



OTAGO POLYTECHNIC MANAGEMENT POLICY		Number: CP0007.05
Title:	Legislative Compliance	
Baldrige Criteria:	Leadership	
Chief Executive Approval:	Effective Date: 2 February 2018	Review Date: 1 March 2019
Previous Policy No:	n/a	Status: Current
Contact Authority:	Secretary to Council	

Purpose

The Polytechnic is committed to ensuring that it conducts its business in a lawful, professional and ethical manner.

The Polytechnic's commitment to legal compliance in all aspects of its operations is demonstrated by the development, maintenance and ongoing improvement of the Legislative Compliance System set out in this policy. The scope of this policy is "legislative compliance", that is compliance with all relevant statutes and regulations.

Policy, Procedure and Responsibilities

1. The Legislative Compliance System is made up of:
 - a. Allocating responsibilities for legislative compliance;
 - b. Proper resourcing of the Legislative Compliance System;
 - c. Identifying and assessing legislative compliance obligations;
 - d. Regular monitoring and reporting of legislative compliance including any compliance failures;
 - e. Ongoing training of staff to enable them to fulfil their compliance obligations;
 - f. Reviewing the Legislative Compliance System;
 - g. Updating by the Polytechnic's solicitors as to applicable legislation and risk as appropriate.

2. The policy applies to all activities of Otago Polytechnic at governance, management and operational levels.

3. The Chief Executive may delegate responsibility for compliance to specific members of the Polytechnic's Executive Leadership Team, Heads of School/College and Directors.
 - 3.1. Chief Operating Officer:
 - 3.1.1. The Chief Operating Officer will oversee the maintenance of an up-to-date Register of Key Legislation based on an assessment of the major risks to the Polytechnic. The Register will include:
 - a. a summary of the key legislation;
 - b. the risks or consequences of failure to comply; and
 - c. the member of Executive Leadership Team responsible for each compliance area.
 - 3.1.2. The Chief **Operating** Officer is also responsible for managing the Polytechnic's Legislative Compliance System and for reporting routines that include providing "positive assurance" to Council annually that the Polytechnic has complied with relevant legislation.

 - 3.2. Contracts Manager:
 - 3.2.1. The Contracts Manager will be responsible for the following duties:
 - a. maintaining the Register of Key Legislation;
 - b. liaising with the Polytechnic's legal and risk advisors on any new requirements;
 - c. recommending changes to the Polytechnic's Register of Key Legislation, reflecting changes to legislation, and the recommendations of the Polytechnic's legal advisers;

- d. advising the Chief Operating Officer on any legislative compliance issues not delegated;
 - e. co-ordinating the Legislative Compliance System reporting systems and arranging audits of the System.
 - f. Ensuring that reporting under section 4 of this policy is completed.
- 3.3. Executive Leadership Team, Heads of School/College, and designated Directors have the responsibility detailed in the Register of Key Legislation. In fulfilling that responsibility, they will:
- a. liaise with the Contracts Manager on changes to legislation compliance requirements;
 - b. advise on compliance issues;
 - c. establish and implement systems, procedures, guidelines, training programmes, informative materials and take such other action as may be reasonably required to ensure legislative compliance;
 - d. report annually on compliance status including signed Declaration Forms;
 - e. report immediately, on any identified risk exposure;
 - f. report immediately, on any critical breach
 - g. maintain all necessary records as are reasonably required.
- 3.4. All Polytechnic staff are responsible for acting in a legally compliant way in the course of their duties and should:
- a. be aware of, and comply with, the legislative obligations relevant to their role;
 - b. undertake any necessary compliance training and be aware of the Polytechnic's policies and procedures which promote and support legal compliance; and
 - c. report any compliance concerns, issues and failures in accordance with this policy, and know that such reporting is valued and encouraged by the Polytechnic.

4. Resourcing and Training

4.1. The Polytechnic is committed to properly resourcing the development, maintenance and improvement of the Legislative Compliance System.

4.2. The competence and training requirements for the achievement and promotion of legislative compliance at the Polytechnic will be assessed on an ongoing basis.

5. Monitoring and Reporting of Legislative Compliance

5.1. In addition to a specific obligation to report actual or potential breaches of legal obligations to the Chief Operating Officer and Finance and Audit Committee as they become known, regular monitoring of legislative compliance will be undertaken and reported as follows:

- a. Annual reports to Chief Operating Officer from Executive Leadership Team, Heads of School/College and designated Directors on compliance with legislative requirements, and reporting non-compliance occurrences;
- b. annual declarations by all responsible managers
- c. annual report and declaration from the Chief Operating Officer to the Finance and Audit Committee on the Polytechnic's overall compliance with legislative requirements.

5.2. Legislative Compliance reports will also:

- a. highlight any significant changes to the Polytechnic's legislative compliance obligations which have occurred since the last report or which are known to be about to occur, and the strategies in place to meet new or altered obligations;

- b. provide commentary on any significant areas of poor, reduced or improved compliance performance, including details of the corrective action taken, or proposed to be taken, where significant legislative compliance breaches have been identified; and
- c. provide evidence of the Compliance System's effectiveness, achievements and trends.

5.3. The Polytechnic's policy and procedures will be regularly reviewed and updated as a part of business as usual, with any immediate need to update or amend this Policy identified through: regular monitoring of compliance; reporting of compliance breaches; and the timely notification of changes to legislation.

**Referral
Documents**

Appendix 1 Register of Key Legislation
Appendix 2 Declaration of Compliance

**Approved by Council
Date: 2 February 2018**



Appendix 1
(updated January 2018)

Register of Key Legislation

Statute	Oversight	Reporting
Accident Compensation Act 2001 (formerly Injury Prevention, Rehabilitation and Compensation Act)	DCE People, Performance and Development	Safety and Wellbeing Advisor
Building Act 2004	Chief Operating Officer	Capital Works & Facilities Manager
Consumer Guarantees Act 1993	DCE Learner Experience	Director Learner Services
Copyright Act 1994	DCE Learning and Teaching Services	Director Research and Postgraduate Studies
Crown Entities Act 2004	Chief Executive	Chief Operating Officer
Education (Pastoral Care of International Students) Code of Practice 2016	DCE Learner Experience	Director Learner Services
Education Act 1989	Chief Executive	Chief Operating Officer
Education Act 1989	DCE Learner Experience	Director Learner Services
Employment Relations Act 2000	DCE People, Performance and Development	Director: People and Culture
Fair Trading Act 1986	DCE Learner Experience	Director Learner Services
Food Act 2014	Chief Operating Officer	Capital Works & Facilities Manager
Goods and Services Tax Act 1985	Chief Operating Officer	Director Business Services
Hazardous Substances and New Organisms Act 1996	Chief Operating Officer	Safety and Wellbeing Advisor
Health and Safety at Work Act 2015 (replaces Health and Safety in Employment Act 1992)	DCE People, Performance and Development	Safety and Wellbeing Advisor
Holidays Act 2003	DCE People, Performance and Development	Director: People and Culture
Human Rights Act 1993	DCE People, Performance and Development	Director: People and Culture
Income Tax Act 2007	Chief Operating Officer	Director Business Services
Kiwisaver Act 2006	DCE People, Performance and Development	Director: People and Culture

Local Authorities (Members Interests) Act 1968	Chief Operating Officer	Chief Operating Officer
Local Government Official Information and Meetings Act (Part 7) 1987	Chair of Council	Council Secretary
Minimum Wage Act 1983	DCE People, Performance and Development	Director: People and Culture
Official Information Act 1982	Chief Operating Officer	Director Learner Services
Parental Leave and Employment Protection Act 1987	DCE People, Performance and Development	Director: People and Culture
Privacy Act 1993	Chief Operating Officer	Director Learner Services/ Chief Information Officer
Property Law Act 2007	Chief Operating Officer	Capital Works & Facilities Manager
Protected Disclosures Act 2000	Chief Executive	Chief Operating Officer
Public Finance Act 1989	Chief Operating Officer	Director Business Services
Public Records Act 2005	Chief Executive	Chief Information Officer
Resource Management Act 1991	Chief Operating Officer	Capital Works & Facilities Manager
Sale and Supply of Alcohol Act 2012 (replaces Sale of Liquor Act 1989)	Chief Operating Officer	Capital Works & Facilities Manager
Smoke Free Environments Act 1990	DCE People, Performance and Development	Safety and Wellbeing Advisor
State Sector Act 1988	DCE People, Performance and Development	Director: People and Culture
Wages Protection Act 1983	DCE People, Performance and Development	Director: People and Culture

Appendix 2
(updated January 2018)

DECLARATION OF COMPLIANCE

Area of Legislation (from Register Appendix 1 policy CP007)	Non-compliance identified (see below)
Accident Compensation Act 2001 (formerly Injury, Prevention, Rehabilitation and Compensation Act 2001)	
Building Act 2004	<input type="checkbox"/>
Consumer Guarantees Act 1993	
Copyright Act 1994	
Crown Entities Act 2004	
Education Act 1989 sections relating to being a public body	
Education Act 1989 sections relating to being an education service provider	
Education (Pastoral Care of International Students) Code of Practice 2016	
Employment Relations Act 2000	
Fair Trading Act 1986	
Food Act 2014	
Goods and Services Tax Act 1985	
Hazardous Substances and New Organisms Act 1996	
Health & Safety at Work Act 2015	
Holidays Act 2003	
Human Rights Act 1993	
Income Tax Act 2007	
Kiwisaver Act 2006	
Local Authorities (Members Interests) Act 1968	
Local Government Information and Meetings Act 1987 (Part 7)	
Minimum Wage Act 1983	
Official Information Act 1982	
Parental Leave and Employment Protection Act 1987	
Privacy Act 1993	
Property Law Act 2007	

Protected Disclosures Act 2000	
Public Finance Act 1989	
Public Records Act 2005	<input type="checkbox"/>
Resource Management Act 1991	
Sale and Supply of Alcohol Act 2012 (formerly Sale of Liquor Act 1989)	
Smoke Free Environments Act 1990	
State Sector Act 1988	
Wages Protection Act 1983	

I confirm that based on report from relevant areas within the Polytechnic, the Otago Polytechnic is meeting its legal requirements in the above areas, except where noted from that report

Signed: Chief Executive

Date

Summary of declaration regarding identified non-compliance, and agreed action to address:

Area of Non-Compliance	Agreed Action

Actions from [previous year] declaration:

Area of Non-Compliance	Agreed Action	Outcome