Licences and Permits Procedure

1.0 Deputy Vice-Chancellor Planning and Assurance 10 October 2022 10 October 2022 October 2025

Procedure Statement

| Purpose | This Procedure supports the Legislative Compliance Policy by setting out the University’s requirements for:
|         | a) the identification, management and monitoring of obligations attaching to licences and permits issued to UNSW under legislation (Licences/Permits)
|         | b) assessing the need for new Licences/Permits (including renewals and variations), and ensuring that these are applied for and progressed in a timely and effective way
|         | c) reporting in relation to UNSW Licences/Permits including reporting breaches, cancellations (by the issuer of the licence/permit), and refusals to renew or grant Licences/Permits.

Scope

This Procedure applies to all staff of the University. Controlled entities of the University must have systems consistent with this Procedure.

Are Local Documents on this subject permitted?

☐ Yes, however Local Documents must be consistent with this University-wide Document ☒ No

Procedure Processes and Actions

1. Introduction

The University is subject to many complex and frequently changing obligations in its day-to-day operations. Many of these obligations are derived directly from legislation. This includes maintaining numerous licences, permits and authorisations (collectively referred to in this Procedure as Licences/Permits).

The University is committed to obtaining all Licences/Permits required to conduct its operations and to complying with the terms and conditions of all such Licences/Permits. Failure to do so may result in damage to the University including financial penalties, criminal conviction, reputational harm, third party claims and an inability to undertake essential activities.

Individual staff who fail to comply with this Procedure may face disciplinary measures up to and including termination of employment in serious cases.

2. Guiding Principles

2.1. Identification and management of Licences/Permits

In accordance with the Legislative Compliance Procedure, University Compliance Owners (UCOs) are responsible for resourcing, developing, implementing and monitoring internal compliance controls for all obligations arising from legislation for which they are the UCO. This responsibility includes:

1. identifying all University activities which require a Licence/Permit to be held for such activities to be conducted legally, and
2. developing and implementing effective internal controls (including internal approvals) to ensure compliance with those Licences/Permits. This includes ensuring that there are effective processes in place for:

a) approving and making applications (including applications for renewals and applications)
b) keeping proper records of the application process (including responses to regulatory queries) and of Licences/Permits granted or refused
c) maintaining current Licences/Permits, including compliance with any special conditions
d) reporting and responding to any concerns, complaints or incidents in relation to Licences/Permits
e) decisions to surrender or discontinue any Licences/Permits.

2.2. Holder of the Licence/Permit

Licences/Permits must be applied for and held in the name of the University of New South Wales, unless the type of Licence/Permit is required by law or regulatory practice to be issued in the name of an individual. In this situation, the individual named must have appropriate authority and knowledge about the activity to which the Licence/Permit relates.

The UCO with responsibility for the relevant Licence/Permit must approve the individual in whose name the Licence/Permit will be issued, and that individual must be an employee of the University. The UCO must ensure that there are internal controls in place to provide for the cancellation, re-issue, or if available, transfer, of the Licence/Permit if the individual holder of the Licence/Permit ceases to have primary responsibility for managing the relevant activity or if they cease employment with the University.

2.3. Approval to apply for Licence/Permit

An application for a Licence/Permit may only be submitted to the applicable regulatory authority once approval has been provided by the relevant UCO.

The approval process must include an assessment of the need for the Licence/Permit and of the ability of the University to comply with all terms and conditions of the Licence/Permit. Records of the assessment and approval process must be kept for all Licences/Permits.

2.4. Monitoring of Licences/Permits

Monitoring and on-going compliance must be conducted in accordance with relevant internal controls prescribed by the UCO. These may include requirements for periodic inspections and/or audits. In the case of Licences/Permits issued in the name of the University, the Head of School/Department in which the relevant licensed or authorised activity is undertaken is responsible for ensuring compliance with all terms and conditions of the Licence/Permit and internal controls established by the UCO. Where a Licence/Permit is issued in the name of an individual employee, that employee is responsible for ensuring compliance.

2.5. Register of Licences/Permits

The University will maintain a central register of all Licences/Permits, including those issued in the name of an individual employee. Each UCO is responsible for including (and keeping current) the following details into the central register that they are responsible for:

a) name of the Licence/Permit (including legislation under which it is issued)
b) issuing authority (Government Department, agency or other regulatory body)
c) holder of the Licence/Permit (University or individual employee)
d) validity and expiry date of the Licence/Permit
e) approver of the application (UCO or other)

f) University activity for which the Licence/Permit has been obtained


g) Details of any specific terms and conditions of the Licence/Permit

h) details of any breaches of the Licence/Permit notified by or to the regulator.

3. Roles and responsibilities

3.1. University Compliance Owners (UCOs)

UCOs are responsible for:

a) identifying all of the Licences/Permits required for University activities in relation to the legislative obligations for which they are the UCO

b) ensuring internal controls effectively manage the obligations of the Licences/Permits

c) working with Heads of School/Department and any other relevant staff to ensure:

i. all relevant staff (and if applicable, contractors, suppliers and other relevant third parties such as people who have been conferred an academic title by the University) are aware of the Licence/Permit requirements

ii. all Licences/Permits are applied for after undergoing the approval process (as set out at 2.3 above)

iii. all Licences/Permits are included in the central register and all entries are kept accurate and current (as set out in 2.5 above)

d) ensuring that breaches or incidents relating to the Licence/Permit are reported to the Compliance Unit for inclusion in the Register and dealt with in accordance with the Legislative Compliance Procedure

3.2. Heads of School/Department

Heads of School/Department are responsible for:

a) in conjunction with relevant UCOs, ensuring that all relevant staff (and if applicable, contractors, suppliers and other relevant third parties such as people who have been conferred an academic title by the University) are aware of the Licence/Permit requirements for the activities of the School/Department

b) ensuring approval to apply for Licences/Permits is obtained in accordance with internal compliance controls put in place by the applicable UCO

c) ensuring on-going compliance with the terms and conditions of Licences/Permits obtained for activities undertaken by their School/Department

d) ensuring that breaches or incidents relating to the Licence/Permit are reported to the Compliance Unit for inclusion in the Register and dealt with in accordance with the Legislative Compliance Procedure

e) taking all necessary actions to resolve breaches of terms and conditions of Licences/Permits, subject to the advice of the relevant UCO (with assistance from Legal and Compliance).

3.3. Compliance Manager

The Compliance Manager is responsible for:

a) coordinating the implementation of this Procedure

b) maintaining the central register of Licences/Permits
c) preparing reports on Licences/Permits for senior management, including the Audit and Risk Committees of Council as required

d) providing training and information sessions on this Procedure as required.

3.4. Individual staff

Individual staff are responsible for:

a) reporting breaches (actual, suspected or potential) in writing of Licences/Permits to their supervisor or Head of School/Department

b) cooperating with the directions of their supervisor or Head of School/Department in relation to the management of breaches and concerns.

3.5. Expectations of Students

Individual students are expected to:

a) report concerns about actual, suspected or potential breaches of Licences/Permits to their lecturer, tutor, supervisor or relevant Head of School/Department

b) cooperate with the directions of staff in relation to the management of obligations under Licences/Permits, including rectification of any breaches.

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