

<b>Policy 2</b>	<b>REGULATORY COMPLIANCE</b>
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Record of policy development		
Version	Date approved	Date for review
1.4	December 2020	December 2022
1.3	May 2019	January 2021
1.2	March 2017	March 2019

**Policy purpose:**  
 COASTLINK has systems in place to identify and ensure compliance with funded program guidelines, relevant legislation, regulatory requirements and professional standards.

**Policy:**  
 COASTLINK operates within the requirements of the legislation and legal regulations of the State and Australian governments, funding agreements, industry and professional standards, and the Constitution of the company. COASTLINK is committed to complying with all applicable laws and requires that all staff, volunteers and Board members act within the law at all times in the course of their duties for the organisation.

The Board delegates the responsibility for monitoring compliance to the CEO who reports to the Board.

Relevant Standards
<b>NDIS Practice Standards:</b>
2. Provider Governance and Operational Management
<b>Aged Care Quality Standards</b>
8. Organisational governance

Related Procedures	
Documents/Forms	
Key Acts and Regulations	CEO, Internet or Shared Drive

Subscriptions information and advice of legislative changes	CEO
Minutes of management and staff meetings	Shared Drive
Funding agreements	CEO and Coordinators Finance
Commonwealth Home Care Standards Guide NDIS Practice Standards NDIS Terms of Business	CEO and Coordinators
Corporate Calendar	Shared Drive
Compliance Register	Shared Drive

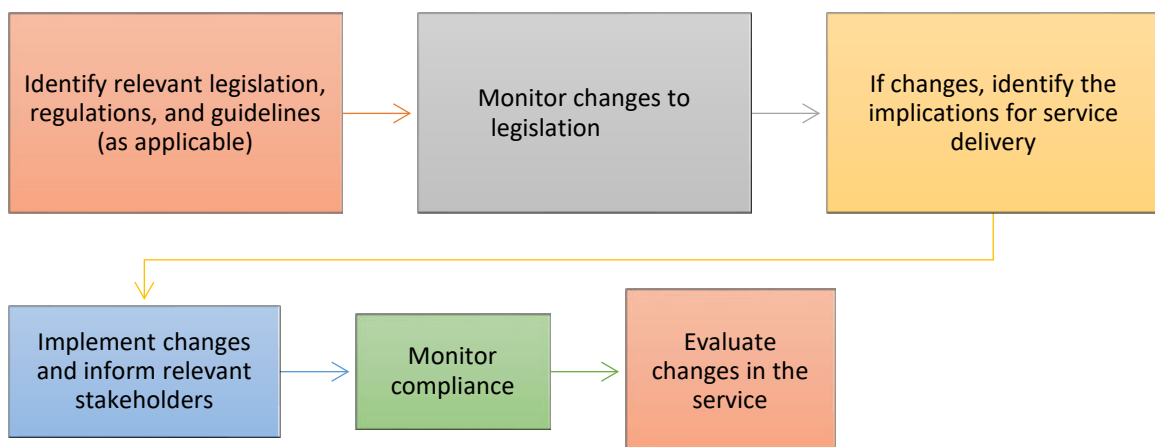
### Responsibilities and delegations

<b>This policy applies to:</b> Clients Employees/volunteers	<b>It will be distributed through:</b> Service User handbook, Coastlink website, Coastlink brochures Employee/volunteer handbook, shared drive
<b>Policy approval</b>	CEO

### Definitions

Refer to Definitions list at front of Coastlink Policy and Procedure Manual

## REGULATORY COMPLIANCE PROCEDURE OVERVIEW



## REGULATORY COMPLIANCE PROCEDURE

### 2.1 Identify Relevant Requirements

The CEO is responsible for ensuring that service delivery complies with funded program guidelines, legislation, regulatory requirements and professional standards.

Relevant requirements are identified through:

- Membership of National Disability Services (NDS) Subscription with AFEI for training and alerts;
- Membership of the Central Coast Ageing and Disability Association;
- Advice from PCC Lawyers and other HR/IR advisors;
- Notices and advice from Commonwealth Department of Social Services (DSS and the Community Grant Hub), Department of Community and Justice (DCJ) and the Federal Department of Health (DOH);
- Advice from the Commonwealth including the National Disability Insurance Agency (NDIA) and the National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Commission)
- Purchase of regular updates to this manual through GGJ Consultants including new or reviewed legislative or regulative requirements;
- Networking with other providers (see Section 4: Community Understanding and Engagement).

#### **Commonwealth:**

#### **Governance:**

- Corporations Act 2001
- Australian Securities and Investments Commission (ASIC) Act 2001 & Regulation 2001
- Australian Charities and NFP Commission Act 2012
- Aged Care Act 1997
- Commonwealth Home Support Programme Guidelines
- Commonwealth Grant Agreement
- Work Health and Safety Act 2011 and Regulation 2011
- Home Care Standards
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme Amendment Act 2016
- NSW Office of the Children's Guardian
- NDIS Quality and Safeguards Commission

#### **Discrimination**

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Equal Workplace Gender Equality Act 2012

- Disability Services Act 1986
- Human rights and Equal Opportunity Commission (Transitional Provisions and Consequential Amendments) Act 1986
- Sex Discrimination Act 1984

### **Privacy**

- Privacy Act 1988 incorporating Australian Privacy Principles 2014
- Australian Government Cyber Crime Act 2001

### **Industrial Relations**

- Fair Work Act 2009 and Fair Work Rules 2010
  - Coastlink Certified Agreement 2005 modified and extended 2008,
- Income tax Assessment Act 1997 Fringe Benefits Tax Assessment Act 1986
- *A New Tax System (Goods and Services Tax Transition) Act 1999*
- *A New Tax System (Goods and Services Tax) Act 1999*
- *A New Tax System (Australian Business Number) Act 1999*
- *Paid Parental Leave Act 2010*
- *Superannuation Guarantee (Administration) Act 1992*
- *Superannuation Guarantee Charge Act 1992*
- *Therapeutic Goods Act 1989*
- Workplace Relations Legislation Amendment (Independent Contractors) Act 2006

### **Food Safety**

- Food Standards Australia New Zealand Act 1991
- Food Act 2003 - NSW

### **Key NSW legislation, regulations and other requirements include:**

- Anti-Discrimination Act 1977
- The Work Health and Safety (WHS) Act and the Work Health and Safety (WHS) Regulations from 1 January 2012.
- Guardianship Act 1987
- Ombudsman Act 1974
- Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Regulation 2012
- State Records Act 1998
- FACs Funding Agreements
- FACs Policy Requirements
- NSW Disability Service Standards
- Disability Inclusion Act 2014
- Domestic and Family Violence Protection Act 2012
- Swimming Pool Act 1992

## 2.2 Monitor and Implement Legislative Changes

The CEO is responsible for keeping abreast of any changes in legislative and regulatory requirements. Changes are monitored through:

- Review of newsletters and notices from the industry subscriptions
- Advice from our organisation's Board members
- Noting changes advised by any other government or statutory authorities such as the Department of Health and the NDIS Commission.
- Accessing relevant information on the Internet (to be regularly reviewed by the Compliance Officer).

When information advising of legislative changes is received, it is reviewed by the CEO and the Compliance Officer to identify if there are any implications for our organisation. If any immediate action is required the CEO, in consultation with a designated Board member, ensures that it is carried out. The following process then applies:

- Information on required changes, the implications for our organisation and draft changes to the Policies and Procedures Manual are documented by the CEO in consultation with the Coordinators
- The CEO decides if the changes need Board approval and submits them to the next Board meeting as necessary (Board approval is required if changes involve new practices and new policies and procedures)
- The Board's decision is discussed with the CEO at the Board meeting and recorded in the minutes
- The CEO advises the relevant Managers or Coordinators at the next Manager or Coordinator Meeting. Where changes are implemented an implementation strategy is developed and recorded in the minutes.
- Staff are advised either through email or training or presentation as is appropriate to the changes.

The following steps apply, as necessary, in implementing regulatory/legislative changes in COASTLINK:

The Policies and Procedures Manual is updated as per the process in 3.2.3 (Information Management Systems) - Updating the Policies and Procedures;

Forms are updated as required

Staff are notified of relevant changes through:

- Staff meetings;
- Program meetings;
- Notices, memos/emails;
- Education and training (and recorded in the training system);
- Other stakeholders such as service users, referrers or suppliers are informed through a range of strategies including (as relevant);
- Discussions/meetings;
- Newsletters and/or
- Notices, memos/emails;
- Changes are recorded as an improvement (see Section 5: Continuous Improvement).

Appropriate policies and procedures to reflect legislative requirements (e.g. Work, Health & Safety, Equal Employment Opportunity, Superannuation, Privacy, Insurances, Food Safety, police checks etc.) are included in relevant sections of this Policies and Procedures Manual.

Processes are developed to support the implementation of required changes and are reflected in the Policies and Procedures Manual. Examples of processes include:

- All staff and volunteers have a current Australian Federal Police Check that is updated every three years (refer 7.8 Employment Checks)
- All staff and volunteers have a current Working with Children check, that is updated every five years (refer 7.8 Employment Checks);
- From 1 February 2021, all employees and Board members will renew their Checks through the NDIS Employee Check framework and the NDIS Commission;
- WHS considerations are part of COASTLINK strategies for staff and include annual (and as required) assessments and re-assessments of staff work environments (see Section 6: Risk Management);
- Privacy and confidentiality are maintained through processes described in policies and procedures (see Section 3: Information Management Systems and Section 15: Privacy and Confidentiality);
- Food Safety Requirements
- COASTLINK prepares meals for people with disabilities and those who are aged in line with our policies and procedures. We do not require a license under the Vulnerable Persons Food Safety Scheme as we provide food to service users in social settings.
- COASTLINK has a maintenance program that ensures that all (non-office) electrical equipment is checked and tagged by a qualified electrician annually.

### 2.3 Monitor and Evaluate Changes in the Service

When changes to practices and processes are implemented in response to legislative and regulatory requirements, the CEO (in consultation with senior staff) monitors and evaluates them to ensure that the requirements have been implemented and that there are no unintended consequences.

This can include discussions with stakeholders informally and at meetings, forums and internal audits as per the Corporate Calendar (see Section 5: Continuous Improvement). Internal audit results are included in the Monthly Coordinators Report (see 1.8 Management Reports).

The Improvement Plan completed with the implementation of changes also details the results of the evaluation following implementation of any changes (see Section 5: Continuous Improvement).