

## **10.5 REVIEW - DRAFT LEGISLATIVE COMPLIANCE POLICY & DRAFT ACCESS TO INFORMATION POLICY - PUBLIC EXHIBITION - ATTACHMENTS**

### Attachment Titles:

1. DRAFT Legislative Compliance Policy SVC-GOV-PO-090-02
2. DRAFT Access to Information Policy SVC-COR-PO-063-02

**Attachment 1 - DRAFT Legislative Compliance Policy - SVC-GOV-PO-090-02**



<b>Policy Title</b>	DRAFT Legislative Compliance Policy
<b>Policy Category</b>	Public
<b>Number &amp; Version</b>	SVC-GOV-PO-090-012
<b>Policy Owner</b>	Governance and Risk
<b>Approval by</b>	Council
<b>Effective date</b>	21 May 2020
<b>Date for review</b>	September 2021

**1. STRATEGIC PURPOSE**

Snowy Valleys Council (Council), in its role as a Local Government authority, is committed to managing its compliance with all statutory and common law requirements relating to its operations and governance.

This Policy aims to:

- Promote a compliance culture within the organisation;
- Assist the Council in achieving the highest standards of governance; and
- Prevent, and where necessary, identify and respond to breaches of laws, regulations, codes or organisational standards.

**2. POLICY STATEMENT**

Council shall have appropriate processes and structures to ensure that legislative obligations are integrated into the everyday running of the Council. Council will undertake appropriate measures to ensure that its compliance obligations are identified and considered during decision making. ~~Compliance with these obligations will be monitored and reviewed through the use of a Legislative Compliance Register.~~

**3. DEFINITIONS**

<u>Compliance</u>	<u>Adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Council policies and frameworks.</u>
<u>Compliance Culture</u>	<u>The values, ethics and beliefs that exist throughout Council and how they integrate with the structures and control systems to produce</u>

	<u>behavioural norms that are conducive to compliance outcomes.</u>
<u>Delegation</u>	<u>The formal authority transferred to an identified position title to make enforceable decisions that commit or incur organisation liabilities or exercise legislative functions in a transparent manner.</u>
<u>Delegation Register</u>	<u>The register maintained by Governance and housed in Pulse to ensure all delegations are accurately stored and available to all employees and members of the public.</u>
<u>Statutory Authorisations</u>	<u>The formal authority given to a person (not a position) by the General Manager to exercise specified statutory powers under a piece of legislation. A person given such an authorisation is deemed an 'authorised officer'.</u>
<u>Council Official</u>	<u>Any person who performs a function of Council, including:</u> <u>a) an employee, or</u> <u>b) a contractor or subcontractor, or</u> <u>c) an employee of a contractor or subcontractor, or</u> <u>d) an employee of a labour-hire company who has been assigned to work in the person's business or undertaking, or</u> <u>e) an outworker, or</u> <u>f) an apprentice or trainee, or</u> <u>g) a student gaining work experience, or</u> <u>h) a volunteer, or</u> <u>i) a person of a prescribed class.</u>

**Compliance** – refers to adhering to the requirements of laws, regulations, government directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted community and ethical standards and Council policies and frameworks.

**Compliance Culture:** refers to the values, ethics and beliefs that exist throughout Council and how they integrate with the structures and control systems to produce behavioural norms that are conducive to compliance outcomes.

**Work Participant** – Any employee, labour hire staff, volunteer, work experience and contractor of the Council

**4. LEGISLATIVE COMPLIANCE FRAMEWORKCONTENT**

Council will maintain a compliance management system that has a focus on continuous improvement and includes the following:

1. Legislative Compliance Policy, that identifies Council's commitment to compliance
2. Legislative Compliance Procedure, that identifies the process for compliance
3. Legislative Compliance Register, that identifies compliance obligations appropriate legislation relevant to Council and assigned to responsible officers from the Greater Leadership Team
3. Policy Register, identifies all Council policies and procedures, assigned owners and review dates

4. *Delegations Register*, identifies ~~delegations delegated powers as assigned to by positions; a copy of which will be made available on Council's public website~~
5. Sufficient resources to ensure that legislative compliance can be implemented, maintained and improved
6. An embedded compliance culture led by Directors, Managers and Coordinators
7. Compliance obligations are integrated into day-to-day operating procedures as appropriate
8. Provide appropriate practical education and awareness for ~~work-participants~~ [Council Officials](#) in order for them to meet their compliance obligations
9. Actively promote the importance of compliance to ~~work-participants~~ [Council Officials](#)
10. A system to identify legislative amendments
11. Conduct audits and establish a mechanism to report on ~~all~~ compliance failures
12. ~~Monitor its legislative compliance through managing the Legislative Compliance Register and reporting annually to the Audit, Risk and Improvement committee~~

**4.5. ASSOCIATED LEGISLATION**

*Local Government Act, 1993*  
 Local Government (General) Regulations ~~2005~~2021

**5.6. ASSOCIATED COUNCIL DOCUMENTS**

~~Legislative Compliance Procedure SVC-GOV-PR-054~~  
 Legislative Compliance Register (captured in Pulse)  
 Policy Register (stored in ECM)  
~~Delegations Procedures SVC-GOV-PR-039~~  
 Delegations Register (captured in Pulse)

**6.7. HISTORY**

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
06.05.20	Endorsed by ARIC	New Legislative Compliance Policy	SVC-GOV-PO-090	06.0520	
21.05.20	Adopted by Council	Legislative Compliance Policy	SVC-GOV-PO-090-01	21.05.2020	M100/20
	<a href="#">Review</a>				

**Attachment 2 - DRAFT Access to Information Policy - SVC-COR-PO-063-02**

<b>Policy Title</b>	DRAFT Access to Information Policy
<b>Policy Category</b>	Council
<b>Number &amp; Version</b>	SVC-COR-PO-063-021
<b>Policy Owner</b>	Governance
<b>Approval by</b>	Council 21 November 2019
<b>Effective date</b>	After Public Exhibition - 28 December 2019
<b>Date for review</b>	September 2020

**1. STRATEGIC PURPOSE**

To provide an overview of Snowy Valleys Council's (Council) principles regarding public access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) and to facilitate access to records held by Council to members of the public and other third parties.

**2. POLICY STATEMENT**

Council is committed to being an open and accessible organisation.

Managing and providing documents and information to the public is a complex issue. Having regard to the public interest and the obligations imposed upon Council by a range of legislation relating to privacy and access to Council information.

Council will use the following principles regarding public access to information:

- Open and transparent governance;
- Consideration of overriding public interest in relation to access requests;
- Proactive disclosure and dissemination of information;
- Respect for the privacy of individuals.

This policy explains Council's principles regarding access to Council-held information and Council documents together with facilitating the timely processing of requests for such access. This policy is to be read in conjunction with Council's [Publication Information Guide](#).

This policy applies to all Council Officers that are responsible for providing access to records held by Council as well as, to members of the public and other third parties that may be seeking access to information held by Council.

**3. DEFINITIONS**

<b>Information</b>	Also known as <u>Government Information</u> . Means information contained in a record held by Snowy Valleys Council.
<b>Record</b>	Taken to be the same meaning contained within the GIPA Act under Schedule 4, Clause 10 as follows: "record means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means".
<b>Document</b>	Refers to any information held on an official Council file or database, as well as informal files or databases maintained by Council Officers or Councillors.
<b>Personal Information</b>	Taken to be the same meaning contained within the GIPA Act under Schedule 4, Clause 4 as follows: "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion".

**Information** — (also known as Government Information) means information contained in a record held by Snowy Valleys Council.

**Record** — is taken to be the same meaning contained within the GIPA Act under schedule 4 clause 10, as follows:

"record means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means"

**Document/s** — in the context of this policy refer to any information held on an official Council file or database, as well as informal files or databases maintained by Council Officers or Councillors.

**8.4. CONTENT**

On 1 July 2010, the Freedom of Information Act 1989 (FOI Act) and sSection 12 of the Local Government Act 1993 (LG Act) and Freedom of Information Act 1989 (FOI) were replaced with the Government Information (Public Access) Act 2009 (GIPA Act) to provide a general right of access to information held by Council.

The introduction of the GIPA Act brings local authorities fully under the provisions of open government information access and the Privacy and Personal Information Protection Act 1998 (PPIP Act).

The objectives of the GIPA Act are:

- To encourage the proactive release of government information by agencies;
- To give members of the public an enforceable right to access government information; and
- To restrict access to government information only when there is an overriding public interest against disclosure.

Documents required by law to be available for public inspection will be posted on the website, unless to do so would impose an unreasonable additional cost to Council.

Other Council documents not posted on the website will be available for inspection upon request unless disclosure is contrary to the public interest.

Council is not required to make government information available in any way that would constitute a breach of copyright.

Council has published an *Information Guide* to assist members of the public in understanding the information available from ~~the Council~~ and ~~the options for how they can~~ accessing that information. ~~This document~~The *Information Guide* is published on ~~the Council's~~ website.

~~Access to information held by Council will be processed in accordance with the *Delegations Requisite* and conducted in good faith.~~

~~There are a number of procedural documents that support this policy and the provision of information.~~

#### **Limitations**

Broad requests for access to an excessive number of unspecified documents, which if processed, would divert substantial resources s from dealing with other requests, or performing other tasks and functions, may be refused on the grounds that that the diversion is contrary to public interest, in line with requirements under the GIPA Act.

#### **Personal and Private Information**

Personal and private information will only be used in accordance with the PPIP Act, *Health Records Information Protection Act 2000* (HRIP Act) and the Privacy Code of Practice for Local Government. For additional information about the handling and disclosing of personal or private information, see Council's *Privacy Management Plan*.

#### **9.5. ASSOCIATED LEGISLATION**

~~Government Information (Public Access) Act 2009 (GIPA Act) and associated Regulations~~  
~~Government Information (Public Access) Regulation 2019~~

~~Local Government Act 1993~~

~~*Environmental Planning and Assessment Act 1979*~~

~~Privacy and Personal Information Protection Act (PPIPA) 1998 (PPIP Act)~~

~~*The Health Records and Information Privacy Act 2000* (HRIP Act)~~

~~*State Records Act 1998* *Copyright Act 1968* (Cth)~~

~~Privacy Code of Conduct for Local Government (IPC 2017)~~

#### **10.6. ASSOCIATED COUNCIL DOCUMENTS**

~~Snowy Valleys Council Information Guide – SVC-EXE-GdI-001~~

~~Delegations Register~~

~~GIPA Application Processing Requests for Information Procedure – SVC-COR-PR-036~~

~~Privacy Management Plan – SVC-CorpPlan-Pln-018-01~~

#### **11.7. HISTORY**

Date	Action	Name	Policy Number	Resolution Number	Resolution date
2.8.2019	0	Policy developed			
	Superseded	Access to Information Policy (former Tumut Shire Council)	Gov.20		
	Superseded	Access to Council Documents incorporating the Procedure (former Tumbarumba Shire Council)	TSC-COR-PO-057-02		
28.12.2019	Approved after public exhibition 28/12/2019	Access to Information Policy	SVC-COR-PO-063-01	M382/19	21.11.2019