



Compliance Management Instructions

Purpose

These instructions support the Risk and Compliance Policy (the **policy**) and compliance management procedures by providing extra information for University Compliance Owners (**UCOs**) and other stakeholders to:

- identify, assess, classify and manage legislative compliance obligations
- identify and reduce the consequences of non-compliance
- assign responsibilities for compliance management
- establish management requirements and controls for legislative compliance obligations
- monitor compliance performance and identify compliance issues through annual certification
- report compliance matters to the University Leadership Team (**ULT**) and UNSW Council.

Scope

These instructions apply to all staff and affiliates at UNSW. Controlled entities of UNSW should have legislative compliance systems consistent with these instructions.

Compliance Management Instructions.....	1
Section 1: Documenting and classifying compliance obligations	1
Section 2: Managing compliance obligations	2
Section 3: Licences and permits	3
Section 4: Compliance certification and assurance	4
Section 5: Reporting and managing a compliance issue.....	5
Section 6: Reporting to ULT and Council	5

Section 1: Documenting and classifying compliance obligations

1. Documenting compliance obligations

- 1.1. The Compliance Obligations Register (the **Register**) will be maintained in the Protecht Enterprise Risk Management platform (**Protecht**).
- 1.2. Compliance obligations will be documented in the Register using the LexisNexis compliance module subscription service. Where a compliance obligation applies to UNSW and it is not included in a LexisNexis module, it will be manually entered into the Register.
- 1.3. UCOs who identify a compliance obligation that is not covered by a LexisNexis module should notify [Legal & Compliance](#).
- 1.4. Updates to compliance obligations will largely be received through LexisNexis compliance modules and tracked on the Register.
- 1.5. UCOs must notify [Legal & Compliance](#) of any new legislation that will impose compliance

obligations on the University within their portfolio in line with the below timeline:

Tier	Action Required	Responsibility	Timeframe
1 & 2	Notify a legislative change	UCO	No later than 1 month of the date the change becomes law (i.e., 'assent date')
	Update the Register	Legal & Compliance	No later than the date the law starts to apply (i.e., 'commencement date')
3 & 4	Notify a legislative change	UCO	No later than 2 months of the date that the law starts to apply.
	Update the Register	Legal & Compliance	No later than the date the law starts to apply.

2. Classifying compliance obligations

- 2.1. Legal & Compliance will consult with the UCO for each compliance obligation to determine the scope and consequence that a breach of the obligation would have on UNSW as a whole or a specific area of UNSW.
- 2.2. The consequence of a breach on UNSW will be determined by a range of factors including:
 - impact on health, safety and wellbeing of any individual
 - potential for criminal liability of individuals
 - restrictions on UNSW activities
 - amount of financial penalties
 - reputational damage to UNSW or individuals.
- 2.3. The basis for classifying a compliance obligation will be documented in the Register.

Section 2: Managing compliance obligations

1. Management framework

- 1.1. Legal & Compliance will coordinate the management framework for the Register in consultation with UCOs and stakeholders who are responsible for internal controls.
- 1.2. Requests for changes to executive or operational responsibility of a compliance obligation must be made to [Legal & Compliance](#), who will consult with relevant stakeholders (including the proposed new UCO) to obtain agreement on the proposed change. Where a proposed change is not agreed to, the Vice-Chancellor (in consultation with the ULT) will determine the UCO for the obligation.
- 1.3. Compliance obligations may require multiple parties to be aware of the regulatory framework to manage compliance. In such cases, Legal & Compliance will list 'interested parties' in the Register to ensure relevant stakeholders can access the history of a compliance obligation.

2. Internal compliance controls

- 2.1. Legal & Compliance will consult UCOs to identify relevant internal compliance controls (**compliance controls**) for each compliance obligation.
- 2.2. Compliance controls will be linked to each core obligation and sub obligation in the Register. Compliance controls will identify whether they are preventative, detective or corrective in nature.
- 2.3. Preventative controls are proactive and attempt to prevent a compliance breach from occurring.

Examples of preventative compliance controls include:

- detailed documentation for policies and standards
- processes to prevent unauthorised access to a restricted area or restricted records.

2.4. Detective controls identify potential gaps or failures in managing a compliance obligation. Examples of detective compliance controls include:

- inventory reviews of hazardous chemicals
- IT-enabled systems that can verify anomalies or assist with reconciliation.

2.5. Corrective controls reduce the consequence of a potential breach of a compliance obligation. Examples of corrective compliance controls include:

- training and guidance for staff and students
- quality assurance programs to assess for continuous improvement.

Section 3: Licences and permits

1. Obtaining and complying with licences and permits

1.1. UCOs are responsible for identifying all UNSW activities which require a licence or permit. The UCO should liaise with relevant schools and departments to identify activities that can only be lawfully conducted with the applicable licence or permit.

1.2. UCOs must ensure there are effective processes in place for:

- approving and making applications for a licence or permit (including applications for renewals)
- keeping records of the application process (including responses to regulatory queries) and of licences and permits granted or refused
- maintaining the licence or permit, including compliance with special conditions
- reporting and responding to concerns, complaints or incidents in relation to the licence or permit.
- decisions to surrender or discontinue any licences or permits.

2. Holder of licence or permit

2.1. Where possible, UCOs must ensure that a licence or permit is issued in the name of the University. This ensures that UNSW is responsible for complying with the terms of conditions of the licence or permit.

2.2. Where a licence or permit must be issued in the name of an individual, UCOs must ensure the individual named has the appropriate authority, training, study and experience about the activity to which the licence or permit relates.

3. Applying for a licence or permit

3.1. An application for a licence or permit may only be submitted to an issuing authority once approval has been provided in line with the approval process implemented by the UCO.

3.2. At a minimum, approval to apply for a licence or permit should only be made by the Head of School or department where the activity requiring the licence or permit will be conducted. Where necessary to effectively manage risk arising from the activity, approval to apply for a licence or permit should also be required by the UCO.

3.3. The person who approves applying for a licence or permit is responsible for maintaining documented reasons for their assessment of the activity and the need for the licence or permit, as well as copy of the application to the issuing authority.

4. Documenting licences or permits

- 4.1. The Licences and Permits Register will be maintained in Protecht.
- 4.2. The person who provides approval to apply for a licence or permit must ensure that all information required by the procedure is recorded in the Licences and Permits Register as soon as possible once approval has been provided.

Section 4: Compliance certification and assurance

1. Assurance of compliance controls

- 1.1. Compliance controls for Tier 1 or Tier 2 compliance obligations should be rigorous and fit-for-purpose to reflect the potential impact of non-compliance. Compliance controls may vary substantially between portfolios and there is no 'one size fits all' approach.
- 1.2. UCOs must ensure that compliance controls are applied consistently throughout UNSW (or in specific business units) on a day-to-day basis. UCOs must maintain a monitoring program for the obligations they are responsible for, which:
 - tests several business units and a variety of obligations
 - employs a level of rigour as is appropriate to the level of risk presented by non-compliance
 - operates as frequently as is appropriate to the level of risk presented by non-compliance.
- 1.3. UCOs should implement testing of compliance controls into daily work. Testing should provide a reasonable level of confidence as to the practical functioning of compliance controls include periodic fixed reviews, random localised audits, mystery shopper and spot testing.
- 1.4. UCOs must ensure relevant employees understand their responsibilities, reporting obligations and their individual authority under the compliance controls. This understanding must be built through training and support, which should be recorded under compliance controls.
- 1.5. Results and ratings arising from compliance control testing will be included in the Register.
- 1.6. UCOs must notify [Legal & Compliance](#) of any changes to compliance controls as soon as practicable. Legal & Compliance will update the Register to reflect the most up-to-date compliance controls for compliance obligations.

2. Compliance certification of sub obligations

- 2.1. UCOs for a sub obligation will receive an automated reminder detailing the steps and timeline to complete a compliance certification in line with the certification timeline for Tiers 1 – 4 of sub obligations.
- 2.2. Compliance certification for sub obligations will be facilitated online and UCOs can complete a certification through the "My Compliance" task list in Protecht.
- 2.3. Compliance certification for sub obligations will include questions to assess UNSW's processes to effectively managing the obligation.
- 2.4. Requests for additional time to complete a compliance certification must be made to [Legal & Compliance](#).

3. Compliance certification for core obligations

- 3.1. UCOs for a core obligation will receive an automated reminder detailing the steps and timeline to complete a compliance certification in line with the certification timeline for Tiers 1 – 4 of core

obligations.

- 3.2. Compliance certification for core obligations will be facilitated online and UCOs can complete a certification through the “My Compliance” task list in Protecht.
- 3.3. Compliance certification for core obligations will include assessing the certification results of the sub obligations to that obligation to determine the overall effectiveness of controls to manage the core obligation.
- 3.4. Requests for additional time to complete a compliance certification must be made to [Legal & Compliance](#).

Section 5: Reporting and managing a compliance issue

1. Reporting a compliance issue or breach

- 1.1. Staff who become aware of a compliance issue or suspected breach of a legislative obligation must report the issue to their Head of School or department.

2. Managing a compliance issue or breach

- 2.1. If a compliance issue triggers a notification to an external regulatory body or generates additional legal risks to UNSW, the Head of School or department or the UCO must notify [Legal & Compliance](#).
- 2.2. UCOs must notify the [Legal & Compliance](#) of a compliance issue or suspected breach including:
 - details of the issue (including date and time)
 - details of the investigation and related findings
 - evidence of communication with an external regulatory body
 - impacts to existing compliance controls
 - proposed corrective actions to be implemented
- 2.3. Legal & Compliance will record details of the compliance issue or breach in the Register to track the lifecycle of the incident.
- 2.4. Legal & Compliance will consult with the UCO to close a compliance issue or breach once all the relevant corrective actions and additional compliance controls are implemented.

Section 6: Reporting to ULT and Council

1. Reporting

- 1.1. Legal & Compliance will maintain a reporting dashboard in Protecht to manage data related to compliance certification and incident notification.
- 1.2. Compliance certification and incident notification will be reported annually to the ULT and the Safety and Risk Committee of Council. While items may be referred to ULT and Council, they will be sent to the primary contact in the first instance.

Effective: [XX Month] 2024

Responsible: DVC TPA

Lead: General Counsel