

Compliance Policy

Policy Information

Policy Name:	Compliance
Policy Number:	001
Current Version:	07 – 26/10/2010
Next Revision Date:	26/10/2011
Purpose:	<p>As a public entity, Southbank Institute of Technology (SBIT) has a responsibility to identify and comply with all relevant obligations including all laws, regulations, government policies and procedures, codes of practice, industry and organisational standards, principles of good governance and accepted community and ethical standards.</p> <p>The purpose of this policy is to encourage and support a culture of compliance across the institute. The policy will enable compliance obligations to be identified, monitored and breaches minimised. It will also contribute to effective corporate governance and allow opportunities for business improvement to be maximised.</p>
Scope:	This policy applies to all SBIT Board members and its committees and all SBIT staff. The policy governs all aspects of SBIT's risk management and compliance frameworks.
Exceptions:	None applicable
Policy Owner:	Director, Strategic Governance and CFO
Policy Author:	Manager, Business Process, Kim Grady
Related policies and legislation:	<ul style="list-style-type: none"> ▪ SBIT Policy No. 002 – Risk Management Policy ▪ SBIT Policy No. 066 – Complaints Framework Policy ▪ Queensland Government Legislation http://www.legislation.qld.gov.au/OQPCHome.htm ▪ Commonwealth Government Legislation http://www.comlaw.gov.au/comlaw/comlaw.nsf/previewlinks?OpenView&RestrictToCategory=LEGISLATION ▪ Welcome Aboard: A guide for members of Queensland Government Boards, committees and statutory authorities http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/welcome-aboard.aspx ▪ Code of Conduct http://employeeportal/detportalapp/ShowDoc/BEA%20Repository/ep-preview/221/policies/214/215/codecond.pdf
Internal procedures guided by this policy:	<ul style="list-style-type: none"> ▪ SBIT Procedure No. 1006 – Educational Audit Processes ▪ SBIT Procedure No. 1007 – Non Educational Audit Processes

Revision History

Revision Date:	Status: (Draft/Final)	Summary of Changes	Prepared/Approved By:	Revision #:
15/10/2007	Final	Initial document	Governance/Kim Grady	01
22/10/2007	Final	New logos	Governance/Kim Grady	02
26/03/2009	Final	Total revision	Manager, Business Process/Kim Grady	03
17/05/2009	Final	Added compliance with Institute's Mission, Values & agreed outcomes	Manager, Business Process/Kim Grady	04
17/08/2010	Final	Added Section 2.3, High level Institute processes and updated legislation titles.	Manager, Business Process/Kim Grady	05
20/09/2010	Final	Added, Welcome Aboard (Related Policies) and the following legislation, <i>Fair Trading Act 1989</i> , <i>Financial Accountability Act 2009</i> , <i>Financial and Performance Management Standard 2009</i> , <i>Information Privacy Act 2009</i> , <i>Integrity Act 2009</i> , <i>Right to Information Act 2009</i>	Manager, Business Process/Kim Grady	06
26/10/2010	Final	Updated position title of Policy owner and flowcharts to reflect current organisational structure	Business Process Officer	07

Glossary of Terms/Definitions

Terms	Definitions
Board Committee Members	Includes Board members and any other persons appointed by the Board to committees established by the Board under sections 219Z and 220A of the <i>Vocational Education, Training and Employment Act 2000</i>
Board Members	Persons appointed by the Governor in Council under section 219E of the <i>Vocational Education, Training and Employment Act 2000</i>
Code of Conduct	The Code of Conduct provides SBIT staff with a framework of ethical principles, obligations & standards that guide us in how our work is to be performed, our professional standards as public service employees & how we should conduct our relationships with others
Codes	Include industry codes, codes of conduct, and codes of ethics which the Institute chooses to accept and comply with
Compliance	Compliance means acceptance, adoption, and achievement of particular standards of behaviour and business operations, whether enshrined in law, regulation, government policy or business policy and procedures.
Compliance Program	Is the co-ordinated activity of documenting obligations, ensuring responsibility for meeting obligations is clearly allocated and understood, monitoring and reporting mechanisms for assessing how well obligations are being met and the management activity for addressing non-compliance with obligations and improving systems for meeting obligations
DET	Department of Education and Training
Officer of the Institute	All Board members; Institute employees; DETA employees performing work under a work performance arrangement at the Institute; and any contractors/consultants (and their relevant employees and/or contractors) that are engaged by or acting on behalf of the Institute.

<u>Organisational Standards</u>	Are any codes of ethics, codes of conduct and good practices that the Institute adopts as being appropriate standards for its day to day operations
<u>PART Staff Application</u>	Planning and Reporting Tool Staff Application
<u>PLI</u>	Performance Learning and Innovation – SBIT's performance management system.
<u>Process Framework</u>	The identification and documentation of appropriate policies and procedures to assist staff met or exceed customer and stakeholder requirements
<u>RACI</u>	Responsible, Accountable, Consulted, Informed
<u>RACI Database</u>	Database in "PART Staff Application" that identifies individual staff members' compliance obligations
<u>Risk Rating</u>	Is the process of assessing the level of risk of each obligation in order to understand the importance of the obligation and the degree of exposure in the event of non-compliance
<u>Staff</u>	Employees either directly engaged by SBIT or employed under a Work Performance Arrangement

Distribution

- SBIT Board Members
- SBIT Directors
- SBIT Managers
- SBIT Educational Staff
- SBIT Administration Staff

Policy

1.0 General Guidelines

The Institute has a comprehensive process framework to ensure customer and stakeholder requirements are met or exceeded. This framework consists of twenty-two high level business processes that capture the knowledge base of the Institute. The twenty-two high level business processes and the accountable Officers are illustrated in Appendix A.

Each of these twenty-two high level business processes are supported by policies and procedures giving clear guidelines to all Officers of the Institute of their responsibilities. These responsibilities are also captured in the Institute's RACI database ensuring any Officer of the Institute has quick and easy access to their compliance responsibilities.

SBIT Board Members should refer to Welcome Aboard: A guide for members of Government Boards, committees and statutory authorities to clarify their obligations of good corporate governance as an SBIT Board Member.

SBIT Board Members, Directors, Managers and all staff:

1. must comply with the letter and the spirit of all relevant laws including legislative requirements, industry codes, government policies, organisational standards (SBIT policies or procedures) as well as good corporate governance, ethics and community expectations,
2. are to use the organisation's Mission Statement to clarify their purpose and direction,
3. embrace and uphold the Institute's Values and work diligently towards meeting agreed outcomes in creating a quality education and learning experience for SBIT students.

The Director of Strategic Governance is accountable for implementing this policy and all compliance programs across the Institute and is supported in this responsibility by the Risk, Audit & Legal Business Unit.

SBIT Board Members, Directors, Managers and all staff must ensure that any issues of non-compliance that may arise are promptly resolved in a manner that minimises financial loss and protects the reputation of the Institute.

Compulsory compliance by any SBIT Board Member, Director, Manager or staff member is underpinned by the "Code of Conduct". Conduct that is prejudicial to a compliance culture will not be tolerated.

The key elements of compliance that will be managed/monitored across the organisation through the relevant and specific policies and procedures are:

- Workplace Health & Safety
- Registered Training Organisation (RTO) requirements
- Australian Quality Training Framework (AQTF)
- Office of Higher Education requirements
- Financial and Audit compliance
- International Operations
- Quality Management System requirements (AS/NZS ISO 9001:2008)
- General Government & SBIT Policy and Procedure compliance
- Legal/contractual compliance
- Other legislative compliance

1.1 Underpinning Philosophy

SBIT Board Members, Directors and Managers have the responsibility of developing and maintaining a compliance culture within the Institute through ethical decision making. This will be achieved through "leading by example" and ensuring that compliance requirements are documented and communicated in a way that is easy for SBIT staff members to understand their obligations.

2.0 Compliance Framework

Due to the numerous compliance requirements a compliance Framework has been developed to identify responsibilities and reporting structure. Appendix B outlines SBIT's compliance framework

2.1 Compliance Culture

The Institute's commitment to a positive compliance culture will be demonstrated by:

- The conduct and support of the Institute's Board and the activities and decisions of the Board's Finance, Audit and Risk sub-committee. In particular the Board will ensure that all Managers understand, promote and are accountable for compliance.
- The active engagement of the Institute's senior executive in the identification and management of compliance issues and risks;
- The allocation of appropriate resources throughout the Institute to manage compliance obligations.
- Procedures, practices and documented processes that make compliance easier to understand and achieve.

2.2 Compliance Programs

SBIT's compliance framework and compliance program will conform with *Australian Standard AS 3806-2006 Compliance Programs* and represents an important element of the Institute's corporate governance framework. The compliance program aims to prevent, and where necessary, identify and respond to non-compliance and encourage a culture of valuing compliance and business improvement. Key elements of the Institute's compliance program will include:

- Identification and management of the Institute's legal obligations;
- Allocation of responsibility to the relevant operational areas for ensuring compliance with obligations;
- Risk rating of all obligations as part of the Institute's strategic planning and risk assessment processes to ensure awareness of the risk of non-compliance and to provide a measure of such exposure;
- Regular assessment of how well the Institute meets its obligations and where and how it might improve including identification of any non-compliance and remedial action taken;
- Training of staff and management on the importance of compliance and promoting a commitment to compliance as an organisational value;
- Fostering continuous improvement in all compliance processes across the Institute to ensure that all obligations are met and to encourage innovation and best practice in compliance development, procedures and processes;
- Regular reporting to the Institute's Board, its Audit, Finance and Risk Management committee and senior management on all compliance activities;
- A clearly defined system for handling complaints about non-compliance from internal and external staff, clients and stakeholders which analyses and investigates complaints and compliance failures and feeds back information to senior management and the Board on compliance failures and areas for improvement;
- The provision of adequate induction, education and training to all personnel, including Board and Board Committee members which is supported by clearly documented business practices and processes which enable all personnel to comply with the Institute's obligations;
- Ongoing review of the Institute's compliance framework, policy, program and procedures.

2.3 How Compliance is Achieved

SBIT has several mechanisms to assist Board members, Directors, Managers and Staff to achieve compliance and develop a compliance culture. These are:

1. Identification of what policies and process need to be documented. This is achieved through SBIT's Process Framework.
2. Identification of appropriate documentation for a particular activity or task. This is achieved through:
 - Staff training ongoing from the time of induction;
 - RACI Database which identifies quality documentation specific to an individual staff member where a compliance obligation is recorded against that individual;
 - SBIT intranet document search engine.

3. SBIT staff meeting individual objectives documented in their Performance Learning & Innovation (PLI) Plan. Achieving PLI objectives translates to meeting Business Unit Plan outcomes and therefore SBIT Strategic objectives being met.
4. Analysis of feedback the Institute receives from stakeholders to identify and report compliance issues.
5. Internal audits to identify and rectify compliance gaps.
6. External audits against legislative, regulatory and certification requirements to identify and rectify compliance gaps.

3.0 Relevant Laws

Below is a list of legislation and other documentation that SBIT must comply with. SBIT compliance may not be restricted to this list.

State Legislation unless otherwise indicated by (Cth) = Commonwealth Legislation

- *Acts Interpretation Act 1954*
- *Anti-Discrimination Act 1991*
- *Biodiscovery Act 2004*
- *Building Act 1975*
- *Charitable and Non-Profit Gaming Act 1999*
- *Commercial and Consumer Tribunal Act 2003*
- *Commission for Children and Young People and Child Guardian Act 2000*
- *Commonwealth and State Statistical Agreement Act 1958*
- *Company Law Review Act 1998 (Cth)*
- *Corporations Act 2001 (Cth)*
- *Crime and Misconduct Act 2001*
- *Criminal Code 1899*
- *Criminal Law (Rehabilitation of Offenders) Act 1986*
- *Disability Discrimination Act 1992 (Cth)*
- *Education (Accreditation of Non-State Schools) Act 2001*
- *Education (General Provisions) Act 2006*
- *Education (Overseas Student Act) 1996*
- *Education (Queensland Studies Authority) Act 2002*
- *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*
- *Education (Work Experience) Act 1996*
- *Environmental Protection Act 1994*
- *Equal Opportunity in Public Employment Act 1992*
- *Fair Trading Act 1989*
- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2009*
- *Gaming Machine Act 1991*
- *Health Services Act 1991*
- *Higher education (General Provisions) Act 2008*
- *Higher Education Support Act 2003 (Cth)*
- *Income Tax Assessment Act 1997 (Cth)*
- *Industrial Relations Act 1999*
- *Information Privacy Act 2009*
- *Integrity Act 2009*
- *Judicial Review Act 1991*
- *Libraries Act 1988*
- *Ombudsman Act 2001*
- *Public Records Act 2002*

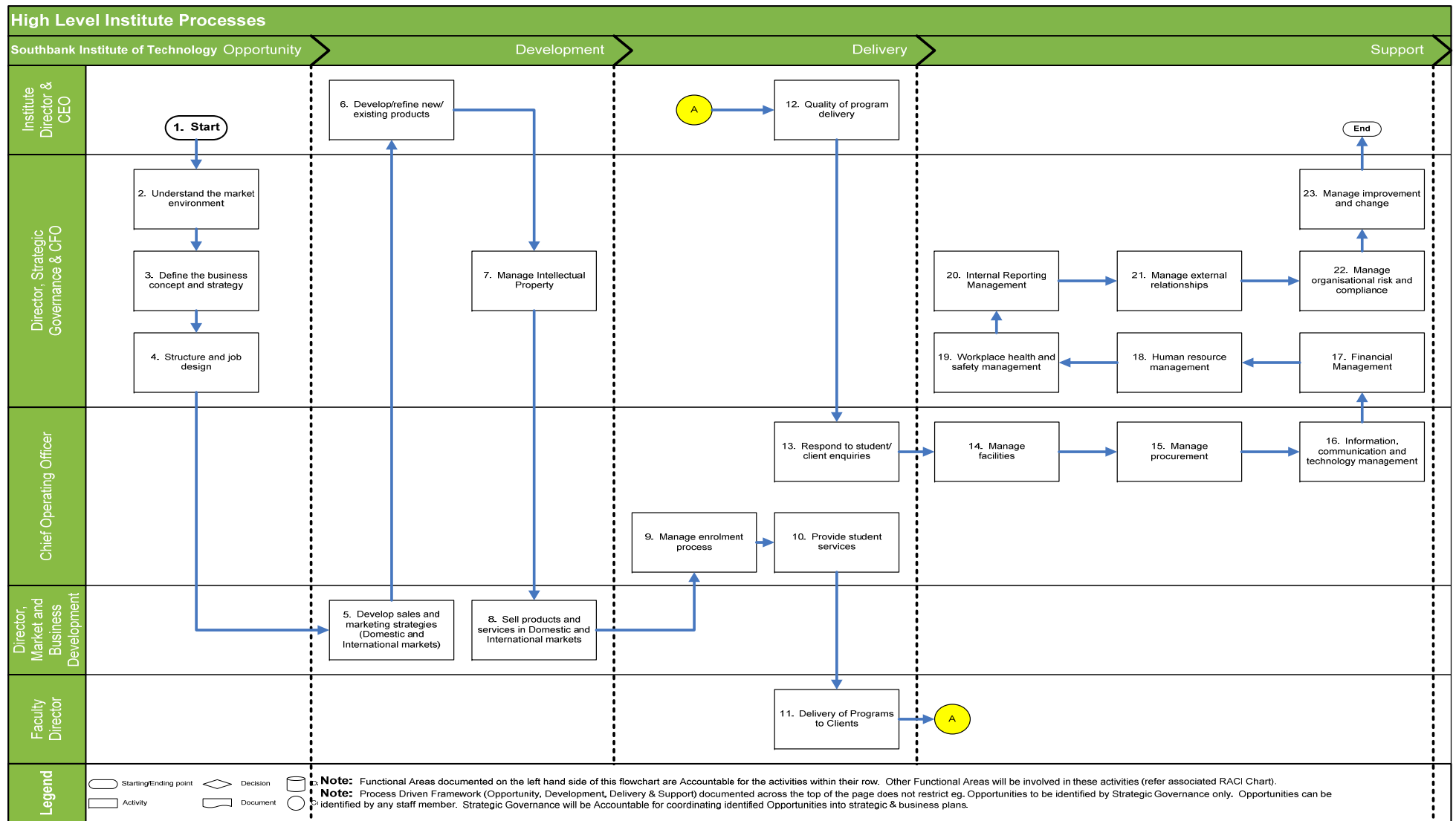
- *Public Sector Ethics Act 1994*
- *Public Service Act 2008*
- *Right to Information Act 2009*
- *Statutory Authorities (Superannuation Arrangements) Act 1994*
- *Statutory Bodies Financial Arrangements Act 1982*
- *Superannuation (State Public Sector) Act 1990*
- *Superannuation Guarantee (Administration) Act 1992 (Cth)*
- *Taxation Administration Act 2001*
- *Trade Practices Act 1974 (Cth)*
- *Vocational Education, Training and Employment Act 2000*
- *Vocational Education, Training and Employment Regulation 2000*
- *Vocational Education, Training and Employment and Other Legislation Amendment Act 2007*
- *Whistleblowers Protection Act 1994*
- *WorkCover Queensland Act 1996*
- *Workplace Health and Safety Act 1995*
- *Workers' Compensation Act 1990*
- *Workers' Compensation and Rehabilitation Act 2003*

3.1 Other Regulatory Requirements

SBIT must comply with but is not limited to the below regulations:

- Australian Quality Training Framework
- Australian Standard AS 3806-2006 Compliance Programs
- AVETMISS Standards
- AS/NZS ISO9001:2008
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2007

Appendix A: SBIT High Level Institute Processes



Appendix B: SBIT Compliance Framework

