

# Legislative Compliance Policy



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Policy owner/sponsor:	Director, Operations and Infrastructure & CFO		
Branch contact:	Planning and Program Officer, Operations		
Approved by:	Executive		
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Next review:	August 2018		

## Policy Statement

The State Library is committed to complying with its relevant legislative obligations. Compliance with the provisions of all legislation applicable to the Library's operations, collections and services is essential. Compliance management should be commensurate with the risk, and be cost effective and practicable.

The Library's *Legislative Compliance Register* must be maintained to ensure legislation is current; that effective governance and management are in place. Compliance requirements and changes must be communicated to staff and training and information provided.

## Target audience

- All staff
- Designated Executive Members responsible for implementing and managing legislative provisions and monitoring compliance.

## Policy Requirements

The *Legislative Compliance Register* details the range of legislation with which the Library as a public sector agency and individual staff must comply. It also lists the major agencies that drive NSW Government policy, and related strategies, standards, protocols and guidelines. The Register identifies the Executive Members with lead responsibility for implementing and ensuring compliance with legislation.

Legislative compliance must be considered in risk management planning in accordance with the Library's Risk Management Policy. The risk of non-compliance with legislation should be assessed regularly.

Reference to relevant key legislation and government policy must be included in all Library policy documents, manuals and other resource material.

## Communication

All staff should be informed about the legislation with which they must comply. Knowledge of legislation and compliance obligations, including any changes to legislation, should be promoted through appropriate communication channels and provision of awareness raising or training, particularly for staff with responsibilities for monitoring and reporting compliance.

## Monitoring, review and remediation

Compliance with legislation must be monitored and non-compliance remedied and reported. Monitoring should include:

- Divisions and branches assessing their processes for actively detecting and addressing non-compliance

- Ongoing assessment of the Library's overall compliance with its obligations
- Internal audits of specific functions with a legislative imperative that report on identified non-compliance, control weaknesses and mitigation strategies in line with the Internal Audit Plan.
- Annual review of the *Legislative Compliance Register* to ensure the key legislative provisions are current and actions taken are up-to-date and comply.

Legislative non-compliance should be analysed to identify and address systemic or other issues and trends. Remediation should include preventive and other strategies designed to address immediate non-compliance incidents and reduce future risk. Misconduct should be addressed according to applicable policies and procedures.

Strategies for managing legislative compliance should be reviewed regularly and may include incident registers, documented policies and procedures, and other resources (including communication and training).

### **Reporting**

Executive Members (or their delegate) must ensure that legislative compliance is managed, including that requirements are adequately documented, compliance responsibilities are assigned to relevant officers, procedures are in place for reporting breaches of legislation to senior management, and that effective communication and training is in place to promote knowledge of and compliance with obligations.

Some legislation requires reporting to Government such as through the Annual Report or prescribed reporting to another agency, such as the NSW Ombudsman, NSW Treasury or the Public Service Commission. Executive Members must ensure compliance with the legislated reporting requirements.

Each year Executive members must sign the Attestation of Legislative Compliance form (Appendix 1) to confirm that they have implemented the legislation and policies for which they have lead responsibility. Managers must also sign the Attestation of Legislative Compliance form (Appendix 1) to confirm that they have met their responsibilities in support of their Divisional Executive member who has lead responsibility for the legislation as indicated in this policy. Completed forms are reviewed to ensure compliance and to assist reporting to the Audit and Risk Committee.

Executive members' signed forms are reviewed by the State Librarian & Chief Executive and retained on individual personnel files and are also stored on the legislative compliance TRIM file as evidence to support reporting. Managers' signed forms are reviewed by the divisional Director and retained on individual personnel files. All forms are managed in accordance with the *Privacy and Personal Information Protection Act 1998*.

The *Legislative Compliance Register* is reviewed at least annually by the Library Executive Committee to ensure compliance and the continued relevance of listed legislation. The Register is then submitted to the Audit and Risk Committee with a report on compliance and any associated risks.

### **Managing State Library legislation**

The State Library is responsible for managing the *Library Act 1939* and Library Regulations. The State Librarian & Chief Executive and the Executive Director, Public Libraries and Engagement are responsible for monitoring the *Library Act 1939* and periodically reviewing it to ensure it continues to meet its intended purpose. The Library Regulation is subject to staged repeal under the *Subordinate Legislation Act 1989* and must be monitored and remade every five years in accordance with that Act.

### **Responsibilities**

The **Executive Committee** must:

- Ensure that the Library has systems, policies and processes in place for managing legislative compliance
- Regularly review the *Legislative Compliance Register* to ensure compliance and rectify non-compliance, including implementing strategies to reduce risk.

The **Director, Operations and Infrastructure & CFO** is responsible for maintaining the *Legislative Compliance Register* and coordinating the annual update report to the Executive and the Audit and Risk Committee.

**Executive Members** must:

- Monitor compliance with the legislation for which they have lead responsibility within their Division and across the Library.
- Report non-compliance to the Executive, and take prompt action to rectify any incidents of non-compliance
- Monitor legislative changes and compliance requirements and ensure communication and awareness or other training is provided to staff
- Sign the Attestation of Legislative Compliance form (Appendix 1) each year.

**Managers** must

- Provide information about legislative requirements in policy documents and other resource material and ensure those resources are easily accessible
- Ensure staff are aware of the *Legislative Compliance Register* and relevant sources of legislation and policy
- Monitor legislative changes and communicate any changes to compliance requirements
- Quickly and economically remediate incidents of non-compliance, including implementing strategies to reduce the risk of further non-compliance
- Review internal processes for managing legislative compliance, including identifying control weaknesses and efficiency issues
- Sign the Attestation of Legislative Compliance form (Appendix 1) each year.

All **staff** must:

- Comply with applicable legislation.
- Obtain up-to-date information about legislation sufficient to enable them to know and understand all material provisions of legislation applicable to the performance of their duties.
- Report incidents of non-compliance to managers.

### **Related Key Legislation and Policy**

- Code of Ethics and Conduct
- Risk Management Policy
- Library Act 1939 and Library Regulation 2010
- Subordinate Legislation Act 1989

### **Definitions**

**Legislation** includes any Act or Regulation, or Rule or Code prescribed thereunder, that applies to the Library's functions and activities or the conduct by staff (including employees and contractors) in the performance of their duties.

**Executive Members** are the State Library Executive responsible for ensuring legislation is implemented and monitored and that compliance is reported in accordance with the provisions of the individual legislation. **Executive Members** may delegate these responsibilities.

**Managers** lead a branch and report to the Executive Members.

**Staff** includes permanent, temporary or casual employees, volunteers, contractors or consultants, working in a full-time or part-time capacity, at all levels of the Library.

### References

1. State Library of NSW Legislative Compliance Register
2. Australasian Legal Information Institute – AustLii, [www.austlii.edu.au](http://www.austlii.edu.au)
3. NSW Legislation, [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)
4. Federal Register of Legislation, [www.legislation.gov.au](http://www.legislation.gov.au)

### Document history and version control

Version	Date approved	Approved by	Brief description
1.0	12 July 2016	Executive Committee	
1.1	30 August 2016	Executive Committee	Revisions made to include annual Attestation requirement by Executives and managers
1.2	2 March 2017	Director, Operations & Infrastructure & CFO (Emailed to Executive for Noting)	Clarify the responsibilities of Managers

## Attestation of Legislative Compliance

### Legislative Compliance Policy

The Library is committed to complying with its relevant legislative obligations. The Legislative Compliance Policy describes the responsibilities of the State Librarian & Chief Executive, Executive Members, Managers and staff in ensuring that there is compliance with the provisions of all legislation applicable to the Library's operations, collections and services. The Policy also sets requirements for communication, monitoring of compliance, remediation of any areas of non-compliance and reporting. Executive Members and Managers are required to complete the Attestation of Legislative Compliance annually.

### Legislative Compliance Register

The Legislative Compliance Register details the range of legislation with which the Library as a public sector agency and individual staff must comply. It also lists the major agencies that drive NSW Government policy, and related strategies, standards, protocols and guidelines, and identifies the Executive Members with lead responsibility for implementing and ensuring legislative compliance.

### Person Making Attestation

Name: \_\_\_\_\_

Role Title: \_\_\_\_\_

Division: OSL / DXD / LIS / OID / MES / PLE

Branch: \_\_\_\_\_ Office phone extension: \_\_\_\_\_

I confirm that I have read and understood the Legislative Compliance Policy and the Legislative Compliance Register, and confirm to the best of my knowledge, that:

1. I have complied with the Legislative Compliance Policy including:
  - monitoring compliance with the legislation for which I have lead responsibility (for Executive Members) or
  - meeting the responsibilities indicated in this policy, in support of the Executive Member who has lead responsibility (for Managers)
  - reporting non-compliance to the Director / Executive, and taking prompt action to rectify any incidents of non-compliance
  - monitoring legislative changes and compliance requirements
  - ensuring that staff are aware of the Legislative Compliance Register and relevant sources of legislation and policy.

2. I have complied with the legislative requirements designated in the Legislative Compliance Register for which I have lead responsibility (for Executive Members) or where my Executive Member has lead responsibility (for Managers).OR:

I declare all of the above, with the exception or addition that:

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 .....

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The completed form should be submitted to:	For Managers: HR Manager For Executive: HR Manager, copy to Planning & Program Officer OID
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