO and Board are responsible for ensuring adequate resourcing is allocated for effective compliance management, oversight functions and corrective actions. They must ensure that there is sufficient alignment between operational planning and the improvement of compliance.

### **3.2 The Audit Risk & Improvement Committee (ARIC)**

The Audit Risk & Improvement Committee is responsible for providing independent assurance and assistance to council on risk management, controls, governance and external accountability responsibilities. The ARIC is responsible for the internal audit function of council and determines internal audit schedules, in conjunction with management.

### **3.3 Managers and supervisors**

Managers and supervisors are responsible for coordinating compliance and assigning responsibility across their work areas. They have an important leadership role in compliance and are to demonstratively abide with compliance requirements including under legislation, policies and procedures. They are required to ensure that work practices, local procedures and checklist remain updated to support and integrate compliance.

Managers and supervisors are to ensure that any known compliance updates and changes to legislation are communicated to their staff and the Executive Leadership Team as required and appropriate.

### **3.4 Contractors and suppliers**

Contractors, suppliers and committee members are expected to adequately manage and be responsive to compliance requirements when working with Riverina Water. They must communicate effectively with council staff and formally report on any compliance matter that may impact on council's services or functions. Any outsourced compliance processes must be appropriately monitored and controlled by the relevant Riverina Water manager or staff member responsible for the contractor or supplier.

#### **4. Riverina Water regulatory function/s**

This policy is primarily concerned with Riverina Water's own legal obligations. It focusses on internal compliance maintenance, performance and oversight. However, Council does have an important regulatory role in approving connections to its potable water network and assessing development applications made to member councils that will or may impact on changes to demands on Riverina Water's network, including metering. This role includes the issuing of certificates, including fees and charges.

In the instances of regulatory functions, impartiality and accountability are demonstrated through role separation, transparent staff conduct and appropriate record-keeping.

#### **5. Obtaining further advice**

Riverina Water will obtain advice on matters of legislation and compliance as necessary. Advice can be obtained from a number of sources, such as:

- Through researching legislation
- External government agencies, such as the Office of Local Government, the Department of Planning and Environment (DPE), Department of Health, the Information and Privacy Commission, SafeWork and WorkCover. These agencies may provide proactive compliance updates through notifications (such as Ministerial Directions) or may respond to targeted compliance questions
- Local government organisations, such as Local Government NSW (LGNSW); and
- Legal advisors. Riverina Water does not have an in-house legal advisor, but it does maintain a panel of legal service suppliers. Staff must follow the established delegations and legal referral process as a condition of making contact with a legal provider.

#### **6. Assessing compliance risks**

Compliance requirements and associated risks must be periodically reassessed. Triggers for updates can include:

- Changes to legislation or other compliance sources
- Changes to council's structure
- Review, report or audits highlighting non-compliance or recommending improved compliance; and

- Third party changes requiring compliance review such as changes to key external government agencies

Any changed requirements will be assessed and prioritised against the enterprise risk matrix and where necessary, added to the enterprise risk register.

## **7. Developing and supporting a compliance culture**

Riverina Water is committed to an organisational culture in which compliance and governance processes are positively valued and promoted. Embedding compliance values helps develop a self-regulating organisation with fewer non-compliance events and improved staff and customer satisfaction.

Staff members who self-report non-compliance or who report others' non-compliant action or inaction, will be supported by the CEO and management.

Riverina Water supports a fair and just workplace that balances the need to have a non-punitive reporting and positive learning environment with the need to hold persons accountable for their actions. A fair and just culture seeks to improve the organisation's culture and performance by means of positive behavioural improvement and encouraging staff to take personal responsibility for their actions. Additionally, it recognises that firm actions might need to be taken in circumstance where poor compliance is still evident despite information and guidance being provided.

Council staff are supported by services such as the Employee Assistance Program, protections under the Internal Reporting Policy (Public Interest Disclosures) Policy, and protection from harassment under Council's EEO and Workplace Bullying policies.

## **8. Monitoring compliance and implementing improvements**

Council's compliance processes are subject to ongoing monitoring through actions such as:

- Continually reviewing agency circulars and updates
- Obtaining and assessing staff feedback on knowledge gaps and training
- Obtaining and assessing third-party feedback on Council's compliance performance, including from auditors and regulators, or via complaints or reviews
- Appropriately escalating non-compliance matters and determining any remedial action or necessary changes

Riverina Water's compliance controls are assessed, and control effectiveness is monitored through council's Enterprise Risk Management Framework, Governance Framework, internal audit program and audits conducted by NSW Audit Office or other external agencies. Council also conducts self-audits such as those required by StateWide Mutual, Records NSW and StateCover.

Improvements to compliance may include but are not limited to:

- Timely corrective action to address non-compliances
- Updating information and training for staff
- Updating policies and processes to ensure that they are actionable and supportive of compliance, and/or
- Reviewing reporting lines and structures

## **Non Compliance**

Non-compliance with adopted policy may be considered a breach under the Code of Conduct. As such, any suspected or known non-compliance will be reported to the CEO.

## **Policy Implementation**

Staff will receive induction and periodic training on general compliance obligations such as the Code of Conduct, EEO, bullying and harassment.

Compliance training needs, in particular with respect to compliance activities that are role specific, such as delegations, are assessed by staff and their managers at least once a year at skills review, to ensure that there is adequate competency and training to help staff meet their compliance obligations.

<b>Policy number</b>	<b>1.24</b>
Responsible area	CEO
Approved by	Riverina Water Board – Res 22/166
Approval date	26 October 2022
Legislation or related strategy	NSW Local Government Act 1993
Documents associated with this policy	Code of Conduct Policy 1.01 Code of Meeting Practice Policy 1.02 Enterprise Risk Management Policy 1.13 See IWCMP Fraud and Corruption Prevention Policy 1.14 Internal Reporting Policy 1.11
Policy history	NEW
Review schedule	4 years – next due 2026

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

**END OF POLICY STATEMENT**

# Attachment 1

## Legislation and Regulations under which Riverina Water operates

Legislation	Regulation
A New Tax System (Goods & Services Tax Act) 1999	A New Tax System (Goods & Services Tax) Regulations 1999
Administrative Decisions Tribunal Act 1997	Administrative Decisions Tribunal (General) Regulation 2004
Age Discrimination Act 2004	
Annual Holiday Act 1994	
Anti Discrimination Act 1977	
Australian Human Rights Commission Act 1986	
Australian Communications and Media Authority Act 2005	
Building Professionals Act 2005	
Children and Young Persons (Care and Protection) Act 1998	
Civil Liability Act 2002	
Clean Energy Act 2011	
Community Land Development Act 1989	
Competition and Consumer Act 2010 (Cth)	
Constitution Act 1902	
Contaminated Land Management Act 1997	
Contracts Review Act 1980	
Conveyancing Act 1919	
Copyright Act 1968 (Cth)	
Crimes Act 1900	
Criminal Procedures Act 1986	
Crown Lands Act 1989	Crown Land Regulation 2006
Defamation Act 2005	
Disability Discrimination Act 2005	
Disability Discrimination Act 1992 (Cth)	

# Attachment 1

Duties Act 1997	
Electricity Supply Act 1995	
Electronic Transactions Act 1999 (Cth)	Electronic Transactions Regulation 2003 (Cth)
Electronic Transactions Act 2000 (NSW)	
Environmental Hazardous Chemicals Act 1985	Environmental Hazardous Chemicals Regulation 1999
Environmental Planning and Assessment Act 1979	Environmental Planning and Assessment Regulation 2000
Essential Services Act 1988	
Fair Trading Act 1987	Fair Trading Regulation 2007
Fair Work Act 2009	
Fisheries Management Act 1994	Fisheries Management (General) Regulation 2002
Flouridation of Public Water Supply Act 1957	
Fringe Benefits Tax Assessment At 1986 (Cth)	
Gas Supply Act 1996	
Government Information (Public Access) Act 2009	
Health Records and Information Privacy Act 2002	Health Records and Information Privacy Regulation 2006
Income Tax Assessment Act 1997 (Cth)	
Independent Commission Against Corruption Act 1988	Independent Commission Against Corruption Regulation 2005
Independent Pricing and Regulatory Tribunal Act 1992	Independent Pricing and Regulatory Tribunal Regulation 2007
Industrial Relations Act 1996	Industrial Relations (General) Regulation 2001
Interpretation Act 1987	
Land Acquisition (Just Terms) Compensation Act 1991	
Local Government Act 1993	Local Government (General) Regulation 2020
Local Government Amendment Bill 2019	

# Attachment 1

Local Government and Other Authorities (Superannuation) Act 1927	
Long Service Leave Act 1955	Long Service Leave Regulation 2005
National Greenhouse and Energy Reporting Act 2007	National Greenhouse and Energy Reporting Regulations 2008
Native Vegetation Act 2003	
Noxious Weeds Act 1993	Noxious Weeds Regulation 2003
Ombudsman Act 1974	Ombudsman Regulation 2005
Paid Parental Leave Act 2010	
Payroll Tax Act 2007	
Personal Property Securities Act 2009	
Pesticides Act 1978	Pesticides Regulation 1995
Pipelines Act 1967	Pipelines Regulation 2005
Plumbing and Drainage Act 2011	
Privacy Act 1988 (Cth)	
Privacy and Personal Information Protection Act 1998	Privacy and Personal Information Protection Regulation 2005
Protection of the Environment Operations Act 1997	Protection of the Environment Operations (General) Regulation 1998
Public Health Act 2010	Public Health Regulation 2012
Public Holidays Act 2010	
Public Interest Disclosures Act 1994	
Public Works Act 1912	
Racial Discrimination Act 1975 (Cth)	
Rail Safety Act 2008	Rail Safety National Law National Regulations 2012
Real Property Act 1900	Real Property Regulation 2003
Residential Tenancies Act 2010	Residential Tenancies Regulation 2010
Roads Act 1993	Roads (General) Regulation 2000; Roads Regulation 2008
Sex Discrimination Act 1984 (Cth)	

# Attachment 1

Smoke Free Environment Act 2000	Smoke Free Environment Regulation 2007
Soil Conservation Act 1938	
Spam Act 2003 (Cth)	
State Emergency and Rescue Management Act 1989	
State Records Act 1998	
Statutory and Other Officers Remuneration Act 1975	
Superannuation Guarantee (Administration) Act 1992 (Cth)	
Surveying and Spatial Information Act 2002	Surveying Regulation 2006
Telecommunications Act 1997 (Cth)	
Threatened Species Conservation Act 1995	Threatened Species Conservation Regulation 2002
Training Guarantee (Administration) Act 1990 (Cth)	
Unclaimed Money Act 1995	
Valuation of Land Act 1916	Valuation of Land Regulation 2006
Water Act 1912	Water (Part 2 - General) Regulation 1997
Water Act 2007 (Cth)	
Water Industry competition Act 2006	
Water Management Act 2000	Water Management (General) Regulation 2018
Work Health and Safety Act 2011	Work Health and Safety Regulation 2011
Workers Compensation Act 1987	Workers Compensation Regulation 2003
Workplace Injury Management and Workers Compensation Act 1998	
Workplace Surveillance Act 2005	Workplace Surveillance Regulation 2005