

Legislative Compliance Framework

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1. Governing Policy

[Risk Management Policy](#)

2. Purpose

To set out the University's mechanisms for delivering effective compliance with all legislation that applies to the University in a manner which:

- a. is consistent with AU/NZS ISO 19600:2015 Compliance Management Systems
- b. promotes legislative compliance as part of the University's culture
- c. reduces the risk of legal sanctions to the University, its senior management and staff for compliance breaches, and ensures appropriate responses to potential breaches
- d. provides assurance, both internally and externally, that the University has robust mechanisms for ensuring legislative compliance
- e. protects and enhances the University's relationship with external stakeholders, regulatory authorities and other organisations with whom it has commercial dealings, and
- f. protects the University's reputation as a good corporate citizen which upholds the law and embraces best practice risk management and compliance practices.

3. Definitions

Register of Legislation or Register	The register of legislation relevant to the University, to be maintained by the Central Compliance Officer as described in section 7.
Register of Compliance Breaches or Breach Register	The central register recording breaches of and non-compliance with legislation contained in the register to be established and maintained for this purpose by the Central Compliance Officer.
Tier	The classification tier used for legislation in the Register of Legislation as described in section 7.

University Personnel

University staff, contractors and academic status holders, including staff of University controlled entities and their contractors.

4. Scope

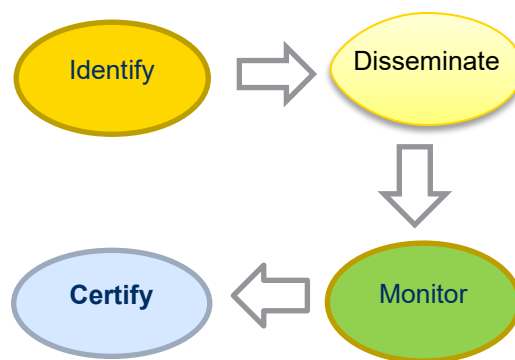
This Framework:

- applies to all [University Personnel](#) and all controlled entities when engaging in University activities
- creates a basis for compliance with relevant legislation and legislative instruments, including codes and standards which have the effect of law
- does not apply to compliance with contractual obligations, or codes or standards not having the effect of law.

5. Four principal elements of the Framework

The Framework includes four principal elements which are necessary to ensure legislative compliance:

- Identify** legislation that applies to the University and classify it by risk and area of impact. This is an ongoing process which involves monitoring the regulatory environment and organisation for change.
- Disseminate** information and resources about legislative obligations and this Framework to raise awareness. That information is then used to identify and/or establish necessary compliance controls.
- Monitor** compliance and establish a central register of non-compliance issues.
- Certify** that legislative compliance is actively supported across the University, report on cases of non-compliance, and provide assurance to the Council via the Audit and Risk Committee.



6. Roles and responsibilities for legislative compliance

- All [University Personnel](#) are responsible for ensuring that they comply with all applicable laws in the performance of their duties at all times.
- The University's Audit and Risk Committee is responsible for advising Council on the adequacy of the University's measures to ensure compliance with applicable legislation.
- The **Central Compliance Officer (CCO)** together with the Head of Legal is responsible for managing the legislative compliance framework of the University as set out in this Framework.
- Legislation categorised as Tier 1 or Tier 2 is assigned a **Responsible Person (RP)**. A Responsible Person is responsible for the management and monitoring of identified compliance risks within their control and responsibility in relation to a particular Act. In addition a **Specialist Compliance Officer (SCO)** is usually assigned to assist a Responsible Person for each Act.
- RPs and SCOs are assigned consistent with the University's organisational structure and the responsibilities assigned to their position. More than one RP or SCO may be allocated to individual Tier 1 or Tier 2 legislation.
- RPs are also notified of Tier 3 and Tier 4 Acts impacting their area to give them a wider view of the legislative compliance risks that apply in their area of operation.
- The following table sets out the allocation of specific roles and responsibilities under the Framework to the University Personnel who are best placed to perform them.
- In addition, audits of compliance and the effectiveness of controls relating to Tier 1 legislation will be included in the Internal Audit Plan and undertaken on an ongoing basis.

Table 1: Legislative compliance roles and responsibilities

Responsibility	Identify	Disseminate	Monitor	Certify
i. Central Compliance Officer (CCO)	<p>Identify and classify legislation and record this in the Register of Legislation.</p> <p>Identify RPs and SCOs.</p> <p>Maintain and update the Register of Legislation to reflect organisational and regulatory changes (including changes to Tier 1 and Tier 2 legislation).</p>	<p>Provide general advice and guidance on the compliance framework and compliance matters.</p> <p>Provide timely updates to RPs of amendments to Tier 1 and Tier 2 legislation.</p> <p>Notify RPs of Tier 3 and Tier 4 legislation which apply in their area of responsibility.</p> <p>Provide advice and guidance to RPs and SCOs</p>	<p>Administer the compliance framework.</p> <p>Monitor identified compliance matters and action items.</p> <p>Establish the Breach Register.</p> <p>Receive notifications of compliance incidents and breaches and update the Breach Register</p> <p>Monitor compliance performance across the University.</p>	<p>Ensure adherence to the certification process by RPs.</p> <p>Report to the Head of Legal, University Secretary, Vice-Chancellor and Audit and Risk Committee on legislative compliance as required, including by way of an Annual Report.</p>
ii. Responsible Persons (RP)	<p>Assist the CCO to identify and classify legislation within their area of responsibility.</p>	<p>Champion a compliance culture.</p> <p>Ensure that formal compliance plans and work practices for the Tier 1 and Tier 2 legislation allocated to them are developed and communicated within the University.</p>	<p>Monitor compliance with their allocated Tier 1 and Tier 2 legislation.</p> <p>Receive notifications of compliance breaches for their Tier 1 and Tier 2 legislation.</p> <p>Notify the CCO of all notified compliance breaches, with details of remedial action.</p> <p>Ensure appropriate remedial action is taken.</p> <p>Liaise with regulatory authorities on compliance matters as needed.</p> <p>Review and amend compliance plans and work practices for their Tier 1 and Tier 2 legislation.</p>	<p>Certify annually as to compliance in relation to their Tier 1 and Tier 2 legislation.</p>

iii. Specialist Compliance Officers (SCO)	Assist the CCO to identify and classify legislation under their responsibility.	Provide advice to the RP and local areas on their Tier 1 and Tier 2 legislation. Develop compliance resources for their allocated legislation.	Assist RPs to monitor compliance with relevant legislation and address any issues arising from compliance breaches. Receive notifications of compliance breaches and report to the relevant RP and CCO. Ensure appropriate remedial action is taken.	Assist the RP with the certification process for their allocated Tier 1 and Tier 2 legislation.
iv. Heads of business units (Business Unit Heads or BUH)	Provide assistance to identify and classify legislation relevant to their area.	Champion a compliance culture. Ensure their areas comply with any compliance plans and relevant legislation, generally	Receive notifications of compliance breaches in their area and report all breaches to the relevant RP and the CCO. Ensure appropriate remedial action is taken.	
v. All University Personnel			Report any compliance breach of which they become aware to the relevant RP, an SCO, the CCO, or the relevant BUH.	

7. Register of Legislation

- a. The Register of Legislation divides all applicable legislation into:
 - i. categories which broadly follow the University’s organisational structure, and
 - ii. tiers which describe the level of risk, as set out in Table 2. Higher tiers reflect a greater need for compliance management.
- b. RPs will be allocated and SCOs may be allocated to Tier 1 and Tier 2 legislation, and those allocations recorded in the Register.
- c. The Register is to be maintained by the CCO and reviewed annually, including considering any changes needed to the ranking of legislation between the tiers.

Table 2: Tier of risk

*Tier allocation is based on an assessment of consequences of breach as set out below taking into account a subjective assessment of the relevance of the legislation to the University's operations.

Tier	Indicative Features	RP assigned	SCO assigned
Tier 1	Consequence of breach* ranked Severe as per the University's Risk Rating Matrix	YES	YES, as required by RP
Tier 2	Consequence of breach ranked Major as per the University's Risk Rating Matrix	YES	YES, as required by RP
Tier 3	Consequence of breach ranked Moderate as per the University's Risk Rating Matrix	NO	NO
Tier 4	Consequence of breach ranked Minor or Insignificant as per the University's Risk Rating Matrix	NO	NO

8. Transition to new Framework

- a. To ensure that the transition to this Framework occurs in an orderly manner it is anticipated the Framework will be adopted in stages.
- b. Compliance plans for Tier 1 legislation should be developed within 18 months and Tier 2 legislation within 3 years of the approval of this Framework.

Approval Authority	University Secretary
Responsible Officer	Head of Legal
Approval Date	19 March 2020
Effective Date	19 March 2020
Review Date*	March 2023
CM file number	CF11/1619

* Unless otherwise indicated, this procedure will still apply beyond the review date.

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