

POLICY REGISTER

LEGISLATIVE COMPLIANCE POLICY AND PROCEDURE

Policy adopted: 27th June 2019 Minute No. 116.6.19

Reviewed: 28th August 2025 Minute No. 269.8.25

File Ref: P13-1, A6-1

DOCUMENT CONTROL

Issue	Prepared/Revised By and Date	Action/Amendment Description	Approved By and Date
1.0	Glenn Wilcox 11 December 2018	First Edition	Council Minute No. 116.6.19 (27th June 2019)
2.0	Gary Woodman General Manager July 2025	Minor amendments, typographical and standard review clause, legislative (Acts and Regulation) updates.	Council Minute No. 269.8.25 (28th August 2025)

1. OBJECTIVE

The breadth of Warren Shire Council's operations results in a large volume of legislation that impacts on and imposes various compliance obligations. The consequences of breaching legislation can vary greatly between minimal impact on Council to severe consequences of both a civil and criminal nature.

The primary objective of this Policy is to ensure that Warren Shire Council complies with its legislative and regulatory requirements. A fundamental principle of good public administration is that public officials comply with both the letter and the spirit of the law.

Council, in its role as a Local Government Authority, has an obligation to ensure that its legislative requirements are complied with. The community and those working at Council have a high expectation that Council will comply with applicable legislation and Council should take all appropriate measures to ensure that that expectation is met.

If breaches of the law are committed by Council, or its staff; Council and/or its individual staff members and Councillors could be prosecuted or fined, there could also be a significant loss of Council's reputation.

Council will maintain the highest standards of diligence in all areas of public accountability, through its policies and processes, to meet its legal obligations. Council will maintain a Legislative Compliance Management System to ensure these standards of diligence are met.

2. POLICY AIMS

This Policy, and the principles set out in this Policy, aim to:

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

3. POLICY STATEMENT

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the everyday running of the Council.

These processes and structures will aim to:

- (a) Develop and maintain a system for identifying the legislation that applies to Council's activities.
- (b) Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented in Council.
- (c) Provide training for relevant staff, Councillors, volunteers and other relevant people in the legislative requirements that affect them.
- (d) Provide people with the resources to identify and remain up-to-date with new legislation.
- (e) Conduct of audits to ensure there is compliance.
- (f) Establish a mechanism for reporting non-compliance.
- (g) Review accidents, incidents and other situations where there may have been non-compliance.
- (h) Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.

Roles and Responsibilities

(a) *Councillors and Committee Members.*

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

(b) *Senior Management Team (General Manager, Divisional Managers and Department Managers).*

Senior management should ensure that directions relating to compliance are clear and unambiguous and that legal requirements which apply to each activity for which they are responsible are identified.

Senior management should have systems in place to ensure that all staff are given the opportunity to be kept fully informed, briefed and/or trained about key legal requirements relative to their work within the financial capacity to do so.

(c) *Employees.*

Employees have a duty to seek information on legislative requirements applicable to their area of work and to comply with the legislation.

Employees shall report through their supervisors to senior management any areas of non-compliance that they become aware of.

4. GENERAL PRINCIPLES

Council is working within the following principles based on the Australian Standards AS ISO 19600:2014 *Compliance Management Systems - Guidelines*.

- (a) Council is committed to achieving compliance in all areas of its operations.
- (b) Council will maintain a Legislative Compliance Policy that sets out its commitment to compliance with applicable laws and regulations.
- (c) Council will provide sufficient resources to ensure that this legislative compliance program can be implemented, maintained and improved.
- (d) Council will ensure that all Managers, Supervisors and staff generally understand, promote and be responsible for compliance with relevant laws, regulations, codes and standards that apply to activities within their day-to-day responsibilities.
- (e) Council will use its established risk management practices to accurately identify, rate and treat compliance risks.
- (f) Council will ensure that compliance requirements are integrated into day-to-day operating procedures as appropriate.
- (g) Council will maintain an effective complaints management system, including the coverage of compliance failures.
- (h) Council will maintain a Statute and Regulation Register and all identified legislation imposing compliance and impacting on Council will included on the Register.
- (i) Council will maintain a Breach Register Database (as part of the Legislative Register) and all legislative breaches, including reporting and rectification processes (Management response) will be stated within the Register.
- (j) Council will investigate, rectify and report all compliance failures.
- (k) Council will allocate appropriate responsibility for managing compliance at various levels.
- (l) Council will provide appropriate practical education and training of staff in order for them to meet their compliance obligations.

- (m) Council will actively promote the importance of compliance to staff, contractors and other relevant third parties.
- (n) Council will monitor its Legislative Compliance Management System via the Internal Audit Program and
- (o) Council will review its Legislative Compliance Management System annually to ensure its effectiveness.

5. PROCEDURE

As part of the Legislative Compliance Management System, Council will have in place a Legislative Compliance Procedure to ensure that staff utilise the latest version of legislation and when legislation changes, steps are taken to ensure that staff are aware of amendments to legislation. The Legislative Compliance Procedure is an attachment to this Policy.

6. REVIEW

This Policy and Procedure should be reviewed every 4 years or within 12 months following an election of Council. The Policy and Procedure may be reviewed and amended at any time at Council's discretion (or if legislation changes occur).

LEGISLATIVE COMPLIANCE PROCEDURE

1. Identifying Current Legislation

(a) Electronic Versions of Legislation

Council accesses electronic up-to-date versions of legislation through the New South Wales legislation website at www.legislation.nsw.gov.au. The NSW legislation website is the official NSW Government site for the online publication of legislation and is provided and maintained by the Parliamentary Counsel's Office.

Council Staff should utilise this website as it is updated on a daily basis. Other sites, such as AUSTRALII, may not have up to date versions of legislation and regulations.

Federal laws and instruments should be accessed through the Federal Register of Legislation at www.legislation.gov.au

(b) Australian Standards

Council is a subscribing member to Standards Australia and maintains a library of Australian Standards related to Council's activities. As a member, Council receives alert updates to amendments of the Standards it has purchased. The Standards purchased by Council are made available to staff.

2. Identifying New or Amended Legislation

(a) NSW Government Gazette

Council provides website access for its staff to the NSW Government Gazette which publishes all new or amended legislation applicable to New South Wales. A designated staff member within Council's Record Section must scan each Government Gazette (published each Friday) for any new or amended legislation applicable to Council. Copies of such new or amended legislation are distributed to the Management Executive (MANEX) by email to be distributed to their staff.

(b) NSW Office of Local Government (OLG)

Council receives regular circulars from the NSW Office of Local Government (OLG) on any new or amended legislation relevant to local government. Such advices are received through Council's Records Section and must be distributed by the Records staff to the relevant Council Officers for implementation and Councillors for information where applicable. Senior staff will be notified through the MANEX (Senior Management Team - SMT) Business Paper monthly.

(c) NSW Department of Planning, Housing and Infrastructure

Council receives regular circulars from the NSW Department of Planning, Housing and Infrastructure on any new or amended legislation. Such advices are received through Council's Records Section and must be distributed by the Records staff to the relevant Council officers for implementation. Senior staff will be notified through the MANEX (SMT) Business Paper monthly.

(d) Local Government NSW

Council receives a weekly circular from the Local Government NSW. These circulars have sections on Legal and Finance and Planning and Environmental law that highlight changes in legislation applicable to Councils and must be distributed to relevant Council officers and Councillors for information.

3. Obtaining Advice on Legislative Provisions

Advice on matters of legislative interpretation may be sought when deemed necessary. Contact may be made with the respective legal officer/solicitor from the following sources:

- (a) Local Government NSW (Legal Officer),
- (b) NSW Office of Local Government (OLG) (Legal Services Branch), or
- (c) Council's Panel of Solicitors.

Note: Accessing of any legal advice must first be approved by the staff member's relevant Divisional Manager/Department Manager

4. Informing Council of Legislative Change

If deemed necessary, the General Manager or a nominated officer, will, on receipt of advice of legislative amendments, submit a report to a Council Meeting on the new or amended legislation where any changes will impact significantly on Council or its operations.

5. Review of Incidents and Complaints for Non-compliance

Council shall review all incidents and complaints in accordance with its incident reporting and complaint handling procedures. Such reviews and investigations will assess compliance with legislation, standards, policies and procedures that are applicable.

6. Reporting of Non-compliance

All instances of non-compliance shall be reported as soon as practicable to the respective Supervisor/Manager. The Manager shall determine the appropriate response and ensure the Breach Register Database is updated appropriately. If the matter is deemed a significant breach or significant fines and/or criminal sanctions apply, the matter must be reported immediately to the relevant *Divisional Manager/Department Manager*.

Divisional Managers/Department Managers should report the matter to the General Manager via SMT meetings on a monthly basis and report the matter to the General Manager immediately if the breach in question is significant or criminal sanctions may be involved.

The General Manager may instigate an investigation into any non-compliance matter and will report significant non-compliance matters to the Council and/or external agencies as required.

7. Auditing Legislative Compliance

Council shall incorporate a review of its processes to ensure legislative compliance is included in its internal audit function.

8. Review of Legislative Compliance Procedures

This Procedure will be reviewed every four years.

LEGISLATIVE COMPLIANCE - STATUTE & REGULATION REGISTER

NOTE: The Acts and Regulations listed within this Register may not constitute an exhaustive list. All staff are required to ensure they are familiar with the relevant legislation and regulations that apply to their roles in council.

ACT	REGULATION	PURPOSE	RELEVANCE TO COUNCIL	COUNCIL POLICIES AND PROCEDURES AND CONTROLS - TO ACHIEVE COMPLIANCE (IF RELEVANT)
Administrative Decisions Review Act 1997	Administrative Decisions Review Regulation 2024	An Act to provide a process for the review of administratively reviewable decisions.	Enables the review of decisions pursuant to ss 303 and 437 of the Local Government Act 1993.	
Airports Act 1996 (Cth)			Relates to the impacts on and Procedures undertaken by Local Government Authorities in relation to Airports. Refer ss 71; 79; 80; 84A; 91; 92; 93; 95A and 106 of the Airports Act 1996.	
Annual Holidays Act 1944	Annual Holidays Regulation 2021	An Act to provide for annual leave for workers; to amend the <i>Industrial Relations Act 1940</i> and certain other acts; and for purposes connected therewith.	Provision which refer to mandatory Annual Holiday Provisions afforded to Employees by Employers. ss 1 - 15.	
Anti-Discrimination Act 1977	Anti-Discrimination Regulation 2019	An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.	Provisions relating to Council's responsibility to uphold a discrimination free workplace. Refer to ss 10B; 27B; 38G; 42B; 49H; 49Z; 49ZKA.	
Biodiversity Conservation Act 2016	Biodiversity Conservation Regulation 2017	An Act to maintain a healthy, productive and resilient environment for the greatest well-being of the community, consistent with the principles of ecologically sustainable development.	Council may enter into specified agreements with the Minister (Part 5 of Act). Any development on land subject to a Conservation Agreement or subject to a Biodiversity Stewardship must have appropriate Ministerial approval (Part 5 of Act).	
Biosecurity Act 2015	Biosecurity Regulation 2017	An Act to provide a framework for the timely and effective management of pests, diseases, contaminants and other biosecurity matter.	Pursuant to Schedule 1 of the Act, Council has a legal obligation to manage the biosecurity risk, posed or likely to be posed by the impacts of weeds on human health, the economy, community and environment.	
Building and Development Certifiers Act 2018	Building and Development Certifiers Regulation 2020	An Act setting forth the requirements of public and private certifiers.	Part 6A of the Act sets out requirements of councils undertaking certification work. Part 4 states how investigations of councils as certifying authorities may be undertaken.	
Cemeteries & Crematoria Act 2013	Cemeteries & Crematoria Regulation 2022	An Act prescribing duties of cemetery and crematoria managers and operators within NSW.	Part 3 stipulates reporting obligations in relation to cemetery managers/operators. Part 5 sets forth the requirements of Crown Cemetery managers.	
Charitable Fundraising Act 1991	Charitable Fundraising Regulation 2021	An Act to regulate public fundraising for charitable purposes; to repeal the <i>Charitable Collections Act 1934</i> and to amend certain other Acts; and for other purposes.	Provisions relating to Council's right to regulate and participate in public fundraising for charitable purposes. NB: 5(3)(e) an appeal to any Commonwealth, State or Local Authority does not constitute a fundraising appeal.	
Child Protection (Working with Children) Act 2012	Child Protection (Working with Children) Regulation 2013	The object of this Act is to protect children by not permitting certain person to work in child-related work	Provisions relating to Councils obligation to ensure relevant staff and volunteers have appropriate checks and clearances pursuant to Part 2 and 3 of the Act.	
Civil Aviation Act 1988 (Cth)	Civil Aviation Safety Regulation 1998	To regulate aviation within Australia and its territories.	The Act and Part 139 of the Regulation require Warren Airport to have in place a statutory compliant Manual of Standards for airport operations.	
Civil and Administrative Tribunal Act 2013	Civil and Administrative Tribunal Regulation 2022	An Act to establish an independent Civil and Administrative Appeals Tribunal and set forth its functions for its primary decision making capacity and to hear appeals and conduct reviews of certain decision making person and bodies.	Enable certain orders to be sought and here appeals in relation to ss 275, 329 and 440L of the LGA.	
Civil Liability Act 2002	Civil Liability Regulation 2024	An Act to make provision for the recovery of damages for death or personal injury caused by the fault of a person or legal entity.	Relates to the Duty of Care owed by Council to members of the general community and liability in relation to its functions as a Public Authority (see Part 5 of Act)	
Commercial Arbitration Act 2010		An Act to prescribe arbitration processes from prescribed disputes under other legislative provisions.	Provisions allowing disputes under ss.730 of the Local Government Act 1993 to be referred to arbitration under this act if agreed between the Council and the person claiming the compensation.	

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Commons Management Act 1989	Commons Management Regulation 2018	An Act to provide for the establishment of trusts in relation to commons and the election of trust boards, and in certain cases the appointment of local authorities or administrators, to manage the affairs of those trusts; to provide for the care, control and management of commons; to provide for related matters; and to repeal the <i>Commons Regulation Act 1898</i> and certain other enactments.	Refers to the appointment of Council as Trustee of Common (parcel of land) handed down by the State Government (see section 7 of the Act).	
Community Land Development Act 2021	Community Land Development Regulation 2021	An Act to facilitate the subdivision and development of land with shared property; and for other purposes.	Provisions relating to benefits of Statutory easements and rights to service lines. Refer to s. 36.	
Community Land Management Act 2021	Community Land Management Regulation 2021	An Act to provide for the management of community schemes, precinct schemes and neighbourhood schemes established by the subdivision of land under the Community Land Development Act 1989; and for other purposes.	Provisions relating to the rights and obligations of Council to manage community schemes, precinct schemes and neighbourhood schemes. Refer to ss 4; 16; 107; 109C; 118.	
Companion Animals Act 1998	Companion Animals Regulation 2018	An Act to provide for the identification and registration of companion animals and for the duties and responsibilities of their owners; and for other purposes.	Provisions relating to the responsibility of Council in relation to companion animals with a particular focus on awareness with respect to ownership; and identification of dangerous and restricted dogs. Refer to ss 6A and 6B for General duties of Council.	
Competition and Consumer Act 2010 (Cth)		The Act aims to enhance the welfare of Australians by promoting competition and fair trading and providing for consumer protection,	General - Provisions relating to Councils responsibility to promote competition and fair trading and consumer protection.	
Constitution Act 1902		An Act to consolidate the Acts relating to the Constitution.	Provisions establishing the Local Government System. Refer to Part 8, s 51 which establishes the system of a Local Government.	
Contaminated Land Management Act 1997	Contaminated Land Management Regulation 2022	An Act to promote the better management of contaminated land; to amend the Environmentally Hazardous Chemicals Act 1985; to amend certain other Acts; and for other purposes.	Provisions relating to Council's obligation to manage contaminated land. Refer to s 59 outlines obligation to notify Local Authority of affected land and Council's requirements under section 149 of the Act.	
Contracts Review Act 1980		An Act with respect to the judicial review of certain contracts and the grant of relief in respect of harsh, oppressive, unconscionable or unjust contracts.	Provisions relating to Councils rights with respect to judicial review of certain contracts and the grant of relief. Refer to s 6 - Local Authority unable to seek relief under the act for contracts entered in the course of trade, business of profession.	
Conveyancing Act 1919	Conveyancing (General) Regulation 2018	An Act to amend and consolidate the law of property and to simplify and improve the practice of conveyancing; and for such purposes to amend certain Acts relating thereto.	General - Provisions relating to procedures of conveyance and regulations on the use of land by public authorities including Council..	
Copyright Act 1968 (Cth)		An Act to secure to Proprietors of Works of Literature and Fine Art and to Proprietors of Designs for Articles and Works of Manufacture and Art the Copyright of such Works and Designs for a limited period.	Provisions relating to Councils rights, and their clients rights, to protect their intellectual property particularly in relation to the securing of copyright.	
Crimes Act 1900	Crimes Regulation 2020	An Act to consolidate the Statutes relating to Criminal Law.	Refers to Council's rights and obligations under the Crimes Act. s.249H: Disqualification of a Civil Officer from office for 7 years from the conviction. s.525: Criminal sanctions for the stealing and destruction of books and other things from public library and other places.	
Crimes (Sentencing Procedure) Act 1999	Crimes (Sentencing Procedure) Regulation 2024	An Act to consolidate and amend the law with respect to the sentencing of offenders; and for other purposes.	Provisions which outlines the penalty units for offences. Refer to s. 17.	

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Criminal Procedures Act 1986	Criminal Procedure Regulation 2017	An Act relating to the prosecution of indictable offences, the listing of criminal proceedings before the Supreme Court and the District Court, committal proceedings and proceedings for summary offences and the giving of certain indemnities and undertakings; and for other purposes.	To commence and direct prosecutions in the name of Council under any Act administered by the Council, issue and serve a Court Attendance Notice, request a registrar to issue a subpoena to person named to give evidence , for production &/or both.	
Crown Lands Management Act 2016	Crown Land Management Regulation 2018	An Act to provide for the administration and management of Crown Land.	Provisions that outline the management and administration of Crown Land by Council is prescribed within Division 3.4 of the Act.	
Disabilities Inclusion Act 2014	Disabilities Inclusion Regulation 2023	An Act that prescribes that people with a disability have the same human rights as other community members.	Section 12 states that a public authority must have a disability inclusion action plan. Part 5 sets forth service standards and funding available to eligible entities such as councils.	
Disability Discrimination Act 1992 (Cth)		The Disability Discrimination Act 1992 (Cth) has as its major objective to: eliminate discrimination against people with disabilities; promote community acceptance of the principle that people with disabilities have the same fundamental rights as all members of the community; and ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people in the community.	General - Provisions relating to Councils obligation to eliminate discrimination on the grounds of disability and the promotion of equality for people with disabilities.	
Dividing Fences Act 1991		An Act to provide for the apportionment of the cost of dividing fences; to repeal the <i>Dividing Fences Act 1951</i> ; and to amend certain other Acts.	Provisions relating to Council's duty to ensure the proper erection of dividing fences. Refer to s 4: Determination for sufficient dividing fence to take into account Policies or Codes formulated by Council.	
Duties Act 1997		This Act creates and provides charges for a number of duties. A duty charged by this Act is, when a liability to pay the duty is created, and thus creates a debt due to the State of New South Wales.	Provisions relating to duties payable by Council. Refer to s 277: Duties under the act are not chargeable for Councils.	
Electoral Funding Act 2018	Electoral Funding Regulation 2018	The objects of this Act are to establish a fair and transparent electoral funding, expenditure and disclosure scheme. To facilitate public awareness of political donations. To help prevent corruption and undue influence in the government of the State or in local government.	Vast - Provisions relating to Council's obligation and processes in terms of election funding and the disclosure of certain political contributions.	
Electricity Supply Act 1995	Electricity Supply (General) Regulation 2014	An Act to regulate the supply of electricity in the retail market; to set out the functions of persons engaged in the conveyance and supply of electricity; and for other purposes.	General - Provisions relating to Council's relationship with the relevant distribution network for the supply of electricity in Local Government Areas.	
Electronic Transactions Act 1999 (Cth) and Electronic Transactions Act 2000	Electronic Transactions Regulation 2000 (Cth) and Electronic Transactions Regulation 2017 (NSW)	An Act to facilitate electronic transactions, and for other purposes.	General - Provisions regulating Council's electronic transactions.	
Energy, and Utilities Administration Act 1987		An Act to establish the Department of Energy; to constitute the Energy Corporation of New South Wales and define its functions; and for other purposes.	Provisions relating to Council's relationship with DEUS. Refer to s 34A: Councils are designated water users in designated water saving areas	
Environmental Legislation Amendment (Hazardous Chemicals) Act 2024	Industrial Chemicals Environmental Management Standard (IChEMS)	An Act to provide for control of the effect on the environment of chemicals and chemical wastes.	General - Provisions relating to Council's responsibility to mitigate the effects of environmental hazardous chemicals and their effects on the environment.	
Environmental Planning and Assessment Act 1979	Environmental Planning and Assessment Regulation 2021	An Act to institute a system of environmental planning and assessment for the State of New South Wales.	Vast - See EP & A Act for Details.	
Essential Services Act 1988		An Act to protect the community from disruption to essential services; and for related purposes.	Provisions relating to Council's obligation to provide essential services particularly garbage, sanitary cleaning and sewerage. (See section 4 of Act)	

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Evidence Act 1995	Evidence Regulation 2020	An Act about the law of evidence, and for related purposes.	Provisions relating to the admission of Council's documents as evidence. Refer to ss. 152 & 156 which states that recorded plans referred to in s. 704 of the Local Government Act, are taken to be public documents.	
Fair Trading Act 1987	Fair Trading Regulation 2019	An Act to regulate the supply, advertising and description of goods and services and, in certain respects, the disposal of interests in land; to repeal the <i>Consumer Protection Act 1969</i> and certain other Acts; and for other purposes.	General - Provisions relating to Council and the regulation of its trade and commerce.	
Firearms Act 1996	Firearms Regulation 2017	An Act to control firearms ownership and usage within NSW.	General - Council owned firearms must be stored and registered pursuant to the Act. Council staff utilising firearms must be licensed pursuant to the Act.	
Fire and Rescue NSW Act 1989	Fire and Rescue NSW Regulation 2023	An Act to provide for the protection of persons and property from fire and from hazardous material incidents, and for that purpose to constitute New South Wales Fire Brigades as a Department of the Government and to provide for permanent and volunteer fire brigades; to amend certain Acts; and for other purposes.	Provisions relating to Council's contribution to provide for the protection of persons and property from fire and from hazardous material incidents. Refer to Part 5 of the Act which prescribes Council contributions.	
Fluoridation of Public Water Supplies Act 1957	Fluoridation of Public Water Supplies Regulation 2022	Fluoridation of water supply by council	Provisions relating to Councils obligation with regards to the fluoridation of their water supply. (Refer to s 22 of the Local Government Act 1993).	
Food Act 2003	Food Regulation 2015	An Act to regulate the handling of food for sale and the sale of food and to provide for the application of the Australia New Zealand Food Standards Code in New South Wales; to repeal the Food Act 1989; and for other purposes.	Provisions enabling Councils to be appointed as an enforcement agency pursuant to s.111 of the act and enabling them contribute to the Food Regulation Forum per s 115A.	
Fringe Benefits Tax Assessment Act 1986 (Cth)		Imposes the Fringe Benefit Taxable Amount of an Employer of a year of Tax. It is payable by the Employer.	General - Provisions imposing a duty on Council to pay Fringe Benefits Tax.	
Geographical Names Act 1966		An Act to constitute a Geographical Names Board of New South Wales and to define its powers and functions; to confer on that board certain powers with respect to the naming of places in New South Wales; to amend the <i>Crown Lands Consolidation Act 1913</i> , as amended by subsequent Acts; and for purposes connected therewith.	Provisions relating to Councils relationship with the Geographical Names board in relation to the changing of Geographic names. Refer to ss 12 & 14.	
Government Information (Public Access) Act 2009	Government Information (Public Access) Regulation 2018	An Act to require information concerning documents held by the Government to be made available to the public, to enable a member of the public to obtain access to documents held by the Government and to enable a member of the public to ensure that records held by the Government concerning his or her personal affairs are not incomplete, incorrect, out of date or misleading; and to make consequential amendments to certain other Acts.	General - Provisions placing a duty on Council to disclose certain Government Documents and procedures relating to the publication of Government Documents.	
Graffiti Control Act 2008	Graffiti Control Regulation 2021	An Act governing graffiti as an offence within NSW and powers of removal by authorities.	Part 4 states Councils graffiti removal work/obligations and relationship with landowners for such purposes.	
Health Records and Information Privacy Act 2002	Health Records and Information Privacy Regulation 2022	An Act to make provision for the protection of health records and information; and for other purposes.	Provisions relating to Council's privacy responsibilities when handling health records. Refer to ss 20 - 22 for public sector agencies.	

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Heritage Act 1977	Heritage Regulation 2012	An Act to conserve the environmental heritage of the State.	Provisions relating to Council's obligation to conserve the environmental heritage of the state and protection of heritage items within their Local Government Area. Refer to ss 25; 28; 29; 30; 166.	
Home Building Act 1989	Home Building Regulation 2014	An Act to make provision concerning the residential building industry and certain specialist work; and for other purposes.	SS 102 and 102A of the LGA state that a Council is obliged not to forward or deliver to the applicant, or any other person, a copy of the plans and specifications submitted to it with the application unless it is satisfied that the applicable requirements of Pt 6 of the Home Building Act have been complied with.	
Housing Act 2001		An Act to consolidate certain legislation relating to housing; to repeal the <i>Housing Act 1912</i> , the <i>Housing Act 1976</i> , the <i>Housing Act 1985</i> and the <i>Home Purchase Assistance Authority Act 1993</i> ; to amend various Acts consequentially; and for other purposes.	Provisions relating to Council's responsibility in relation to providing housing assistance. Refer to ss 34; 35; 36; 51 and 70.	
Impounding Act 1993	Impounding Regulation 2013	An Act to provide for the impounding of certain animals, motor vehicles and other things; to provide for their release or disposal; to provide for related matters; and to repeal the <i>Impounding Act 1998</i> and certain other enactments.	Vast - Provisions relating to Councils rights and obligation with regards to the impounding of articles within their Local Government Area.	
Income Tax Assessment Act 1997 (Cth)		An Act outlining the principles of Income Tax.	Provisions referring to Council's obligation with regards to the payment of income tax. Refer to ss 10.5; 12.5; 25.1; 25. 65 and 900.30.	
Independent Commission Against Corruption Act 1988	Independent Commission Against Corruption Regulation 2017	An Act to constitute the Independent Commission Against Corruption and to define its functions.	Provisions relating to Council's responsibility to promote integrity and accountability of public administration by investigating, exposing and preventing corruption. Refer to mandatory reporting obligations in s11 and ICAC powers in s 74C.	
Independent Pricing and Regulatory Tribunal Act 1992	Independent Pricing and Regulatory Tribunal Regulation 2022	An Act to establish the Independent Pricing and Regulatory Tribunal of New South Wales; to confer functions on the Tribunal in relation to pricing, industry and competition; and for other purposes.	Provisions relating to the Council's obligation with regards to the pricing, industry and competition. Refer to s 24G.	
Industrial Relations Act 1996	Industrial Relations (General) Regulation 2020	An Act to reform the law concerning industrial relations, and to repeal the <i>Industrial Relations Act 1991</i> .	Provisions provide a framework for industrial relations. In relation to appointing Inspectors from a local authority - refer to s 384.	
Interpretation Act 1987		An Act relating to the interpretation, construction, application and operation of the legislation of New South Wales; to enact certain provisions of a common or general nature; to make provision with respect to the exercise of certain statutory functions; and for other purposes.	Provisions which outline how legislation operates, applies, is constructed and is to be interpreted. Interpretation of words and phrases - refer to ss 21.	
Land Acquisition (Just Terms) Compensation) Act 1991		An Act relating to the acquisition of land on just terms by authorities of the State.	Vast - Provisions that prescribe the procedures for the compulsory acquisition of land by Council as an authority of the State.	
Land and Environment Court Act 1979	Land and Environment Court Rules 2007	An Act to constitute the Land and Environment Court and to make provision with respect to its jurisdiction.	Provisions which outline protocols, procedures and obligation with respect to the Land and Environment Court. Refer to ss 18; 19; 20; 34A and 39.	
Law Enforcement (Powers and Responsibilities) Act 2002	Law Enforcement (Powers and Responsibilities) Regulation 2016	An Act to consolidate and restate the law relating to police and other law enforcement officers' powers and responsibilities; to set out the safeguards applicable in respect of persons being investigated for offences; to repeal certain Acts and to consequentially amend other Acts; and for other purposes.	Part 5 of the Act prescribes the processes for law enforcement officers to make an application for a warrant in prescribed circumstances.	

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Library Act 1939	Library Regulation 2018	An Act to make further provision for the establishment, maintenance and management of libraries, library services and information services.	Provisions allowing Council to establish; maintain and manage libraries and related services. Refer to Part 3 ss 8; 9; 10; 10A 11; 12; 13; 14 & 15.	
Liquor Act 2007	Liquor Regulation 2018	An Act to regulate the sale and supply of liquor, to regulate the use of premises on which liquor is sold and for certain other purposes.	Provisions outlining Council's responsibilities with regards to the regulation and control of the sale, supply and consumption of liquor in a way consistent with the expectations, needs and aspirations of the community. Refer to ss 60; 79; 89 & 90.	
Local Government Act 1993	Local Government (General) Regulation 2021	An Act to provide the legal framework for the system of local government for New South Wales, to set out the responsibilities and powers of councils, councillors and other persons and bodies that constitute the system of local government,	Vast - See LG Act for details.	
Local Government (Financial Assistance) Act 1995 (Cth)		An Act to provide for financial assistance for local government purposes by means of grants to the States, the Australian Capital Territory and the Northern Territory, and for related purposes	Provisions which enable the Grants Commission to make recommendations to the Minister on the allocation among Council of the total amount proposed to be paid to the State for each financial year. The Minister then decides on the allocation among Councils of the Commonwealth fund for the financial year concerned.	
Local Government and Other Authorities (Superannuation) Act 1927		An Act to provide a scheme of Superannuation for certain employees of the Councils of Shires and Municipalities and of certain other authorities; and for purposes connected therewith.	General - Provisions prescribing the requirements in relation to the superannuation for certain Council employees.	
Long Service Leave Act 1955	Long Service Leave Regulation 2021	An Act to make provisions entitling workers to long service leave; to amend the <i>Industrial Arbitration Act 1940</i> ; and for purposes connected therewith.	General - Provisions relating to Councils obligation to provide long service leave to particular employees.	
National Parks and Wildlife Act 1974	National Parks and Wildlife Regulation 2019	An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal objects; to repeal the Wild Flowers and Native Plants Protection Act 1927, the Fauna Protection Act 1948, the National Parks and Wildlife Act 1967 and certain other enactments; to amend the Local Government Act 1919 and certain other Acts in certain respects; and for purposes connected therewith.	Provisions relating to Councils relationship with the National Parks and Wildlife Authority and their responsibility to preserve and manage national parks, historical sites and certain other areas and the protection of plants an objects. Refer to ss 11; 69A; 69B; 71BL.	
Ombudsman Act 1974	Ombudsman Regulation 2016	An Act to provide for the appointment of an Ombudsman; to define the functions of the Ombudsman; and for purposes connected therewith.	Provisions enabling Council to report prescribed matters to the Ombudsman and powers of investigation by Ombudsman in relation to Councils. Refer to ss 12 & 13.	
Payroll Tax Act 2007		An Act to provide for a tax on employers in respect of certain wages, to harmonise payroll tax law with Victoria, to repeal the <i>Pay-roll Tax Act 1971</i> ; and for other purposes.	Provisions relating to Council's responsibility for the payment of payroll tax. Refer to ss 58; 59 & 60.	
Pesticides Act 1999	Pesticides Regulation 2017	An Act to regulate and control the use of pesticides; to repeal the <i>Pesticides Act 1978</i> ; to amend certain other Acts; and for other purposes.	Provisions relating to Councils responsibility in promoting and protecting human health, the environment and property in relation to the use of pesticide whilst having regard to the principles of ecological sustainability. Refer to ss 20; 28; 29; 30; 31; 35; 36; 95 & 96.	
Pipelines Act 1967	Pipelines Regulation 2023	An Act relating to the construction, operation and maintenance of pipelines; and for purposes connected therewith.	Provisions relating to Council's obligation relating to the construction, operation and maintenance of pipelines. Refer to ss 40 & 61.	

ACT	REGULATION	PURPOSE	RELEVANCE TO COUNCIL	COUNCIL POLICIES AND PROCEDURES AND CONTROLS - TO ACHIEVE COMPLIANCE (IF RELEVANT)
Plantations and Reafforestation Act 1999	Plantation and Reafforestation (Code) Regulation 2001	An Act to facilitate the reafforestation of land and the establishment of timber and other forest plantations; to repeal the Timber Plantations (Harvest Guarantee) Act 1995; to amend certain other Acts; and for other purposes.	Provision relating to Council's obligation to facilitate the reafforestation and development for timber plantations on essentially cleared land. Refer to ss 5.1, 7; 12; 14; and 40.	
Prevention of Cruelty to Animals Act 1979	Prevention of Cruelty to Animals Regulation 2012	An Act for the prevention of cruelty to animals.	Provisions relating to powers of officers. Refer to Part 2A.	
Privacy Act 1988 (Cth)		An Act providing Information Privacy Principles for the handling of Information.	General - Provisions relating to Council responsibility in handling personal information with regards to privacy.	
Privacy and Personal Information Protection Act 1998	Privacy and Personal Information Protection Regulation 2019	An Act to provide for the protection of personal information, and for the protection of the privacy of individuals generally; to provide for the appointment of a Privacy Commissioner; to repeal the <i>Privacy Committee Act 1975</i> ; and for other purposes.	Vast - Provisions relating to Councils responsibility in protecting and ensuring privacy when handling personal information.	
Protection of the Environment Administration Act 1991	Protection of the Environment Operations (General) Regulation 2022 Protection of the Environment Operations (Clean Air) Regulation 2022 Protection of the Environment Operations (Noise Control) Regulation 2017 Protection of the Environment Operations (Waste) Regulation 2014	An Act to constitute the Environment Protection Authority and to make provision with respect to its general responsibilities and management; to amend various Acts; and for other purposes	Provisions relating to Council's relationship with the EPA and their obligation to perform particular tasks. Refer to ss 12.	
Protection of the Environment Operations Act 1997	Protection of the Environment Operations (General) Regulation 2022	An Act to protect the environment; to replace other environment protection legislation; and for other purposes.	Provisions relating to Council's obligation to protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development. Refer to 6; 135B; 216; 218; 259 & 261.	
Public Health Act 2010	Public Health Regulation 2022	An Act relating to the maintenance of proper standards of health for the public; and for other purposes.	Provisions relating Council's obligations to maintain proper standards of health for the public and interaction with the NSW Ministry of Health. Refer to ss 4, 9, 12 & 105.	
Public Interest Disclosures Act 2022	Public Interest Disclosures Regulation 2022	An Act to provide protection for public officials disclosing corrupt conduct, maladministration and waste in the public sector; and for related purposes.	Provisions relating to Council's obligation to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector. Refer to ss 12B & 17	
Public Works and Procurement Act 1912	Public Works and Procurement Regulation 2019	An Act to prescribe maintenance of certain public works and to consolidate the Acts relating to Public Works.	Provisions relating to Council's responsibility to maintain public works and the relationship with the RMS and Ministry. Refer to ss 154; 155; 157; and 160.	
Racial Discrimination Act 1975 (Cth)		The Act gives effect to Australia's obligation under the International Convention on the Elimination of All form of Racial Discrimination. Its major objectives are to: Promote equality before the law of all persons, regardless of their race, colour or national or ethnic origin; and make discrimination against people on the basis of their race; colour; descent or national or ethnic origin unlawful.	Refers to a legal entities' (including council's) duty to ensure equality before the law of all persons, regardless of their race, colour or national or ethnic origin; and make discrimination against people on the basis of their race; colour; descent or national or ethnic origin unlawful.	
Real Property Act 1900	Real Property Regulation 2019	An Act to consolidate the Acts relating to the declaration of titles to land and the facilitation of its transfer.	Provisions relating to prescribed processes with regards to land title registrations and transfers and restrictions placed on public authorities. Refer to ss 28H; 43B; 45D; 49; 135B & 135J.	
Recreation Vehicles Act 1983		An Act to regulate the off- road use of motor vehicles.	Provisions relating to Council's rights and obligations to regulate the off-road use of motor vehicles. Refer to s 9.	

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Restraints of Trade Act 1976		An Act relating to restraints of trade.	Provisions relating to a legal entities' rights and obligation with respect to restraint of trade.	
Roads Act 1993	Roads Regulation 2018	An Act to make provision with respect to the roads of New South Wales; to repeal the <i>State Roads Act 1986</i> , the <i>Crown and Other Roads Act 1990</i> and certain other enactments; and for other purposes.	Provisions impacting on a council and provisions relating to Council's responsibilities with respect to the State's roads. Refer to ss 7; 10; 16; 17; 21; 25; 38; 43; 45; 86; 125; 126; 159; 177; 178; 180; 204; 205; 206; 209 and 210.	
Road Transport Act 2013	Roads Transport (General) Regulation 2021	An Act to provide for the administration and enforcement of road transport legislation; to make further provision with respect to the use of vehicles on roads and road related areas and related matters; and for other purposes.	Provisions relating to Council's administration and enforcement of road transport legislation. Refer to ss 99; 122; 169A; 183; and 184.	
Rural Fires Act 1997	Rural Fires Regulation 2022	An Act to establish the NSW Rural Fire Service and define its functions; to make provision for the prevention, mitigation and suppression of rural fires; to repeal the <i>Bush Fires Act 1949</i> ; to amend certain other Acts; and for other purposes.	Provisions relating to Council's obligation for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts. Refer to ss 7; 36; 70; 74C; 99; 120; 124C; 128.	
Sex Discrimination Act 1984 (Cth)		The Act gives effect to Australia's obligation under the International Convention on the Elimination of All forms of Discrimination Against Women and certain aspects of the International Labour Organisation (ILO) Convention 156. Its major objectives are: Promote equality between Men and Women; Eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities; and Eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, in provision of accommodation and delivery of Commonwealth Programs.	General - Provisions relating to a legal entities' duty to promote equality between men & women and eliminate sexual discrimination and harassment at work.	
Security Industry Act 1997	Security Industry Regulation 2016	Security Industry Act 1997 to make further provision with respect to the licensing and regulation of persons in the security industry; and for other purposes	General - Provisions relating to security activities at airport and any other related security activities.	
Smoke Free Environment Act 2000	Smoke Free Environment Regulation 2016	An Act to regulate smoking in enclosed public places and to repeal the <i>Smoking Regulation Act 1997</i> .	Provisions relating to Council's obligation to regulate smoking in enclosed and specified outdoor public places. See ss 6 and 6A and Schedule 1.	
Spam Act 2003 (Cth)		The Act sets up a scheme for regulating commercial email and other types of commercial electronic messages.	Provisions to Council's obligation to regulate commercial emails and other types of commercial electronic messages. Refer to ss 6; 7; 8; 15; 17 and 18.	
State Emergency and Rescue Management Act 1989		An Act relating to the management of State emergencies and rescues.	Provisions impacting on and relating to Council's activities and responsibility in the management of State emergencies and rescues. Refer to ss 15; 21; 22; 25; 27; 28; 29; 30 and 48A.	
State Emergency Service Act 1989		An Act to establish the State Emergency Service and define its functions; to make provision for the handling of certain emergencies; to repeal the <i>State Emergency Services and Civil Defence Act 1972</i> ; to amend certain other Acts; and for other purposes.	Provisions relating to Council's relationship with the State Emergency Service and their responsibilities in the handling of certain emergencies. Refer to ss 17 and 17A.	
State Records Act 1998	State Records Regulation 2024	An Act to make provision for the creation, management and protection of the records of public offices of the State and to provide for public access to those records, to establish the State Records Authority; and for other purposes.	Vast - Provisions relating to Council's responsibilities to create manage, protect and provide access to records.	

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Strata Schemes Development Act 2015	Strata Schemes Development Regulation 2016	An Act to provide for leasehold strata schemes and for related purposes.	Provisions relating to Council's activities and obligations in relation to leasehold strata schemes. See Parts 4, 7, 8, 9 and 10 of the Act.	
Statutory and Other Offices Remuneration Act 1975		An Act relating to the remuneration and allowances payable to the holders of certain offices; to make provision for the establishment of a Statutory and Other Offices Remuneration Tribunal; and for these and other purposes to repeal the Statutory Salaries Adjustment Act 1975 and to amend the Supreme Court Act 1970 , the District Court Act 1973 and certain other Acts.	Provisions governing Council's capacity to determine a position to be a senior staff position. The total remuneration packaged for the position must not be less than the minimum payable for senior executive office holders, graded Level 1 (General Management) under Pt 3A.	
Superannuation Guarantee (Administration) Act 1992 (Cth)		An act to provide for the payment of superannuation into a complying superannuation fund by employers for the benefit of their employees in respect of the employee's notion earning base.	Provisions relating to Council's duty to provide superannuation contributions. Refer to s 12.	
Surveying and Spatial Information Act 2002	Surveying and Spatial Information Regulation 2017	An Act to make provision with respect to the functions of the Surveyor-General, the registration of surveyors, the control of surveys and the constitution and functions of the Board of Surveyors and Spatial Information; to repeal the <i>Surveyors Act 1929</i> , the <i>Survey Coordination Act 1949</i> and certain other Acts and instruments; to make consequential amendments to certain other Acts and instruments; and for other purposes.	Provisions relating to Councils relationship with the Surveyor General and their obligations with respect to the control of surveys and registration of surveyors. Refer to ss 5; 6 and 9.	
Swimming Pools Act 1992	Swimming Pools Regulation 2018	An Act to require access to private swimming pools to be effectively restricted; to repeal the <i>Swimming Pools Act 1990</i> ; and for other purposes.	Provisions impacting on Council activities and conferring powers in relation to private swimming pools within its LGA. Refer to ss 5; 22; 23; 26; 27; 37.	
Transport Administration Act 1988	Transport Administration (General) Regulation 2018	An Act to constitute Rail Corporation New South Wales, Transport Infrastructure Development Corporation, Public Transport Ticketing Corporation, the State Rail Authority, Rail Infrastructure Corporation, the State Transit Authority, the Independent Transport Safety and Reliability Regulator, Sydney Ferries and the Roads and Traffic Authority and to make provision for their management and functions; to establish the Roads and Traffic Advisory Council; to provide for the administration of public transport in New South Wales; and for other purposes.	Provisions relating to Council's relationship with Transportation Corporations and their duty to provide for the administration of public transport in NSW. Refer to ss 53C; 104Q; 104S; 106; and 111.	
Trees (Dispute Between Neighbours) Act 2006	Trees (Disputes Between Neighbours) Regulation 2024	An Act to provide for proceedings in the Land and Environment Court for the resolution of disputes between neighbours concerning trees; and for other purposes.	Provisions outlining to role of in proceeding in the Land and Environment Court for disputes concerning trees. Refer to ss 4; 13; 14 & 17.	
Unclaimed Money Act 1995		An Act to provide for the payment of unclaimed money into the Consolidated Fund; to require the publication of information relating to unclaimed money; to provide for a Chief Commissioner of Unclaimed Money and a scheme for determining applications for repayment of unclaimed money; to repeal the <i>Unclaimed Money Act 1982</i> ; to make consequential amendments to other Acts; and for other purposes.	General - Provisions relating to a prescribed entities' responsibility in the payment of unclaimed money.	
Valuation of Land Act 1916	Valuation of Land Regulation 2018	An Act to make provision for the valuation of land; to establish the office of Valuer-relationship General; to provide for the appointment of contract valuers; and for other purposes.	Provisions relating to Council's relationship with the Valuer-General and their duties in relation to the valuation of land. Refer to ss 12; 14E; 29; 47; 60A & 62.	
Waste Avoidance and Resource Recovery Act 2001	Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017	An Act to promote waste avoidance and resource recovery; to repeal the Waste Minimisation and Management Act 1995 ; to amend the Protection of the	General provisions which empowers the Director General to request Councils to provide reasons for any	

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		Environment Operations Act 1997 ; and for other purposes.	specified non-compliance with objectives of the current waste strategy. Section 14 of the Act.	
Water Act 1912	Water NSW Regulation 2020	An Act to consolidate the Acts relating to Water Rights, Water and Drainage, Drainage Promotion, and Artesian Wells.	Provisions relating to Council's obligation with regards to water, drainage, drainage promotion and artesian wells. Refer to ss 14; 26A and 26C.	
Water Management Act 2000	Water Management (General) Regulation 2018	An Act to provide for the protection, conservation and ecologically sustainable development of the water sources of the State, and for other purposes.	Provisions relating to Council's duty for the protection, conservation and ecologically sustainable development of the water sources of the state. Refer to ss 13; 34; 36; 212; 260; 262; 264; 265; 266; 267; 268 and 318.	
Work Health and Safety Act 2011	Work Health and Safety Regulation 2017	An Act to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces	Vast - Provisions relating to Council's obligation to provide a healthy and safe work environment for its employees.	
Workers Compensation Act 1987	Workers Compensation Regulation 2016	An Act to provide for the compensation and rehabilitation of workers in respect of work related injuries; to repeal the <i>Workers' Compensation Act 1926</i> and certain other Acts; and for other purposes.	General - Provisions relating to Council's obligations an employer to provide for the compensation and rehabilitation of workers with respect to injuries sustained in the course of their work.	
Workplace Surveillance Act 2005	Workplace Surveillance Regulation 2022	An Act to regulate surveillance of employees at work; and for other purposes.	General - Provisions relating to Council's rights and responsibilities with respect to workplace surveillance activities.	



LEGISLATIVE COMPLIANCE REGISTER

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