

Organisational Compliance Policy

Purpose of this policy

This policy establishes that the Department of Planning and Environment (department) is committed to complying with all legislative and regulatory obligations in the performance of its functions.

To whom this policy applies

This policy applies to all employees, consultants, and contractors of the department. It also applies to employees, consultants, and contractors of all departmental Cluster entities that have people employed in or pursuant to department delegations, policies, and procedures.

Policy statement

Compliance with obligations arising from legislation, regulations, and government policies are fundamental to upholding the department's core values, and ensures it is able to demonstrate sound corporate governance. This is demonstrated through actions that:

- promote a robust compliance culture, consistent with the highest standards of accountability
- record key and high-risk external legislative and regulatory obligations in a centrally managed Organisational Compliance Register (OCR)
- assign accountability for each compliance obligation to a Deputy Secretary or Coordinator General
- seek assurance from each Obligation Owner regarding the effectiveness of the controls in place to manage compliance obligations
- establish processes for managing any non-compliance
- establish processes to identify any new compliance obligations as they arise and add them to the OCR
- conduct a review of all compliance obligations annually.

The department's three-step approach to ensuring legislative and regulatory compliance is outlined below:

Identification and maintenance of obligations

The department's key external legislative obligations are recorded in the Organisational Compliance Register and aligned with the authority of a Deputy Secretary or Coordinator General whose business responsibilities most closely align to the functional area.

This designated position is known as the **Obligation Owner** and is accountable to the department's Leadership Team and Secretary.

Establishment and management of compliance mechanisms

The Obligation Owner will appoint an Executive Director, known as the **Senior Responsible Officer** (SRO) for each obligation. The SRO is accountable to the Obligation Owner for ensuring that:

- each obligation has an effective control/s in place that are appropriate and proportionate to the level and nature of the risk
- mechanisms are in place for each obligation to identify, remediate, and prevent reoccurrence of any non-compliance
- assessment and management of any compliance breaches occur
- champion and support a culture of compliance.

Compliance assurance

Obligation compliance assurance is achieved across an annual cycle of activities:

- Employees and their people leaders comply with requirements and report any detected or suspected non-compliance.
- Legal Services to complete an annual review and notify the Obligation Owner of updated legislative or regulatory amendments.
- **Senior Responsible Officers** monitor, review, and act as necessary to ensure compliance throughout the year (as appropriate to each obligation).
- **Obligation Owners** provide guidance as necessary to their Senior Responsible Officers. They are required to make an annual attestation statement as to the compliance or non-compliance of the obligations to the Secretary.
- Selected key or high-risk legislative obligations are referred for inclusion in the department's audit program (in consultation with and for action by the Obligation Owners and Senior Responsible Officer).
- The Executive Director, Governance prepares an annual report on the department's compliance for consideration by the Audit & Risk Committee and the Executive Leadership Team.
- The Executive Leadership Team considers the report and determines whether immediate and/or systemic actions are required to achieve an acceptable level of obligations compliance.
- The Secretary provides a declaration as to the department's obligations compliance to the NSW Audit Office and in the department's Annual Report.

The department will manage compliance in accordance with the Organisational Compliance Procedure and Register. These documents are aligned with the AS ISO19600:2015, ISO37301: 2021 Compliance Management Systems (2021) and the requirements of NSW Treasury Policy TPP20-08.

Review timeframe

The Governance Division will review this policy no later than 3 years from the date of approval. The document may be reviewed earlier in response to post-implementation feedback, changes to legislation, or as necessary or directed.

Related documents

Other policy documents that should be ready in conjunction with this policy:

- [Organisational Compliance Procedure](#)
- [Organisational Compliance Register](#)
- [Risk Management Policy](#)
- [Risk Management Procedures](#)

Policy metadata

Table 1. Policy metadata

Category	Description
Status	Final
Date of approval	December 2021
Approver	General Counsel – Deputy Secretary
Group	Governance and Legal
Division	Governance
Policy owner	Executive Director Governance
Branch	Ethics
Document location	DPE Intranet and/ or Internet
Next review date	December 2024
Associated procedure	Organisational Compliance Procedure
Any additional applicability	
Superseded document	DPE Compliance Framework DPE Legislative and Regulatory Compliance Policy OEH Legislative Compliance Policy and Procedure DFSI Corporate Compliance Framework SOPA Legislative Compliance Policy OEH Organisational Compliance Management Policy.
Further information	ethics@dpi.e.nsw.gov.au
Document Reference	DOC21/860847

Version control

Table 2. Version Control

Version	Date issued	Change
1	31 January 2022	New policy
1.1	3 May 2022	Updated to reflect new branding and name change.

Appendices

Appendix 1 – Definitions

Appendix 2 - Roles and responsibilities

Appendix 1 – Definitions

Table 3 - Definitions

Term	Definition
Employee	<p>Any individual employed, appointed whether on an ongoing, temporary, contractor, casual, or voluntary basis by the department. This includes all senior executives and secondees from other agencies and may include contractors and employees of any firm or company contracted to perform work on behalf of the department subject to the nature of the policy and its application.</p> <p>Employee also includes those employed by the department, who provide services to other entities.</p>
Compliance	<p>Adhering to the requirements of laws, regulations, directions, industry and organisational standards and codes, principles of good governance, requirements for certain certifications, accepted ethical standards and departmental policies and frameworks.</p>
Obligation	<p>A requirement as set out by law and regulation, central agency directions, industry and organisational standards and codes, requirements for certain certifications and internal policies and frameworks.</p>
Organisational Compliance Register	<p>List of the department’s key or high-risk legislative obligations. Each obligation is risk assessed and assigned to a Senior Responsible Officer to ensure compliance to the obligation.</p>
Non-Compliance	<p>Failure or refusal to act in accordance with legislation, policies, procedures, guidelines and rules.</p>

Appendix 2 - Roles and responsibilities

Table 4: Roles and responsibilities

Roles	Responsibilities
Secretary (supported by the Leadership Team)	<ul style="list-style-type: none"> Promote and enable a robust compliance culture. Ensure the department has met its legislative, policy and regulatory compliance obligations. Encourage all employees to be aware of their obligations.
Obligation Owner	<ul style="list-style-type: none"> Comply with the requirements specified in respect to each of the obligations under their authority. Report on any non-compliance issues. Appoint an Executive Director as the Senior Responsible Officer for each obligation who will be responsible for each obligation, to assist with the co-ordination and efficacy in managing the OCR. Uphold and champion the department's core values.
Senior Responsible Officer	<ul style="list-style-type: none"> Comply with the requirements in respect to the obligations assigned to them by the relevant Obligation Owner. All obligations are identified and captured within the OCR. Each obligation is risk assessed in accordance with the Risk Management Policy and a risk control is in place. Appropriate processes are established to provide reasonable confidence that compliance will be achieved. Removal from the OCR where the obligation no longer applies to department e.g. the legislation has been repealed. Reviewed and updated as necessary in response to changes to the source of the obligation (e.g. legislation) or the level of risk. Mechanisms are in place for each obligation to identify, remediate and prevent any non-compliance of the compliance obligation. Notify the Ethics Branch if a significant obligation is not recorded within the OCR.
Audit & Risk Committee	Provide independent advice to the Secretary on the management of compliance risks within the department and related agencies.

Roles	Responsibilities
Governance Division	<ul style="list-style-type: none"> • Champion compliance management across the department • Establish and maintain the Compliance Register • Review the non-compliance register and evaluate the actions required to enhance controls • Obtain assurance from SRO regarding the management of compliance obligations • Prepare reports to the ARC and Partnership Committee/LT.
Legal Division	<ul style="list-style-type: none"> • Annual review of the Organisational Compliance Register • Notify the Obligation Owner to confirm and update any legislative or regulatory amendments.
All employees	Encouraged to report non-compliance of the department's compliance obligations.