

Compliance Management Framework

1. Overview

The Institute’s commitment to a compliance management framework affirms its adoption of appropriate standards of governance to manage its legal and compliance obligations, thereby providing guidance for Institute staff in their management of compliance obligations. The Institute will establish, implement, maintain, evaluate, and continuously improve its compliance management system.

The Institute will embody a culture of integrity and show due consideration for the needs and expectations of its stakeholders.

This framework is based on the key principles within the Australian Standard Compliance management systems- Guidelines AS ISO 19600:2015, and is supported by the Quality Assurance Framework.

3. Definitions

Term	Definition
Annual Accountability Calendar	is the Institute’s detailed schedule of compliance obligations and reporting activities, reviewed each calendar year that forms part of this Framework.
Audit and Risk Management Committee (ARMC)	is a standing committee of the Board of Directors with oversight of the system internal control, the audit system, the development of a system of risk management and the process for monitoring compliance with laws and regulations.
Compliance	Adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards.
Compliance Breach	A failure to adhere to an obligation(s) determined by legislation, regulation, contract and/or internal frameworks.
Compliance Risk	the risk of legal or regulatory sanction, financial or reputational loss arising from a failure to abide by the Institute’s compliance obligations.
Compliance Obligation	An action or inaction that is mandated by legislation, regulation, contract and/or internal framework.
ELICOS	National Standards for ELICOS Providers
ESOS Act	Education Services for Overseas Students Act 2000

Warning: uncontrolled when printed.

Original Issue:

02 November 2020

Reviewed by Policy Committee:

20 August 2020

Approved by the Executive Management Committee (EMC):

01 October 2020

Endorsed by the Board of Directors (BOD):

28 October 2020

Current version

28 October 2020

Review Date:

29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW

Term	Definition
Higher Education Standards	Higher Education Standards made under the Tertiary Education Quality and Standards Higher Education Standards Framework 2015.
National Code	National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (reference s.33 (1) ESOS Act 2000)

4. Compliance Statement

4.1 This Compliance Management Framework (the framework) forms part of the overall Institute governance structure and coordinated system designed to provide effective management of compliance issues, obligations and risks, including the identification and response to non-compliance.

4.2 The Institute has designed a system that aims to embed compliance behaviour at all levels of the Institute through the modelling of core values by Institute leadership. By developing an Institute wide Compliance Management Framework the Institute demonstrates its commitment to compliance with the following obligations:

- **Regulatory and Legal:** Higher Education sector, ESOS Act, ELICOS and National Code legislation and regulations, applicable State and Federal legislation and contractual obligations.
- **Organisational:** Integration of compliance obligations into business processes and operations to drive effective and accountable decision making including, but not limited to, the use of standards, internal policies and frameworks, good corporate and academic governance, best practices, ethics and community expectation applied to the operation and administration of Institute services; and
Appropriate monitoring, reporting and training enabling the discharge of compliance responsibilities and support for the management of compliance obligations.
- **Governance:** appropriate oversight and support from the Board of Directors, Academic Board and ARMC, and active engagement of EMC.

4.3 The Compliance Management Framework establishes:

- the Annual Accountability Calendar that describes controls for each compliance requirement;
- identification of accountabilities and responsibilities for the management and reporting of compliance requirements and obligations;
- a series of reports and reviews that monitors and evaluates the compliance controls, thereby providing a basis for monitoring and improvement;

Warning: uncontrolled when printed.

Original Issue:

02 November 2020

Reviewed by Policy Committee:

20 August 2020

Approved by the Executive Management Committee (EMC):

01 October 2020

Endorsed by the Board of Directors (BOD):

28 October 2020

Current version

28 October 2020

Review Date:

29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW

- practices that assist with the implementation of compliance within the Institute;
- a consistent, rigorous and comprehensive commitment to compliance that seeks to ensure the maintenance of good corporate governance.

5. Compliance Management

5.1 Strategy and Scope

The Institute must within its business strategy comply with a range of obligations, be conversant with those obligations and risks, and be able to demonstrate both internally (through its governance structures) and externally (to government higher education and corporate regulatory bodies) that it appropriately manages those obligations.

This framework applies to all staff, including Executive Directors, external Board and Committee members, and contractors.

5.2 Accountabilities

The Institute’s Compliance Management Framework is designed to provide a process of continuous improvement whereby the organisation supports the commitment, implementation, improvement and monitoring of each component of its compliance obligations, as described in the following compliance management system:

1. Commitment	Accountability
Compliance Management Framework aligned to MIT Strategic Plan.	Board of Directors
Academic compliance: <ul style="list-style-type: none"> • quality assurance and compliance with higher education standards by the Institute; • academic governance, learning and teaching, academic support, and student support and innovation. 	Board of Directors is accountable to the Tertiary Education Quality and Standards Agency Academic Board accountable to the Board of Directors

Warning: uncontrolled when printed.

Original Issue:	02 November 2020
Reviewed by Policy Committee:	20 August 2020
Approved by the Executive Management Committee (EMC):	01 October 2020
Endorsed by the Board of Directors (BOD):	28 October 2020
Current version	28 October 2020
Review Date:	29 October 2025



Higher education standards related to corporate governance, financial management, planning, information and communications technology, student recruitment and marketing, human resources, safety and security, and facilities.	CEO accountable to Board of Directors
<p>Leadership to display top-down commitment and promote effective compliance practices across the Institute;</p> <p>Compliance obligations identified. Understand the business, operating, legal and regulatory environment and document compliance obligations;</p> <p>Compliance risk assessment to identify, analyse and treat compliance risk within existing controls;</p> <p>Resources allocated to support compliance management system.</p>	Board of Directors/EMC
Oversight of the compliance risk, controls and legislative compliance.	Audit and Risk Management Committee
Oversight of implementation of the Compliance Management Framework and system.	CEO/Managing Director
Annual Accountability Calendar	Compliance Manager
2. Implementation	
<p>Management of compliance obligations in area of responsibility;</p> <p>Training on compliance and risk undertaken on a regular basis;</p> <p>A culture of compliance encouraged;</p> <p>Disseminate internal policies and frameworks to staff and students;</p> <p>Establish controls to manage compliance obligations.</p>	Responsible EMC member through existing operational level management processes.

Warning: uncontrolled when printed.

Original Issue:

02 November 2020

Reviewed by Policy Committee:

20 August 2020

Approved by the Executive Management Committee (EMC):

01 October 2020

Endorsed by the Board of Directors (BOD):

28 October 2020

Current version

28 October 2020

Review Date:

29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW

<p>3. Improvement</p>	
<p>Review and improve the Compliance Management Framework annually</p>	<p>Chair, EMC</p>
<p>Compliance breaches may be identified from a number of sources including:</p> <ul style="list-style-type: none"> • reporting and/or self-assessments by staff; • annual reporting; • audit reports; • fines, penalties, etc.; • adverse publicity; • inquiry from regulators or government bodies; • complaints; • OH&S incidents; • systemic issues. <p>Identified breaches are addressed, including development of a treatment plan, strengthening the control environment and managing any consequences of the breach.</p>	<p>Minor instances to be remedied by the relevant manager and reported to the Compliance Manager.</p> <p>Major and high-risk breaches are investigated by the Compliance Manager who forwards a report of the investigation to the responsible EMC member for action, as appropriate. The breach may be escalated depending on its severity and nature.</p> <p>The Compliance Manager may recommend to the ARMC the inclusion of the matter in the Risk Register. The responsible EMC member may also report breaches to a regulator if appropriate, or required, under legislation.</p>
<p>4. Monitoring</p>	
<p>Compliance performance monitored and reported annually in a Compliance Monitoring report, including risks, breaches, remedial action, time frame and responsible manager.</p>	<p>Audit and Risk Management Committee/EMC</p>
<p>Compliance demonstrated through Institute documentation and practice.</p>	<p>Internal audit/Compliance Manager</p>

Warning: uncontrolled when printed.

Original Issue:

02 November 2020

Reviewed by Policy Committee:

20 August 2020

Approved by the Executive Management Committee (EMC):

01 October 2020

Endorsed by the Board of Directors (BOD):

28 October 2020

Current version

28 October 2020

Review Date:

29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW

6. Responsibilities

- 6.1 All Institute staff are responsible for compliance with the Compliance Management Framework. The Institute encourages the timely reporting of potential compliance breaches. Staff who knowingly and/or recklessly breach the Institute's compliance obligations may be subject to disciplinary action.
- 6.2 Specific responsibilities include:
- The Board of Directors, the Academic Board, the CEO and all levels of management should actively demonstrate commitment to compliance, and implementation of the Annual Accountability Calendar.
 - The EMC members are responsible for responding to compliance issues raised and reviewing and updating each compliance obligation at least annually as part of the reporting process, as well as identifying new obligations or changes in obligations; assisting with coordination of risk assessments, internal audits and compliance reviews that involve their operational area of responsibility; and identifying and arranging relevant training to improve or ensure compliance within their area/department.
 - Audit and Risk Management Committee is responsible for monitoring risks, controls and compliance with legislative and regulatory obligations and ensuring it receives regular compliance reporting and requesting follow-up actions where necessary.
 - All managers are responsible for the effective development, implementation and maintenance of Compliance Management Framework, including compliance monitoring and implementing corrective actions in the event of a breach.
 - All staff must adhere to compliance obligations, undertaking relevant training and reporting compliance concerns, issues, complaints and breaches.
 - The Compliance Manager is responsible for the oversight of the development, implementation and continuous improvement of a Compliance Management Framework including recordkeeping of compliance issues and non-compliance incidents.
 - Internal audit will evaluate systems established to ensure compliance with laws, regulations, policies and frameworks.

7. Implementation and communication

This framework will be implemented and communicated through the Institute via:

- the Institute's website;
- Internal circulation to staff;
- Staff professional development and meetings.

Warning: uncontrolled when printed.

Original Issue:	02 November 2020
Reviewed by Policy Committee:	20 August 2020
Approved by the Executive Management Committee (EMC):	01 October 2020
Endorsed by the Board of Directors (BOD):	28 October 2020
Current version	28 October 2020
Review Date:	29 October 2025

Supporting documents and References

Commonwealth legislation (applies to both NSW and Victoria):

A New Tax System (Goods and Services Tax) Act 1999
A New Tax System (Pay as You Go) Act 1999
Age Discrimination Act 2004
Australian Human Rights Commission Act 1986
Competition and Consumer Act 2010
Competition and Consumer Regulations 2010
Copyright Act 1968
Corporations Act 2001
Disability Discrimination Act 1992
Disability Standards for Education 2005
Education Services for Overseas Students Regulations 2001
Education Services for Overseas Students (Calculation of Refunds) Specifications 2014
Education Services for Overseas Students Act 2000
Education Services for Overseas Students (Registration Charges) Act 1997
Fair Work Act 2009
Fair Work Regulations 2009
Freedom of Information Act 1982
Fringe Benefits Tax Assessment Act 1986
Fringe Benefits Tax Regulations 1992
Income Tax Assessment Act 1997
National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (reference s.33 (1) ESOS Act 2000)
National Standards for ELICOS Providers
Privacy Act 1988
Racial Discrimination Act 1975
Sex Discrimination Act 1984
Superannuation Guarantee Administration Act 1992
Taxation Administration Act 1953
Taxation Administration Act 1997
Tertiary Education Quality & Standards Agency Act 2011
Tertiary Education Quality & Standards Agency Act 2011 Higher Education Standards Framework (Threshold Standards) 2015

NSW legislation:

Anti-Discrimination Act 1977
Fair Trading Act 1987
Fair Trading Regulation 2012
Payroll Tax Act 2007
Protection of the Environment Operations Act 1997
Surveillance Devices Act 2007 (NSW)
Work Health and Safety Act 2011
Work Health and Safety Regulations 2011

Warning: uncontrolled when printed.

Original Issue:

02 November 2020

Reviewed by Policy Committee:

20 August 2020

Approved by the Executive Management Committee (EMC):

01 October 2020

Endorsed by the Board of Directors (BOD):

28 October 2020

Current version

28 October 2020

Review Date:

29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW

Workers Compensation Act 1987
Workers Compensation Regulations 2010
Workplace Injury Management and Workers Compensation Act 1998

Victoria legislation:

Accident Compensation Act 1985
Crimes Act 1958 (re bullying)
Dangerous Goods Act 1985
Environment Protection Act 1970
Equal Opportunity Act 2010
Occupational Health and Safety Act 2004
Occupational Health and Safety Regulations 2007
Payroll Tax Act 2007
Racial and Religious Tolerance Act 2001
Surveillance Devices Act 1999
Workers Compensation Act 1958
Workplace Injury Rehabilitation and Compensation Act 2013

Institute documents:

MIT Policies frameworks
Accountability Framework and Annual Accountability Calendar
Quality Assurance Framework
Risk Management Plan
Risk Register
Policy Register
Internal Audit Plan.

Other regulatory bodies;

ACPET
Australian Skills Qualification Authority <http://www.asqa.gov.au/>
Department of Home Affairs <https://prisms.education.gov.au>
Overseas Students' Ombudsman <http://www.oso.gov.au>

Warning: uncontrolled when printed.

Original Issue:	02 November 2020
Reviewed by Policy Committee:	20 August 2020
Approved by the Executive Management Committee (EMC):	01 October 2020
Endorsed by the Board of Directors (BOD):	28 October 2020
Current version	28 October 2020
Review Date:	29 October 2025

CRICOS Provider 01545C NAT and 03245K NSW