

South Australian Skills Commission: Delegations Compliance Framework

Purpose

The South Australian Skills Commission (Commission): Delegations Compliance Framework outlines the governance, compliance, reporting requirements, and collaborative approach that must be taken by the Commission and the Delegated Authority in implementing the discharge of functions and/or powers in relation to the regulation of the State's apprenticeship and traineeship system (section 19(1)(b) of the *South Australian Skills Act 2008* (SAS Act)).

The implementation of this Delegations Compliance Framework will ensure that any conditions associated with the delegation of functions and/or powers are clearly articulated and that robust governance, monitoring and risk management practices are in place to ensure the appropriate discharge and reporting of delegations by the Delegated Authority.

Governance

The Commission must:

- Develop, implement, and maintain the Commission's Delegations Policy and Compliance Framework in consultation with the Delegated Authority;
- Review both the Delegations Policy and Compliance Framework annually, in consultation with the Delegated Authority;
- Consider and endorse the "**Annual Regulatory Priorities**" for each financial year as proposed/in consultation with the Delegated Authority;
- Review and provide feedback on the Quarterly Dashboard Report submitted by the Delegated Authority; and,
- Review and provide feedback on the Annual Report for each financial year, submitted by the Delegated Authority;

The Delegated Authority must:

- Adhere to the Commission's Delegations Policy and Compliance Framework (and any other conditions as may be set out in any instrument of Authorisation from time to time);
- Propose the "**Annual Regulatory Priorities**" for each financial year for consideration and endorsement by the Commission;

- Develop and submit to the Commission an Annual Compliance Plan in line with the Annual Regulatory Priorities, by 1 July for each year for the next financial year;
- Develop, implement and maintain internal policies and procedures in relation to relevant delegated functions and powers to ensure a continuous improvement approach to the discharge of delegated functions and/or powers;
- Effectively utilise data and information, including complaints to identify, mitigate and respond to emerging risk;
- Report to the South Australian Skills Commissioner (Commissioner), situations arising which may present the risk of non-compliance with the conditions of the delegations, or where there may be conflicting advice that renders the Delegated Authority unable to reconcile matters, before any decision is made to discharge a related function;
- Submit Quarterly Dashboard Reports to the Commission within one (1) month of the end of the respective quarter, including an attestation certifying the accuracy of the information provided to the best of the Delegated Authority's knowledge;
- Submit an Annual Report to the Commission by end of August each year for the preceding financial year; and,
- Meet with the Commissioner on monthly basis to review and proactively consider current and emerging issues across the sector.¹ Either the Commissioner or the Delegated Authority may initiate agenda items and the Commissioner will provide executive support to facilitate meeting processes.

Annual Compliance Monitoring Plan

The Delegated Authority must develop and submit to the Commission an Annual Compliance Monitoring Plan which may include:

- The Delegated Authority's compliance monitoring and risk management processes to monitor compliance and mitigate risk associated with the agreed Annual Regulatory Priorities; and,
- Activities that may be utilised to manage and mitigate emerging risk against relevant Skills Standards.

Quarterly Dashboard Reporting

The Quarterly Dashboard Reports provided to the Commission by the Delegated Authority must provide an overview of:

- All decisions made by the delegate detailing alignment to relevant provisions of the SAS Act;
- Timeliness of decisions made in relation to regulatory activities; and,

¹ the relevant Executive level delegate of the Delegated Authority, with delegated authority and responsibility for the discharge of functions and/or powers in relation the regulation the State's apprenticeship and traineeship system (section 19(1)(b) of the SAS Act, will attend meetings with the Commissioner.

- Performance or progress against the compliance monitoring activities outlined in the Annual Compliance Plan, including a summary of outcomes.

Annual Report

The Annual Report provided to the Commission by the Delegated Authority must cover:

- An overview of decisions made by the delegate detailing alignment to relevant provisions of the SAS Act, for the full financial year;
- A consolidated report detailing performance against the Annual Regulatory Priorities and the Annual Compliance Plan (including a summary of outcomes of decisions, investigation undertaken, and enforcement activities); and,
- Outcomes of referred complaints.

Audit

The Commission must take steps to ensure that its regulatory powers are being exercised appropriately and an independent audit of the exercise of its delegated functions and/or powers will be undertaken at the instigation of the Commission annually, or as may otherwise be required in accordance with the Delegations Policy.

The discharge of functions delegated to the Delegated Authority by the Commission, may be subject to external risk audits conducted by the Auditor-General's Department (AGD) if required by AGD as part of the routine external audit processes.

Delegations Compliance Framework Review

The Commission must review the Delegations Compliance Framework in consultation with the Delegated Authority annually, or more frequently at any time as may necessarily be required due to legislative or other significant influencing factors.