Compliance Procedures

1. STRATEGIC PLAN THEME AND COMPLIANCE OBLIGATION SUPPORTED

Curtin University Act 1966 (WA)

Compliance Policy

Strategic Plan Theme: People and Culture

2. IMPLEMENTATION PRINCIPLES

The University's Compliance Framework will be aligned with its strategic objectives and risk appetite, and will be based on principles contained within the ISO19600:2014 Compliance Management Systems Guidelines (as amended from time to time).

If there is any outsourcing or contracting out of the University's activities, due diligence is required to ensure that the University's values and compliance obligations are not compromised.

3. PROCEDURAL DETAILS

3.1. Responsibilities

Officer	Responsibilities
Executive Managers	(a) leading by example and demonstrating their active commitment to, and support for, the desired culture of the University, performance targets, and compliance obligations such as legislation and policies and procedures; (b) supporting Compliance Officer and Policy Compliance Officers in their portfolio; (c) allocating adequate resources, implementing necessary systems and processes within their organisational area of responsibility to assist the University in meeting its compliance obligations; (d) ensuring effective identification, monitoring and management of compliance risks and reporting of incidents (e) Monitoring the compliance performance of their staff, including timely completion of mandatory training.
Senior managers (e.g., Heads of School/ Area/ Organisational Area)	(a) the same responsibilities as Executive Managers (b) working collaboratively with Compliance Officers, Policy Compliance Officers and Compliance Services; (c) ensuring that staff, students, guests, University Associates and contractors in their school/area are appropriately aware of their compliance obligations; (d) specifying significant compliance responsibilities in position descriptions and work plan and performance review processes for those staff required to implement, oversee and comply with compliance risk management controls and strategies in their area of responsibility (e) including in their area's operational risk planning the compliance obligations for which their area has responsibility.
Director Risk, Compliance & Audit	(a) implementing, monitoring and measuring the effectiveness and continuous improvement of the compliance framework; (b) monitoring and updating the Compliance Services Operational Plan which addresses the compliance framework and the Compliance Services Operating Process Wiki (c) assessing new and changed compliance obligations, including Commonwealth and WA State legislation and, having regard to strategy and risk, assign the relevant compliance risk approach and maintain the Compliance Obligations Register.

	(d)	keeping informed of global legislation that may impact Curtin's compliance activities and where appropriate including it in the management of related compliance activities.
	(e)	informing appropriate areas of the University of relevant Bills, new or changed legislation
	(f)	liaising with Global Curtin to ensure the appropriate management of Curtin's global compliance obligations.
	(g)	identifying and recommending to the relevant Executive Manager for approval, the appointment of a Compliance Officer/Policy Compliance Officer for a new compliance obligation.
	(h)	approving change to the appointment of a Compliance Officer or Policy Compliance Officer where there is a vacancy or the existing arrangement is no longer appropriate.
	(i)	reviewing Workplace Change proposals in respect to the roles of Compliance Officer or Policy Compliance Officer or key staff involved in systems supporting compliance functionality and, if necessary, provide feedback on the impact on the management of compliance risk
	(j)	providing guidance and support to Compliance Officers and Policy Compliance Officers to assist their development and implementation of effective compliance programs.
	(k)	confirming that there is adequate record keeping in relation to compliance breaches, that remedial action has been taken, that the incident and resolution have been reported to the appropriate authority, and that the Vice-Chancellor, relevant committees and Council have been provided with recommendations in relation to trends and systemic issues;
	(l)	recommending to the Vice-Chancellor or relevant committee approval of proposals for the development of new whole-of-university mandatory compliance training
	(m)	approving on a case-by-case basis modifications to mandatory compliance training requirements, such as Work Essentials, for small cohorts having regard to risks and the recommendation of the Compliance Officers and Policy Compliance Officers.
	(n)	providing input into system development/changes that relate to and support compliance obligations
	(o)	preparing reports to the Audit, Risk and Compliance Committee and senior management to inform them of noteworthy compliance issues, any significant breaches and remedial action taken, and proposed improvements to the compliance program to align it with best practice as defined by ISO19600:2014 Compliance Management Systems Guidelines;
	(p)	managing the Compliance Forum, which is a community of practice for those with an interest in compliance; and
	(q)	working with university staff to understand and manage integrated compliance practices and culture.
Compliance Officers/ Policy Compliance Officers	(a)	establishing, implementing, monitoring and measuring and identifying improvements to the effectiveness of a university-wide compliance program in relation to their assigned compliance obligations and maintaining a documented compliance risk assessment.
	(b)	escalating compliance risk acceptance matters in accordance with the Risk Framework
	(c)	appointing Deputy Compliance Officers, or recommending to the relevant Executive Manager the appointment of a Deputy Compliance Officer

		providing reports, as required, to the Director Risk, Compliance & Audit to assist in the reporting of the effectiveness of the compliance framework.
	(d)	monitoring <u>compliance breaches</u> or areas requiring improvement in achieving compliance, and working with the relevant managers to facilitate effective remedial action;
	(e)	providing reports of compliance breaches and ensuring that these are reported in a timely manner to the relevant regulator pursuant to the applicable legislation;
	(f)	liaising with relevant regulatory or external authorities as required and notifying Compliance Services as soon as practical of any review or visit by the authority that is (a) unscheduled/ad hoc or (b) expected and at which concerns are likely to be raised by the authority, and notifying and providing Compliance Services with details of medium to high risk actions arising out of regulator reports or reviews and advising of concerns about timely completion of those actions
	(g)	monitoring legislative and industry changes that may impact on the compliance obligations they manage and advising Compliance Services if they become aware of changes, or proposed changes to these obligations
	(h)	maintain relevant records and documentation.
Deputy Compliance Officers/ Deputy Policy Compliance Officers	(a)	assisting the Compliance Officer with their responsibilities and acting under their direction
	(b)	informing the Compliance Officer of specific issues or concerns in the Deputy's area of responsibility and providing information about the performance of controls in their area of responsibility
All staff	(a)	ensuring that their activities comply with compliance obligations
	(b)	maintaining an up-to-date knowledge of compliance obligations that affect their activities and relationships at work, and undertake mandatory training, such as Work Essentials and compliance assessments as required;
	(c)	reporting compliance breaches, risks, hazards, incidents and complaints to their manager and through University systems or as provided under specific legislation; and
	(d)	referring to the relevant University policies, procedures or both before acting, and seeking advice if they are uncertain as to what is required.

3.2 Assessment of compliance obligations and appropriate compliance approach

3.2.1 Commonwealth and WA State legislation will be assessed by Compliance Services, in conjunction with subject matter experts, to determine if it meets the criteria for Key Compliance Obligation or the Watch List and for an assessment of the appropriate compliance approach.

3.2.2 As a result of the assessment, each compliance obligation will be assigned to a category and compliance approach. The categories are:

(a) **Key Compliance Obligations**: a compliance obligation that impacts or may reasonably impact the University's operations

(b) **Watch List**: Bills, or legislation that do not create compliance obligations for Curtin but may impact operational risk either currently or in the future

3.2.3 If assessed by Compliance Services as having the potential for significant impact on the University's operations and strategic objectives, legislation in foreign jurisdictions in which the University operates will be managed similarly to domestic legislation.

3.2.4 The category assignment and compliance approach will be reassessed as organisational needs and compliance maturity changes.

3.3 Reporting of potential compliance breaches and management and resolution

3.3.1 The process of managing and resolving non-compliance will be as prescribed by the relevant authority. The relevant manager where the breach has occurred is responsible for the resolution of the breach. The Compliance Officer/ Policy Compliance Officer can provide advice to the manager in relation to the compliance obligation.

3.3.2 All breaches will be reported through the University's complaints portal, which includes C.H.A.R.M, accessible from the University's website home page.

3.3.3 The administrator of the complaints portal will ensure the relevant manager receives the notification and the relevant Compliance Officer/Policy Compliance Officer is informed.

3.3.4 Notification of breaches will be escalated in accordance with the Incident Alert Matrix.

3.4 Annual Certification

A certification of compliance with compliance obligations will form part of the Annual Certification conducted by Internal Audit and be completed by the Executive and Heads of Organisational Areas. A report on the Annual Certification will be provided to the Audit, Risk and Compliance Committee and to the Vice-Chancellor.

4. RESPONSIBILITIES

Responsibilities are those as set out in section 3.

5. SCOPE OF PROCEDURES

All members of the University community (which includes Council members, students, staff, University Associates, Curtin controlled entities, and all persons participating in University business or activities, including whether as a visitor, adjunct appointee, service provider, or contractor).

6. DEFINITIONS

(Note: Commonly defined terms are located in the Curtin Common Definitions. Any defined terms below are specific to this document)

Compliance
Adhering to the requirements of the Curtin's Values, University's policies and procedures, laws, industry and organisational standards and codes, principles of good governance Values ,including the ISO19600:2014 Compliance Management Systems Guidelines) in the context of the University's risk appetite.

Compliance breach or failure
An act or omission whereby the University has not met its compliance obligations, processes or behavioural obligations.

Compliance culture
Values, ethics and beliefs that exist throughout an organisation and interact with the organisation's structures and control systems to produce behaviour norms that are conducive to compliance outcomes.

Compliance obligations
The relevant laws, regulations, industry codes and University statutes, rules, by-laws, policies and procedures.

Significant breach
A breach will be significant if:
- it approaches or exceeds the University's risk appetite;
- it adversely affects the University meeting any of its TEQSA obligations; or
- the cumulative effect of multiple, similar breaches is material.

7. SCHEDULES

Nil

8. RELATED DOCUMENTS/LINKS

ISO19600:2014 Compliance Management Systems Guidelines

Policy Development Procedures

Voluntary Code of Best Practice for the Governance of Australian Universities

Curtin Corporate Governance Framework

Corporate Governance Statement

Incident Alert Matrix

Policy Compliance Officer	Steven Tamigi, Director, Risk Compliance & Audit
Policy Manager	Chief Operating Officer
Approval Authority	Vice-Chancellor
Review Date	1st April 2023

REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	20/02/2013	Vice-Chancellor	EM1303	Unconditional approval, effective 27 February 2013
	Administratively Updated	03/05/2013	Director, Legal and Compliance Services		Compliance and Copyright Consultant title changed
	Administratively Updated	11/02/2015	Director, Legal and Compliance Services		Standards Updated
	Administratively Updated	18/08/2015	Director, Legal and Compliance Services		Links Updated
	Administratively Updated	06/10/2015	Director, Legal and Compliance Services	EC 76/15	Executive Manager Title Changes
	Administratively Updated	17/11/2017	Director, Legal and Compliance Services		Minor text amendments
	Approved	27/09/2019	Vice-Chancellor	EM1951	-