

Policy: Organisational Compliance

Purpose

The purpose of this policy is to create a framework to ensure that NSW Trustee and Guardian (NSWTG) acts in accordance with its compliance obligations. By recognising and recording the relevant compliance sources (including laws, regulations, policies and procedures), compliance obligations and current controls, the aim is to increase organisational maturity for compliance.

Policy statement

NSWTG's commitment

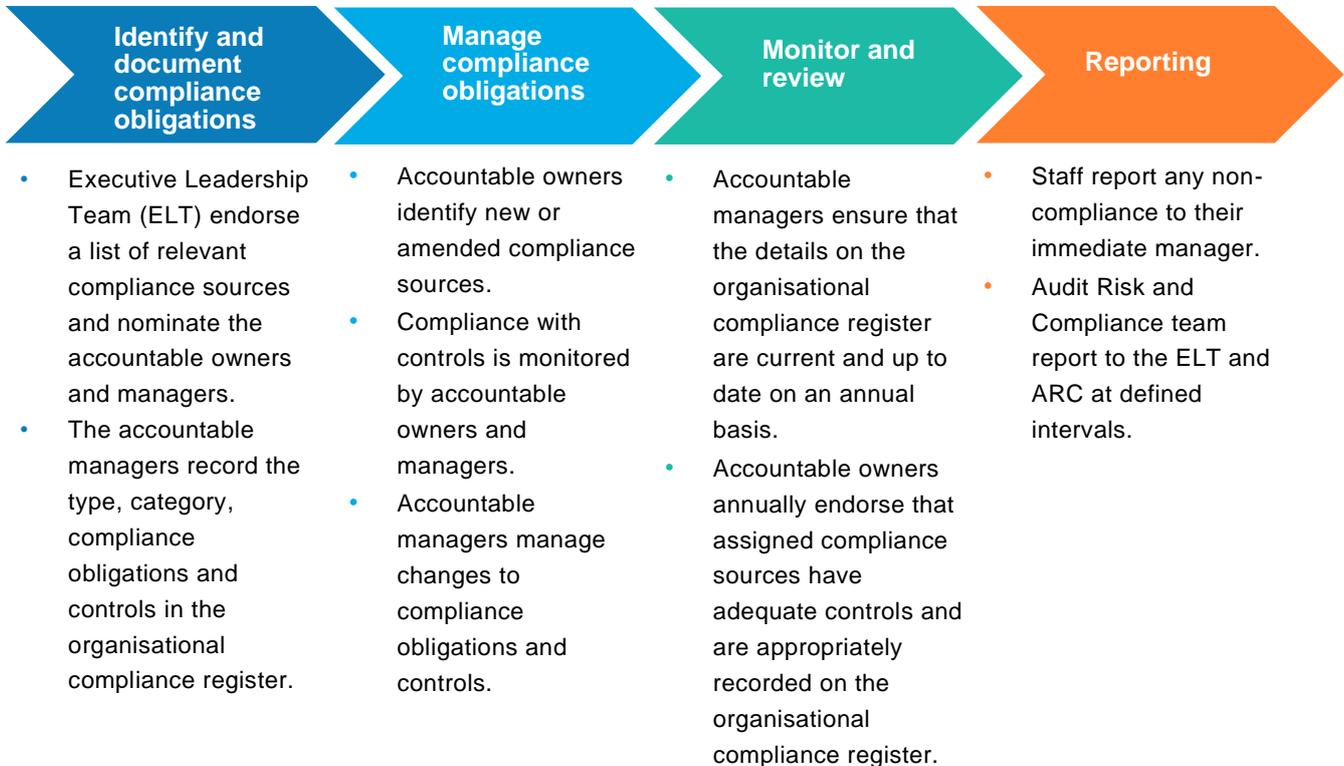
NSWTG is committed to proactively meeting its ongoing compliance obligations by identifying and adhering to relevant laws, regulations, government policies, procedures and other directives. NSWTG strives to meet the requirements of the standards and codes of practice that apply to its day-to-day activities and responsibilities.

NSWTG is committed to fulfilling its compliance obligations by:

- Promoting adherence to relevant laws, regulatory requirements, industry codes and organisational standards, as well as standards of good governance, generally accepted best practices, ethics and community expectations.
- Identifying relevant compliance sources and recording them on the organisational compliance register.
- Identifying and recording its relevant compliance obligations and establishing appropriate controls to maintain compliance.
- Reviewing, at least annually, all compliance obligations in the organisational compliance register to ensure that the register is current and up to date.
- Establishing accountability for compliance by developing a clear structure of nominated accountable owners and managers with clearly defined responsibilities to promote and embed good governance culture.
- Identifying any new compliance sources, as they arise, and adding them to the organisational compliance register.
- Ensuring that delegations and authorities are appropriately established, used and monitored.
- Seeking advice and reporting to the Audit and Risk Committee (ARC) for an overall assessment of the compliance framework including details of any significant legislative changes impacting NSWTG.
- Ensuring appropriate communication and training is provided to staff to meet their compliance responsibilities within the scope of their roles.

Compliance Management Process

The various components of NSWTG's compliance management process, as outlined below, together promote our compliance culture.



Roles and responsibilities

All NSWTG staff (including contingent labour) are responsible for:

- Adhering to compliance sources (including laws, regulations, policies and procedures) in all activities undertaken at NSWTG.
- Complying with all systems and processes to ensure compliance with NSWTG's obligations.
- Reporting to their immediate manager if they believe there has been a breach of a compliance obligation so it can be escalated to a member of the ELT.

Chief Executive Officer (CEO)

The **CEO** is responsible for:

- Ensuring that NSWTG has systems and processes to maintain compliance with all compliance sources.
- Establishing a culture of compliance at NSWTG.
- Delegating day-to-day responsibility for identifying compliance obligations, adequacy of compliance controls and any enhancements required to the ELT.

Executive Leadership Team (ELT)

The **ELT** are responsible for:

- Identifying relevant compliance sources applicable to NSWTG and ensuring that they are included in the organisational compliance register.
- Nominating an Accountable Owner for each relevant compliance source.
- Managing any non-compliance that occurs.
- Promoting and supporting a compliance culture.

Audit, Risk & Compliance team

The **Audit, Risk & Compliance team** is responsible for:

- Establishing and leading the implementation of NSWTG's compliance policy.
- Facilitating the annual review of the organisational compliance register.
- Compliance reporting to the Audit and Risk Committee and ELT at defined intervals.
- Supporting a compliance culture, including improving knowledge and assisting staff to adhere to compliance obligations.

Accountable Owner

An Accountable Owner is a nominated Director responsible for:

- Owning a compliance source by ensuring that NSWTG complies with the relevant compliance obligations and has adequate controls to maintain compliance.
- Nominating one or more accountable managers and assisting them to establish appropriate controls.
- Promoting and enabling a compliance culture.
- Endorsing the annual review of assigned compliance sources and controls.

Accountable Manager

An Accountable Manager is nominated by an Accountable Owner and is responsible for:

- Reviewing the assigned compliance obligation(s) on an annual basis to ensure that the details on the organisational compliance register are current and up-to-date.
- Providing advice to the accountable owner about the appropriateness of controls established to meet the compliance obligations.

Scope

The policy applies to all NSWTG activities and processes. It is the responsibility of all staff (including contingent labour) to actively participate in improving standards of compliance associated with any activity, function or process within their relevant scope of responsibility and authority.

Legislative context

- [Government Sector Finance Act 2018](#)
- [Government Sector Employment Act 2013](#)
- [NSW Trustee and Guardian Act 2009](#)
- [NSW Trustee and Guardian Regulation 2017](#)

Related resources

- [Risk Management Policy](#)
- [Code of Ethical Conduct](#)
- [Policy: Authorities and Delegations](#)
- [AS ISO 19600:2015 Compliance Management Systems - Guidelines](#)

Definitions

Compliance: meeting all of the organisation's compliance obligations.

Compliance obligation: a requirement that the organisation mandatorily has to comply with as well as one that the organisation voluntarily chooses to comply with. The requirement is described in a compliance source.

Compliance source: laws, regulatory requirements, industry codes and organisational standards, as well as standards of good governance, generally accepted best practices, ethics and community expectations.

Control: includes, but is not limited to, any process, policy, device, practice, or other conditions and/or actions which maintain and/or modify the risk of non-compliance.

Non-compliance: non-fulfilment of a compliance obligation. Non-compliance can be a single or a multiple event and may or may not be the result of a nonconformity.

Relevant (compliance source): a compliance source where either the agency or statutory role is specifically mentioned, or the ELT determines that there is a direct or substantial impact on what NSWTCG does or the decisions it makes.

Document information

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Approver:	Chief Executive Officer
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