



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

# Policy:

## Compliance Management

Effective: 6 May 2024

Audience: All Staff

Policy Category: Governance

Policy Sub-category: Compliance

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| Policy Owner:        | Pro Vice Chancellor Governance and Legal               |
| Responsible Officer: | University Secretary                                   |
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## 1 OBJECTS OF THE UNIVERSITY

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The Objects of the University of Notre Dame Australia (the University) are defined in Section 5 of its Act of Parliament.

The Objects of the University are:

- (a) the provision of university education, within a context of Catholic faith and values; and
- (b) the provision of an excellent standard of –
  - i. teaching, scholarship, and research
  - ii. training for the professions, and
  - iii. pastoral care for its students.

## 2 PURPOSE

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**2.1** This policy sets out the principles and requirements for ensuring the University can meet its compliance obligations and effectively manage any associated compliance risks.

## 3 SCOPE

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**3.1** This policy applies to:

- 3.1.1 staff of the University employed under continuing, fixed term and casual contracts
- 3.1.2 staff of a third-party organisation who deliver a program or course of the University on behalf of the University, and
- 3.1.3 adjunct staff, visiting staff, emeriti staff, alumni, and consultants and contractors engaged by the University.

**3.2** For the purpose of this policy, the University's compliance obligations include:

- 3.2.1 applicable laws and regulations
- 3.2.2 licenses, registration and accreditation issued to the University by regulatory and professional bodies
- 3.2.3 orders, rules and guidance issued by regulatory and professional bodies, and
- 3.2.4 applicable industry standards, awards and industrial instruments.

## 4 PRINCIPLES

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**4.1** The University's approach to compliance management involves the systematic and ongoing identification, assessment and oversight of compliance obligations that:

- 4.1.1 reflects its identity and Objects
- 4.1.2 enables the University to fulfil its ethical and social responsibilities in a way that is informed by its Objects, and the expectations of its stakeholders and the communities within which it operates
- 4.1.3 supports the achievement of strategic and operational objectives
- 4.1.4 is contextualised and prioritised according to risk and risk appetite

- 4.1.5 includes clearly defined ownership and accountability for proactive management of compliance obligations
- 4.1.6 embeds compliance management as part of the University's business-as-usual operations, and
- 4.1.7 is responsive to changing circumstances within and external to the University.
- 4.2** The University will foster a compliance culture at all levels.
  - 4.2.1 The Senior Management Group will:
    - 4.2.1.1 uphold the values and Objects of the University
    - 4.2.1.2 scrutinise the effectiveness of University policies and processes for managing compliance and compliance risks, and
    - 4.2.1.3 ensure processes are in place to report in a timely manner about effectiveness of compliance systems, including instances of non-compliance and actions taken to address non-compliance.
  - 4.2.2 Executive managers and senior academic leaders will:
    - 4.2.2.1 encourage behaviour that creates and supports compliance and ensure behaviour that compromises compliance is not tolerated
    - 4.2.2.2 ensure effective policies and procedures are in place to support compliance
    - 4.2.2.3 ensure effective compliance controls and quality assurance checks are an integral feature of the University's operations
    - 4.2.2.4 ensure staff recruitment, induction and training processes include emphasis on the University's expectations and requirements for compliance management
    - 4.2.2.1 ensure compliance issues, noncompliance or lapses of compliance are systematically recorded, responded to and reported to governance committees where appropriate, and
    - 4.2.2.2 take prompt action to address instances of non-compliance or other circumstances that present an unacceptable exposure to legal risk.
  - 4.2.3 In the conduct of their duties, managers and staff will:
    - 4.2.3.1 ensure they are aware of and adhere to the compliance obligations relevant to their roles and areas of responsibility
    - 4.2.3.2 participate in training as required to maintain their knowledge of the compliance obligations relevant to their role
    - 4.2.3.3 report any compliance issues, concerns or instances of non-compliance to their supervisor, and
    - 4.2.3.4 carry out actions to rectify identified instances of noncompliance in a timely manner.

## 5 COMPLIANCE MANAGEMENT FRAMEWORK

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- 5.1** The University's compliance management framework is comprised of the elements outlined below.
- 5.2** A **Legislative Compliance Register** maintained by the University's legal team that:
  - 5.2.1 categorises the University's key legislative compliance obligations
  - 5.2.2 assigns a member of senior management group as compliance owner for each category, and

- 5.2.3 identifies the policy documents (policies, procedures and guidelines), as relevant, that support the University to demonstrate compliance.
- 5.3** Systematic identification and assessment of risks associated with compliance obligations by compliance owners as part of **University Divisional Risk assessments**, in accordance with the *Procedure: Risk Management*.
- 5.3.1 Compliance risks that are identified as having potential to significantly impact on University priorities, operations and strategies will be recorded in the University Material Risk Register for regular monitoring and oversight by the Audit and Risk Committee.
- 5.3.2 Compliance risks that are identified as having potential to significantly impact on the quality of teaching, learning, research and research training will be recorded in the University Academic Risk Register for regular monitoring and oversight by the Academic Council.
- 5.4 Annual statements** provided by compliance owners on the management of legislative compliance obligations to inform reporting to Senior Management Group and the Board of Directors.
- 5.4.1 Annual legislative compliance statements are informed by evidence from records and reporting on University systems and processes, including as relevant:
- 5.4.1.1 risk management
  - 5.4.1.2 policy development and review
  - 5.4.1.3 work health and safety management
  - 5.4.1.4 critical incident management
  - 5.4.1.5 complaints and grievances management
  - 5.4.1.6 conduct reported in accordance with the *Policy: Whistleblower Protection*
  - 5.4.1.7 internal audits, and
  - 5.4.1.8 ad hoc reviews.
- 5.5 Higher education compliance obligation registers** maintained by the University Secretary with input from accountable senior managers for the following:
- 5.5.1 *Tertiary Education Tertiary Education Quality and Standards Agency Act 2011*
  - 5.5.2 *Higher Education Standards Framework (Threshold Standards) 2021*
  - 5.5.3 *the Education Services for Overseas Students (ESOS) Act 2000*
  - 5.5.4 the standards in the *National Code of Practice for Providers of Education and Training to Overseas Students 2018*.
- 5.6** An **annual statement of compliance** for the *Higher Education Standards Framework (Threshold Standards) 2021* provided to the Audit and Risk Committee, Board of Directors, and Academic Council.
- 5.7** A **Vocational Education and Training (VET) quality framework** that includes policies and processes for:
- 5.7.1 monitoring review and improvement of VET delivery
  - 5.7.2 self-assessment of compliance with the *Standards for Registered Training Organisations (RTOs) 2015*, and
  - 5.7.3 providing an Annual Declaration on Compliance to the Australian Skills Quality Authority, following consideration by the Board of Directors and Audit and Risk Committee.

## 6 ROLES AND RESPONSIBILITIES

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- 6.1 Audit and Risk Committee provides oversight for the University's management of legislative and regulatory compliance and associated compliance risks in accordance with its Charter, the *Policy: Internal Audit Charter*, and the *Policy: Risk Management*.
- 6.2 Senior Management Group is responsible for:
  - 6.2.1 ensuring alignment between strategic and operational targets and compliance obligations
  - 6.2.2 providing adequate and appropriate resources to support the University's Compliance Management Framework, and
  - 6.2.3 establishing and maintaining mechanisms for ensuring adherence to and accountability for compliance obligations in accordance with policy, including staff training, performance development, performance management and disciplinary action.
- 6.3 Academic Council, in accordance with its Charter and with support from its formal sub-committees, provides oversight for managing compliance obligations and compliance risks relating to the following:
  - 6.3.1 *Higher Education Standards Framework (Threshold Standards) 2021*
  - 6.3.2 *Standards for Registered Training Organisations (RTOs) 2015*, and
  - 6.3.3 *National Code of Practice for National Code of Practice for Providers of Education Training to Overseas Students 2018*.

## 7 RELATED POLICY DOCUMENTS

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- 7.1 *Policy: Risk Management*
- 7.2 *Procedure: Risk Management*
- 7.3 *Policy: Internal Audit Charter*
- 7.4 *Policy: Critical Incident Management*
- 7.5 *Policy: Programs and Courses*
- 7.6 *Procedure: Continuous Improvement in Vocational Education and Training*
- 7.7 *University Policy Framework*
- 7.8 *Employee Code of Conduct and Ethical Behaviour*
- 7.9 *Policy: Staff Grievance Resolution*
- 7.10 *Policy: Student Grievance* (new policy pending approval)
- 7.11 *Policy: Student Appeals*
- 7.12 *Policy: Whistleblower Protection*

## 8 DEFINITIONS

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### 8.1 For the purpose of this Policy, the following definitions apply:

**Compliance obligation** has the same meaning as in clause 4.2.

**Compliance owner** means a member of Senior Management Group who is accountable for institutional-level management of a legislative compliance obligation or category of compliance obligations.

**Legislative Compliance** means adherence to obligations imposed by law, particularly Commonwealth and State Acts of Parliament and associated regulatory instruments, as well as

other obligations imposed by regulatory, statutory authorities or professional bodies responsible for accreditation of academic programs delivered by the University.

**Noncompliance** means non fulfilment of a compliance obligation.

| Version | Date of approval | Approved by     | Amendment                    |
|---------|------------------|-----------------|------------------------------|
| 1       | 6 May 2024       | Vice Chancellor | Effective date – new Policy. |