THIS POLICY IS CURRENTLY UNDER REVIEW

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COMPLIANCE POLICY

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Purpose

The term "compliance" is here taken to mean "adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards" (*Australian Standard AS 3806 - 2006*).

By a compliance program is meant a series of activities that when combined are intended to achieve organisational compliance with relevant legislation, policies and regulations.

The College recognises four key elements of effective compliance:

- Commitment by the Board of Directors, Academic Board and senior academic and non-academic management to effective compliance throughout the entire College;

- Assignation of compliance responsibilities, training needs addressed, and controls implemented to manage compliance obligations.

- Obligations relating to compliance are documented, monitored, measured and reported.

- Activities and procedures relating to compliance are regularly reviewed and improvements made when appropriate.

This policy seeks to:

- Provide a uniform approach to ensure compliance by Excelsia College with all applicable laws, regulations, industry and internal codes of conduct and other compliance obligations that impact on the College's operations;

- Promote an effective compliance culture in the College;

- Uphold good corporate governance practices; and

- Provide risk treatments in respect to compliance that are commensurate with legal, regulatory and other compliance risks facing the College.

The principal foci of compliance that will be managed and monitored across the College through the relevant and specific policies and procedures are:

- Work Health and Safety
- Australian Qualifications Framework
- National Code of Practice for Providers of Education and Training to Overseas Students
- Higher Education Provider requirements
- Financial and Audit compliance
- Quality Management System requirements (ISO9001: 2008)
- Excelsia College policies and procedures
- Legal and contractual compliance
- Other legislative compliance

Policy Statement

Through the office of the Director of Quality, the College will:

1) Establish a compliance program that captures the compliance obligations of the College;

2) Maintain a central database of all identified laws, regulations, codes, guidelines and other compliance matters with which the College must comply;

3) Monitor internal compliance conformance and other related matters in order to assess and report on compliance risks;

4) Provide education and training as part of the implementation and maintenance of a compliance program that details specific accountabilities, reporting and communication methods;

5) Review processes and procedures to integrate compliance obligations into the day-to-day operations of the College;

6) Ensure the effectiveness of the compliance program by conducting regular compliance reviews and internal audits;

7) Ensure that non-compliance issues are dealt with in accordance with College policies, procedures and existing reporting mechanisms;

8) Ensure appropriate review and approvals of and for all compliance-related accountabilities;

9) Introduce a process of continuous improvement with reporting of non-compliance and recognition of high standards in compliance;

10) Monitor legislation, regulations, codes, guidelines and other compliance matters for any changes or new requirements. Internal processes will also be monitored to ensure the currency and relevance of compliance procedures and practices;

11) Monitor the effectiveness of the compliance program.

Responsibilities

a) All Staff

All College staff should be conscientious in seeking to comply with relevant obligations in the course of their duties.

b) Director of Quality

The Director of Quality is responsible for ensuring effective compliance throughout the College, including:

- maintaining a register and calendar of compliance obligations;

- coordinating annual compliance risk reporting through the College's risk management processes;

- preparing annual reports for executive management on major trends or issues;

- developing educative training programs for relevant obligations to raise awareness of the compliance obligations; and

- providing advice to responsible officers and other staff on compliance obligations and issues.

c) Responsible Officers

Responsible officers are designated for all obligations and are normally the head of the operational area allocated responsibility for ensuring compliance with a specific obligation. There may be multiple responsible officers for certain obligations.

Responsible officers are required to:

- confirm that they are seeking, during their operational activities, to ensure monitoring of compliance with each obligation allocated to them, and how this is achieved;

- evaluate annually the risk treatments identified for each obligation, and report on any incidents of non-compliance and the remedial action taken to address them, including any ongoing non-compliance issues.

  Responsible officers are expected to maintain a sound knowledge of their designated obligations and should convey advice of new obligations or changes to existing ones to the Director of Quality.

d) Senior Managers

The management of compliance primarily occurs within academic and operational areas, and non-compliance is dealt with through existing management processes. However, compliance issues will on occasion necessitate an escalation to executive management because of the nature of the risk or resources involved. In these cases, it is the responsibility of senior managers to review the situation and implement remedial procedures to manage risks in accordance with College policies and procedures.

At all times it is the responsibility of senior managers to remain aware of the compliance obligations under their supervision, and the designated responsible officer's management of these obligations.

e) Board of Directors

The College's Board of Directors is responsible for approving the compliance policy and for ensuring that it receives adequate reporting on compliance.

References and Related Documents

Excelsia College must comply with the following legislative instruments and their amendments. This is not an exhaustive list.

- *Copyright Act 1968 (1998)*
- *Company Law Review Act 1998*
- *Corporations Act 2001*
- *Child Protection (Prohibited Employment) Act 1998*
- *Disability Discrimination Act 1992*
- *Education Services for Overseas Students (ESOS) Act 2000*
- *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
- *Higher Education Support Act 2003*
- *Income Tax Assessment Act 1997*
- *Privacy Act 1988*
- *Superannuation Guarantee (Administration) Act 1992*
- *Tertiary Education Quality and Standards Act 2011*
- *Trade Practices Act 1974*

Codes, standards, guidelines and regulations that govern the operations of Excelsia College include:
- *Australian Qualifications Framework (AQF)*
- *Australian Standard AS 3806-2006 Compliance Programs*
- *Higher Education Threshold Standards*
- *ISO 9001:2008 Quality Standard*
- *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (The National Code) 2007*
- *National Protocols for Higher Education Approval Processes*