

Legislative Compliance Register - Policy and Procedures



Contents

- 1. Purpose..... 2
- 2. Application..... 2
- 3. Policy Statement..... 2
- 4. Overview of legislative obligations..... 2
 - 4.1 Legislative compliance requirements 2
 - 4.2 Other sources of compliance requirements and/or commitments 2
- 5. Legislative Compliance Register 3
- 6. Staff obligations..... 3
 - 6.1 Governance Unit 3
 - 6.2 All Commission staff..... 4
- 7. Ongoing review of Register 4
- 8. Review of this Policy 4
- ANNEXURE A: LEGISLATIVE COMPLIANCE REGISTER PROCEDURES 1
 - Version control 4
 - Publication information 4

1. Purpose

The New South Wales Crime Commission (the Commission) has established a Legislative Compliance Register (the Register) in order to provide a sound mechanism to:

- capture the Commission's compliance obligations
- where relevant, ensure that Commission policy, procedure and other guidance properly address these compliance obligations, and
- proactively monitor and identify legislative changes that may impact upon the Commission's activities and/or functions.

Non-compliance is a risk for the Commission, one which could cause the Commission financial and reputational harm and potentially expose staff members to personal liability.

The purpose of this policy is to document the procedures to be undertaken to ensure that the contents of the Register remain up-to-date and accurate.

2. Application

This policy applies to every officer of the Commission (Commission officer), as defined in the *Crime Commission Act 2012* (NSW) (the Act).

3. Policy Statement

The Commission is committed to complying with all applicable legislation, regulations, and recognised codes and guidelines, acknowledging that compliance with these obligations is both necessary and desirable.

4. Overview of legislative obligations

4.1 Legislative compliance requirements

Legislation with which the Commission must comply includes:

- the Act and the *Criminal Assets Recovery Act 1990* (NSW);
- Commonwealth and State legislation that is relevant to the exercise of the Commission's functions and/or imposes reporting or record-keeping obligations on the Commission; and
- Commonwealth and State legislation that guides the Commission's role as a State government agency and employer.

4.2 Other sources of compliance requirements and/or commitments

Sources of compliance requirements and/or commitments that may also be of relevance to the Commission include the following:

| Compliance Requirements | Compliance Commitments |
|---|---|
| Laws and regulations | MOUs or other informal agreements with government organisations or public authorities |
| Permits, licences, or other forms of authorisation | Organisational requirements, such as internal policies or procedures |
| Orders, rules or guidance issued by other regulatory agencies | Voluntary principles or codes of practice |
| Judgments of courts/tribunals | Obligations arising under contractual arrangements within the organisation |
| Treaties, conventions and protocols | Relevant organisational /industry standards |

Compliance requirements and commitments, as relevant to the Commission, have been captured in the Register to the extent possible.

5. Legislative Compliance Register

The Register contains a list of **significant laws, regulations, codes and guidelines which have been identified as having an impact on the Commission's operations and/or functions.**

The Register also provides the following information:

- a summary of the obligation/s that each requirement imposes;
- the responsible officer for maintaining the associated Commission policy and procedure
- the relevant subject matter expert (if any);
- details of any internal and/or external audit or reporting requirements; and
- notes of any upcoming legislative amendments.

The Register is consistent with Australian Standard ISO 19600:2015 Compliance Management Systems (ISO 19600:2015) and is supported by this policy.

Whilst care has been taken to ensure the information contained therein is correct, when using the Register, Commission officers should check primary sources in order to ensure that the information in the Register is fully up to date. Any errors should be brought to the Governance Unit's attention for rectification.

6. Staff obligations

6.1 Governance Unit

The Commission's Governance Unit is responsible for maintaining the Register and liaising with relevant Commission staff to develop policies, procedures and manuals as necessary in order to ensure they remain up-to-date.

Internal Audit, which is part of the Governance Unit, when conducting audits will assess the design and operation of internal controls designed to ensure legislative compliance. This includes the design of relevant Commission policies and procedures.

6.2 All Commission staff

- All Commission staff have a responsibility to be aware of, and abide by, any legislation that is applicable to their role. Where unsure, staff should seek advice from senior management and/or the Legal Unit regarding the legislative requirements applicable to their area of work; and
- Managers have a duty to enforce and monitor compliance within their area of responsibility; ensure that their staff are fully informed, briefed and/or trained about key legal requirements relative to their work; and to develop systems and encourage behaviours that foster a compliance culture within the Commission.

7. Ongoing review of Register

A Legislative Compliance Register Procedure, which captures how the Register is to be reviewed and updated over time, has been developed and is an attachment to this policy.

8. Review of this Policy

A review of the Commission's Legislative Compliance Register Policy and Procedures will be undertaken every three years.

ANNEXURE A: LEGISLATIVE COMPLIANCE REGISTER PROCEDURES

The Governance Unit has adopted the following procedures to ensure that the Register remains up-to-date and accurate:

| Establishment of the Register - Identifying the current legislation | |
|--|---|
| Electronic versions of legislation | The Governance Unit has populated the Register using current versions of legislation available through the Legislation NSW 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. |
| Australian Standards / Compliance Standards | The Governance Unit maintains a library of Australian Standards / Compliance Standards relating to the Commission's activities. Relevant Australian/Compliance Standards have been incorporated by the Governance Unit in the development of the Register. |

| Monitoring new or amended legislation | |
|--|--|
| NSW Government Gazette subscription | <p>Members of the Governance Unit are subscribed to receive updates to NSW legislation via the NSW Government Gazette and will scan each update for any new or amended legislation applicable to the Commission.</p> <p>If relevant, copies of new or amended legislation are distributed to the applicable officers within the Commission for implementation and/or consideration and updated on the Register.</p> <p>Revisions are made to the Register in accordance with the 'Updating the Register' process set out below, and disseminated to staff members as and where required.</p> |
| Federal Register of Legislation subscription | <p>The Governance Unit is also subscribed to relevant information services in relation to Commonwealth legislation, including the Federal Register of Legislation Subscription.</p> <p>Any amendments relating to Commonwealth legislation are made to the Register in accordance with the 'Updating the Register' process set out below, and disseminated to staff members as and where required.</p> |
| Westlaw subscription | Members of the Governance Unit are subscribed to receive legislative updates via the Commission's subscription to the Westlaw legal database. |
| Premier's Memorandum / Treasury Circulars subscription | The Governance Unit is subscribed to receive circulars from Treasury NSW and/or NSW Department of Premier and Cabinet in relation to any new or amended memorandums and circulars that may apply to NSW public service agencies. |

| Monitoring new or amended legislation | |
|--|--|
| | Such information is recorded on the Register in accordance with the 'Updating the Register' process set out below, and circulated to staff members as and where required. |
| Special interest groups / networking | <p>The Governance Unit is involved in a number of networking and regulatory groups including regulatory issues, governance, risk management and law enforcement forums. These groups meet periodically to discuss matters which include legislative changes, and updates to industry, and attendance by key staff of the Commission is encouraged and supported.</p> <p>The Governance Unit also:</p> <ul style="list-style-type: none"> • attends industry forums, conferences, workshops and seminars; • monitors the website of regulators; • maintains good working relationships with regulators; and • subscribes to the mailing lists of relevant regulators and/or law enforcement agencies, including but not limited to, the NSW Ombudsman, the Law Enforcement Conduct Commission, the Information and Privacy Commissioner (NSW), and the Independent Commission Against Corruption. |
| Professional Associations | The Governance Unit are members of professional groups, and are required to comply with legal practitioner and auditor professional requirements on an annual basis. |
| Industry comment | <p>The Governance Unit is subscribed to receive industry news, including but not limited to the following subscriptions:</p> <ul style="list-style-type: none"> • Governance Institute of Australia updates: https://dcwebsvr.governanceinstitute.com.au/home/ • Standards Australia: https://www.standards.org.au/news • Australian Government Solicitor Publications: https://www.agps.gov.au/publications/index.html • NSW Business Centre – News and Publications: https://www.nswbusinesschamber.com.au/Media-Centre |
| Legal review | <ul style="list-style-type: none"> • The Governance Unit will seek advice and input from the Commission's Legal Unit (as necessary) in relation to any novel and/or contentious legislative amendments or requirements; and • The Legal Unit should advise the Governance Unit of any relevant legislative updates and liaise with them on how those amendments might be reflected in other documentation (such as policies, procedures and manuals) as necessary. |

Updating the Register – short form

The Register will be updated, in short-form, on a weekly basis, with the Governance Unit:

- Making a note on the “post 1 July 20XX” column on the right hand side of the Register of any proposed amendments; and
- Noting any immediate amendments on the Register in **red font** (with the relevant date of the amendment/s).
- When saving in Objective, provide a narrative of the changes made in the release from editing prompt box.

Annual review of the Register

The Register will be revised on an annual basis, before 30 June. The review will incorporate the short-form amendments identified throughout the year and the removal of legislation no longer deemed to be applicable to the Commission going forward.

The Annual Review will also incorporate any changes that occurred throughout the year, including:

- new or changed Commission activities or functions;
- changes to the structure or the strategy of the Commission;
- significant external changes, such as financial-economic circumstances, budgetary constraints, liabilities and business relationships; and
- changes to compliance obligations and incidents of non-compliance and/or breaches.

When saving in Objective, provide a narrative of the changes made in the release from editing prompt box.

Version control

| Version | Effective date | Update comments | Author |
|---------|------------------|--------------------|---------|
| 1.0 | 19 February 2020 | Policy established | A Huang |

Publication information

| | |
|------------------|---|
| Title | Legislative Compliance Register – Policy and Procedures |
| Document Type | Policy and Procedures |
| Policy Number | GOV/2020/1 |
| Policy Developer | A Huang |
| Policy Contact | A Huang |
| Approver | Peter Cotter APM, Commissioner |
| Approval date | 19 February 2020 |
| Effective date | 19 February 2020 |
| Review date | No later than 3 years from the 'Effective date' |