






Legislative Compliance Policy 2024



 Contents	 Purpose and application	 Requirements	 Roles and Responsibilities	 Definitions
---	--	---	---	--



About this document

Printed or electronic copies may be out of date. Always check the [Policy Register](#) for the current version.

Title page image credit: Katie Kaars

Table of contents

Part 1	Purpose and application	3
1.1	Purpose	3
1.2	Start date	3
1.3	Application	3
Part 2	Requirements	4
2.1	Legislative compliance	4
2.2	The Legislative Compliance Framework	4
2.3	The Legislative Compliance Register	4
2.4	Management controls	4
2.5	Compliance issues	5
2.6	Reporting and managing compliance issues	5
2.7	Annual compliance confirmation	6
Part 3	Roles and responsibilities	7
3.1	The Senate Performance and Risk Committee	7
3.2	The University Executive	7
3.3	The Office of General Counsel	7
3.4	Accountable Principal Officers	8
3.5	Responsible Obligation Owners	8
3.6	Responsible Managers	8
3.7	Staff, affiliates and students	9
Part 4	Definitions	10
Part 5	Notes	12
Part 6	Amendment history	13



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

Part 1 Purpose and application

1.1 Purpose

- (1) This policy sets up the framework for managing the University's legislative compliance obligations.
- (2) The University operates in a complex legislative environment, and we are committed to meeting our legislative compliance obligations.
- (3) Our approach to legislative compliance is:
 - (a) risk-based;
 - (b) proportionate;
 - (c) sustainable; and
 - (d) involves continuous review and improvement.
- (4) We promote a compliance culture by:
 - (a) informing and educating the University community about applicable laws;
 - (b) providing accessible and transparent information; and
 - (c) offering training and support.
- (5) This framework:
 - (a) manages risk; and
 - (b) enables world class learning, teaching, research and engagement.
- (6) This policy reflects our culture of trust and accountability to enable high performance. It recognises that compliance with legislation is everyone's responsibility.

1.2 Start date

- (1) This policy commences on 5 November 2024.

1.3 Application

- (1) This policy applies to staff, affiliates and students.



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

Part 2 Requirements

2.1 Legislative compliance

- (1) We achieve compliance with our legislative and regulatory obligations by:
 - (a) identifying the commonwealth, state and territory laws that apply to our activities;
 - (b) recording, monitoring and reviewing our legislative obligations;
 - (c) identifying who is responsible for each recorded compliance obligation;
 - (d) recording and reviewing management controls;
 - (e) identifying and reporting compliance issues and responses; and
 - (f) assurance activities to confirm compliance.

2.2 The Legislative Compliance Framework






- (1) The Legislative Compliance Framework includes:
 - (a) this policy and any related procedures;
 - (b) the Legislative Compliance Register;
 - (c) compliance obligation statements; and
 - (d) identified Responsible Obligation Owners and Accountable Principal Officers.

2.3 The Legislative Compliance Register

- (1) The Office of General Counsel (OGC) maintains the Legislative Compliance Register. It is the source of information about our legislative obligations.
- (2) The Legislative Compliance Register includes:
 - (a) a list of applicable laws, structured by risk and impact;
 - (b) compliance obligation statements;
 - (c) a list of applicable management controls for each law or group of laws; and
 - (d) identified office holders responsible for management controls and confirming compliance.

2.4 Management controls

- (1) Responsible Obligation Owners must establish and maintain effective management controls for the obligations for which they are responsible.
- (2) Management controls can take many forms. They operate to prevent, detect or correct compliance issues.
- (3) Examples of management controls include:
 - (a) policies and procedures;

 Contents	 Purpose and application	 Requirements	 Roles and Responsibilities	 Definitions
---	--	---	---	--

- (b) financial and administrative delegations;
 - (c) segregated duties;
 - (d) automated workflows;
 - (e) system logins and approval mechanisms;
 - (f) checklists;
 - (g) licences and permits;
 - (h) accreditation and training; and
 - (i) review and audit processes.
- (4) Management controls must be:
- (a) documented;
 - (b) approved by the Responsible Obligation Owner; and
 - (c) clearly communicated to those who implement them.
- (5) OGC records management controls in the Legislative Compliance Register against the laws to which they apply.
- (6) Responsible Obligation Owners and Responsible Managers must provide training and support for those required to implement management controls.

2.5 Compliance issues

- (1) A compliance issue occurs:
- (a) where a compliance obligation is not met, or is at risk of not being met; or
 - (b) as the result of a human error, system or technical malfunction, failure to apply a management control, a lack of awareness or understanding of obligations, or through a deliberate act.

2.6 Reporting and managing compliance issues

- (1) Any person who becomes aware of an actual or potential compliance issue should report it as soon as possible.
- (2) Reports may be made by:
- (a) using the [Report a Compliance Issue](#) function in the Legislative Compliance Register; or
 - (b) email to legal.compliance@sydney.edu.au.

Note: For information on WHS incident and hazard reporting see the [Work Health and Safety Procedures](#).

Note: For information on reporting key risk events that may impact the University see the [Risk Management Policy](#).



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

- (3) OGC will work with Responsible Obligation Owners and relevant stakeholders to assess the reported issue, establish appropriate responses and timeframes for action, and may report the matter to external regulatory authorities.
- (4) OGC reports periodically to the University Executive and other relevant governance committees about compliance issues.

2.7 Annual compliance confirmation

- (1) OGC conducts an annual compliance confirmation process to ensure that the Legislative Compliance Framework is accurate, current and effective.
- (2) Accountable Principal Officers must provide an annual compliance confirmation for each law, or group of laws, for which they are accountable confirming that obligations are:
 - (a) allocated to identified Responsible Obligation Owners; and
 - (b) appropriately managed; or
 - (c) where gaps or compliance issues have been identified, appropriate reporting has taken place.
- (3) Responsible Obligation Owners and, where appropriate, Responsible Managers must:
 - (a) review the management controls in place for each obligation they own to:
 - (i) identify the management controls for each obligation;
 - (ii) review their effectiveness and appropriateness;
 - (iii) review evidence that they are being implemented; or
 - (iv) advise that compliance cannot be confirmed; and
 - (b) report the outcome to the relevant Accountable Principal Officer; and
 - (c) make and record any necessary improvements.



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

Part 3 Roles and responsibilities

3.1 The Senate Performance and Risk Committee

- (1) The Senate Performance and Risk Committee will:
 - (a) advise Senate on legislative compliance;
 - (b) oversee our systems and processes for managing legislative compliance; and
 - (c) receive and review reports from the Office of General Counsel about legislative compliance.

3.2 The University Executive

- (1) The University Executive will:
 - (a) identify and recommend Accountable Principal Officers to the Vice-Chancellor;
 - (b) receive and review reports from the Office of General Counsel about legislative compliance; and
 - (c) share information about legislative compliance within their portfolios and faculties.

3.3 The Office of General Counsel

- (1) The Office of General Counsel will:
 - (a) be responsible for the Legislative Compliance Framework;
 - (b) maintain the Legislative Compliance Register;
 - (c) draft and update compliance obligation statements;
 - (d) make recommendations to the University Executive about roles and responsibilities for compliance functions;
 - (e) support Responsible Obligation Owners and Accountable Principal Officers to understand and deliver their compliance obligations;
 - (f) provide training and support to Responsible Obligation Owners and their teams;
 - (g) monitor and report on compliance issues;
 - (h) manage processes for confirming compliance;
 - (i) contribute towards and coordinate reports to external regulators when required; and
 - (j) report to the University Executive and Senate Performance and Risk Committee about legislative compliance.



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

3.4 Accountable Principal Officers

- (1) Accountable Principal Officers are members of the University Executive.
- (2) Accountable Principal Officers have overall responsibility for compliance with laws that apply to their portfolios.
- (3) Accountable Principal Officers will:
 - (a) identify Responsible Obligation Owners for each obligation;
 - (b) inform OGC of any changes to the nominated Responsible Obligation Owners as soon as possible;
 - (c) provide an annual compliance confirmation for each law, or group of laws, for which they are accountable; and
 - (d) oversee responses to compliance issues in their portfolios.
- (4) There may be multiple Accountable Principal Officers for large or complex laws, or groups of laws.

3.5 Responsible Obligation Owners

- (1) Responsible Obligation Owners will:
 - (a) establish and implement management controls;
 - (b) confirm the management controls recorded in the Legislative Compliance Register;
 - (c) inform OGC of any changes to management controls;
 - (d) ensure that the obligations they own are managed effectively;
 - (e) implement training about the compliance obligations they own;
 - (f) provide information to the Accountable Principal Officer as part of the annual compliance confirmation process;
 - (g) report compliance issues to the Accountable Principal Officer and OGC; and
 - (h) work with OGC and other stakeholders to respond to compliance issues.
- (2) There may be multiple Responsible Obligation Owners for large or complex laws, or groups of laws.

3.6 Responsible Managers

- (1) Responsible Managers oversee and coordinate the work of Responsible Obligation Owners who report to them.
- (2) Responsible Managers will:
 - (a) assist Responsible Obligation Owners to:
 - (i) establish and implement management controls; and
 - (ii) respond to compliance issues;



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

- (b) assist Accountable Principal Officers to:
 - (i) be satisfied that compliance obligations are met; and
 - (ii) oversee responses to compliance issues.

3.7 Staff, affiliates and students

- (1) Staff, affiliates and students are responsible for:
 - (a) understanding their compliance obligations;
 - (b) attending relevant training;
 - (c) implementing management controls as required;
 - (d) reporting compliance issues; and
 - (e) assisting with responses to compliance issues as required.



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

Part 4 Definitions

(1) In this Policy a reference to 'we', 'our' or 'us' means the University.

Accountable Principal Officer	office holders who are members of the University Executive.
affiliate	<p>has the meaning as in the Staff and Affiliates Code of Conduct. That is:</p> <p><i>a person appointed or engaged by the University to perform duties or functions on its behalf, including but not limited to:</i></p> <ul style="list-style-type: none"> • <i>an honorary title holder engaged under the Honorary Titles Policy;</i> • <i>a consultant or contractor to the University; and</i> • <i>an office holder in a University entity, a member of any University committee, board or foundation.</i> <p><i>An affiliate is not an employee of the University.</i></p>
compliance	meeting standards, activities or behaviours required by laws.
compliance issue	an occurrence, or potential occurrence, where compliance obligations are not met, or may not be met.
compliance obligation statement	a summary of the compliance obligations imposed by a law or group of laws.
law or legislation	<p>includes legislative or regulatory instruments. Examples include:</p> <ul style="list-style-type: none"> • statutes; • regulations; • rules; • mandatory codes; and • guidelines given the force of law.
legislative compliance	meeting the mandatory requirements of commonwealth, state or territory laws.



Contents



Purpose and application



Requirements



Roles and Responsibilities



Definitions

Legislative Compliance Register

the register maintained by the Office of General Counsel referred to in clause 2.3.

management controls

mechanisms, tools and processes used to:

- support legislative compliance; and
- prevent, detect or correct compliance issues.

Responsible Obligation Owner

a role responsible for an area or function, who is identified in the Legislative Compliance Register as responsible for specific compliance obligations.

Responsible Manager

a role to whom a Responsible Obligation Owner directly reports.

University Executive

the senior management committee of that name convened by the Vice-Chancellor.



Contents



Purpose and application



Requirements



Roles and responsibilities



Definitions

Part 5 Notes

Revisions and replacements

Legislative Compliance Policy 2024

Date adopted	5 November 2024
Date commenced	5 November 2024
Date amended	
Approver:	Vice-Chancellor and President
Owner:	General Counsel
Review date:	5 November 2029
Related documents	<u>Work Health and Safety Procedures</u> <u>Risk Management Policy</u>



Contents



Purpose and application



Requirements



Roles and responsibilities



Definitions

Part 6 Amendment history

Register Version	Approved by	Clause	Amendment	Commenced