



THE UNIVERSITY  
of ADELAIDE

# LEGAL COMPLIANCE

Legal and Risk handbook

[adelaide.edu.au](http://adelaide.edu.au)



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# PART A - INTRODUCTION

## 1. Background

The University undertakes teaching, research and commercial activities across a diverse spectrum of disciplines and fields. With such a diverse range of activities, and complex context and environment, comes an equally diverse and complex collection of laws, regulatory requirements and best practice standards that apply or are relevant to the University's operations.

Just as individuals observe rules and laws to ensure the good order of society, the University of Adelaide proactively manages activities within legal and statutory requirements. Legal compliance management helps us avoid financial penalties or fines, damage to organisational or individual reputation and criminal prosecution.

The [Legal Compliance Policy](#) formally affirms our commitment to compliance and establishes a Legal Compliance Framework to proactively support and assist the University and its personnel to more confidently manage the obligations imposed by law that impact on the University's activities.



**ATTENTION:**  
University Policy  
Requirements

Development of the Framework involved consideration of the learning and teaching, research and commercial activities undertaken by the University and its controlled entities, as well as the multi-jurisdictional environment in which the University operates. The Framework is distinct in its scope but operates in accord with other University compliance requirements associated with research ethics and integrity (see [Research Services](#)) and with staff and student health, safety and wellbeing (see [Human Resources Branch](#)).

### What is Compliance?

In the legal system, compliance usually refers to behaving in accordance with legislation (that is, State and Commonwealth Acts), such as driving within the maximum speed limit or not endangering protected wildlife. More simply expressed, compliance is a *willingness to follow a prescribed course of action*, such as acting according to certain accepted standards, or observing official requirements – including legislation.

“Non-compliance” is a failure to conform to those prescribed courses of action, either deliberately or inadvertently. Non-compliance has very visible consequences, ranging from inconvenience, additional cost or loss of a contract, through to prosecution, fines or severe damage to the University's reputation. Compliance can sometimes be less tangible than non-compliance, as it tends not to have such visible consequences – we all tend to notice things when they go wrong, but ignore things when they are going right.

### What does Legal Compliance mean to the University?

The University as an institution has a range of legal obligations. The University is expected to be fully informed as to its obligations and risks, and be able to demonstrate to the University's governance bodies and to external parties how it is meeting or managing them.

Over 200 State and Commonwealth Acts apply to the University. Some impact all staff, while others may be relevant to specific areas only.



Keeping track of these requirements – and making sure the University and all its people comply with them – is a crucial task, if the University's reputation, resources, accreditations, and long-term survival are to be preserved.

Having a system to monitor and manage obligations and risks provides evidence and assurance of proper decision-making and good management. In combining compliance with risk management, we are better placed to avoid unintended consequences and to achieve our strategic and operational objectives.

When we are compliant, we are better able to strengthen our position, and continue to grow our student numbers, increase our research income and preserve our reputation.

There is a strong interdependency between legal and risk issues. Risk management can be used to ensure contract and compliance decisions are handled properly and with consistency. This approach can inform planning and negotiations leading into contracts and can help pre-empt and deal with both legal compliance and “contract” compliance problems.

### *The Legal Compliance Rollout*

A pilot was undertaken in 2009 with the Schools of History and Politics and Medical Sciences. The pilot introduced the governance activities, processes and systems of the Legal Compliance Framework to the two schools in order to test, review and refine the framework in readiness for rollout across the University.

All areas of the University have now been inducted into the Framework. The Framework is regularly reviewed.

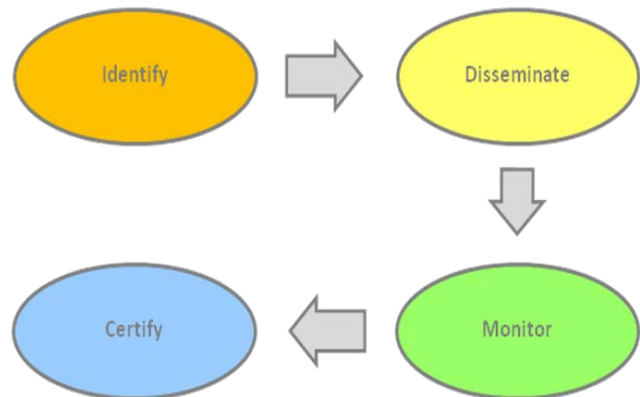


## 2. Legal Compliance Framework

The Legal Compliance Framework assists University personnel to confidently manage obligations imposed by State and Commonwealth statutes. It formalises existing obligations, responsibilities and processes to help manage compliance internally and demonstrate compliance externally. The Framework introduces consistency across the University in the way we capture, track and report on compliance, and allows us to demonstrate our robust compliance culture.

The Legal Compliance Framework is a four step process that:

1. **Identifies** legislation that applies to the University and classifies by area of responsibility;
2. **Disseminates** information and resources about our legal requirements to support confident decision-making across the University; and
3. **Monitors** compliance with our legal requirements. This includes recording all compliance matters on a central legal compliance register.
4. Each year, those responsible for compliance (Heads of Schools and Branches) **Certify** that their area has adopted the framework and that all compliance matters have been reported and are being managed.



### Identifying and classifying Legislation

There are over 200 South Australian and Commonwealth Acts that impact on our day to day work activities. Some Acts apply generally to all staff, no matter their role or area. Others apply very specifically to just one or two schools.

Identified Acts are classified according to the scope of impact ranging from University-wide to local level. If the obligation is of University-wide scope, the consequences and risks will be assessed. Relevant legislation is classified by Tier (*Figure 1*) and then by Category (*Figure 2*).

Tier classifications reflect the scope and impact of legislation on the University and identify the level of management required.

Figure 1: Legislation Classified by Tier

| Tier | Legislation  | Allocated to Areas        | Allocated to Owners |
|------|--|---------------------------|---------------------|
| 1    | University-wide concern with high risks associated with non-compliance<br><i>E.g. Education Services for Overseas Students (ESOS) Act</i>    | Generally                 | Yes                 |
| 2    | University-wide concern with lower risks associated with non-compliance<br><i>E.g. Development Act</i>                                       | Generally                 | Yes                 |
| 3    | Local level concern with compliance managed centrally<br><i>E.g. Animal Welfare Act</i>  | Specifically              | Yes                 |
| 4    | Local level concern (lower risk to the University as a whole, but may be high risk to specific areas)<br><i>E.g. Veterinary Practice Act</i> | Specifically              | No                  |
| 5    | Awareness of the Act exists by no active compliance monitoring is required (no tangible consequences of non-compliance)                      | Specifically or generally | No                  |

Legislation Categories reflect the structure of the University and have been allocated to University Compliance Owners (see *Figure 2*) who are senior academic and administrative managers responsible for compliance within their portfolios.

*Figure 2: Legislation Classified by Category*

|    | <b>Legislative Category</b>            | <b>University Compliance Owner</b> | <b>Position</b>   | <b>Contact</b>   |
|----|--|------------------------------------|---|--|
| 1  | Occupational Health Safety & Wellbeing | Ms Elysia Ryan                     | Executive Director, Human Resources<br>Division of University Operations                              | <a href="mailto:elysia.ryan@adelaide.edu.au">elysia.ryan@adelaide.edu.au</a><br>(08) 8313 4492           |
| 2  | Hazardous Substances                   |                                    |   |  |
| 3  | Industrial & Employment                |                                    |   |  |
| 4  | Equity (Staff)                         |                                    |   |  |
| 5  | Equity (Student)                       | Mr Dave Lamb                       | Executive Director, Office of Academic and Student Engagement   | <a href="mailto:dave.lamb@adelaide.edu.au">dave.lamb@adelaide.edu.au</a><br>(08) 8313 4001               |
| 6  | Tax, Finance & Procurement             | Mr Tony Mitchell                   | Chief Financial Officer<br>Division of University Operations  | <a href="mailto:tony.mitchell@adelaide.edu.au">tony.mitchell@adelaide.edu.au</a><br>(08) 8313 5805       |
| 7  | International Students                 | Professor Pascale Quester          | Deputy Vice Chancellor & Vice President (Academic)<br>Division of Academic and Student Engagement     | <a href="mailto:pascale.quester@adelaide.edu.au">pascale.quester@adelaide.edu.au</a><br>(08) 8313 5901   |
| 8  | Higher Education & VET                 |                                    |   |  |
| 9  | Research Ethics & Integrity            | Professor Mike Brooks              | Provost and Deputy Vice Chancellor & Vice President (Research)<br>Division of Research and Innovation | <a href="mailto:mike.brooks@adelaide.edu.au">mike.brooks@adelaide.edu.au</a><br>(08) 8313 5665           |
| 10 | Indigenous Affairs                     | Professor Shane Hearn              | Dean, Indigenous Research & Education (Wirltu Yarlu)<br>Division of Academic and Student Engagement   | <a href="mailto:shane.hearn@adelaide.edu.au">shane.hearn@adelaide.edu.au</a><br>(08) 8313 3140           |
| 11 | Property Management                    | Ms Virginia Deegan                 | Executive Director, Infrastructure<br>Division of University Operations                               | <a href="mailto:virginia.deegan@adelaide.edu.au">virginia.deegan@adelaide.edu.au</a><br>(08) 8313 6120   |
| 12 | Environment & Sustainability           |                                    |   |  |
| 13 | Information Technology                 | Ms Bev Wright                      | Chief Information Officer<br>Division of University Operations  | <a href="mailto:bev.wright@adelaide.edu.au">bev.wright@adelaide.edu.au</a><br>(08) 8313 0455             |
| 14 | Legal                                  | Ms Céline McInerney                | General Counsel and Executive Director, Legal and Risk<br>Division of University Operations           | <a href="mailto:celine.mcinerney@adelaide.edu.au">celine.mcinerney@adelaide.edu.au</a><br>(08) 8313 5033 |
| 15 | Intellectual Property                  |                                    |   |  |
| 16 | Privacy and Records                    |                                    |   |  |
| 17 | Trade and Commerce                     |                                    |   |  |
| 18 | Governance                             | Dr Nicole Beaumont                 | Council Secretary<br>Division of the Vice-Chancellor & President                                      | <a href="mailto:nicole.beaumont@adelaide.edu.au">nicole.beaumont@adelaide.edu.au</a><br>(08) 8313 4015   |

All staff have an obligation to be aware of the Acts that may impact on their activities and to monitor compliance in conducting these activities. Compliance Owners have overall accountability for ensuring that appropriate policies and practices are in place to support staff to meet all legal compliance obligations



# PART B - ROLES AND RESPONSIBILITIES

## 3. Overview

All staff must have a basic level of awareness of the laws that affect their day-to-day work, and understand and adhere to the reporting process under the Legal Compliance Framework. Collaboration, support and vigilance at the local level is the foundation of a positive compliance culture across the University.

All new staff must complete a mandatory legal compliance online course as part of staff induction. This course is also available to existing staff and additional training is available to those with specific compliance roles.

The Legal Compliance Framework assigns a role to staff that are well placed to support the process of identifying, disseminating, monitoring and certifying compliance. These roles include;

- University Compliance Centre (UCC)
- University Compliance Owner (UCO)
- Designated Specialist Officer (DSO)
- Head of Faculty/Division (HFD)
- Local Area Head (LAH)/Local Compliance Officer (LCO)

We all have a role to play in the identification and monitoring of compliance matters. Collaboration, support and vigilance at the local level is the foundation of a positive compliance culture across the University.

These roles take into account the differences in the organisational structure, processes, delegations and communication style of each of the faculties, schools, branches and areas.

| Compliance Role                     | Identify | Disseminate | Monitor | Certify |
|-------------------------------------|----------|-------------|---------|---------|
| University Compliance Centre (UCC)  | ✓        | ✓           | ✓       | ✓       |
| University Compliance Owner (UCO)   | ✓        | ✓           | ✓       | ✓       |
| Designated Specialist Officer (DSO) | ✓        | ✓           | ✓       | ✗       |
| Head of Faculty/Division (HFD)      | ✗        | ✗           | ✓       | ✗       |
| Local Area Head (LAH)               | ✓        | ✓           | ✓       | ✓       |
| Local Compliance Officer (LCO)      | ✓        | ✓           | ✓       | ✗       |

More detail about these roles is provided in the following sections.

## 4. University Compliance Centre (UCC)

The University Compliance Centre is based in the Legal and Risk Branch and provides support, information and advice to all staff about the application of legislation to their activities within the University.

In most cases, complying with the law is common-sense. Sometimes, lack of technical awareness can lead to a breach of law. The Manager Compliance can assist you to identify and manage any compliance concerns. The aim is to resolve any issues as quickly as possible, well before any complaint or external scrutiny.

The UCC coordinates the compliance framework and provides support for the identification, classification and recording of the University's key compliance requirements. These requirements are communicated to staff via the Legal and Risk Branch website, the Legal and Risk Branch blog, resource material and regular Legal Alerts.

The UCC works closely with risk services, insurance and legal teams, and is therefore well placed to access additional assistance when the implications of compliance matters change.

The UCC administers a Non-Compliance Register, where all non-compliance matters are recorded, and regular reports are provided to senior managers.



**Dr Sandra Lilburn**  
Manager Compliance  
Tel: 8313 0482

### *Specific Responsibilities*

|                    |   |
|--------------------|---|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>• Identification and classification of legislation that impacts on the University</li> <li>• Maintain the Legislation Database (on the Legal and Risk Branch website)</li> </ul>   |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>• Provide advice and guidance to all areas on compliance matters</li> <li>• Provide high-level compliance education and framework training where appropriate</li> </ul>  |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>• Administer the Non-Compliance Register and Reporting System</li> <li>• Monitor all identified and potential non-compliances and ensure that an appropriate action plan is implemented</li> <li>• Monitor, analyse and review compliance performance across the University</li> </ul> |
| <b>CERTIFY</b>     | <ul style="list-style-type: none"> <li>• Support certification through the Management Accountability Framework</li> <li>• Report to the General Counsel and Executive Director, Legal and Risk for presentation to the Vice-Chancellor and President and/or Audit, Compliance and Risk Committee</li> </ul>                   |

## 5. University Compliance Owner (UCO)

University Compliance Owners are senior managers with whole of University responsibility for compliance with significant laws. UCOs have experience in their areas and are able to provide guidance and support to staff in all areas to ensure that legal requirements are met. A UCO may nominate one or more Designated Specialist Officers (see pg.9) for each piece of legislation in Tier 1, 2 and 3 who can be called on to support compliance and to raise awareness of legal obligations at all levels of the University.

The UCO is accountable for guiding the implementation of compliance processes, systems and controls for their areas of legislation. For example:

- The UCO for tax legislation is the Chief Financial Officer
- The UCO for HSW legislation is the Executive Director, Human Resources

UCOs receive notification when a compliance matter in their area is registered.

When determining remedial action for non-compliance, it is the UCOs responsibility to monitor whether another Compliance Owner may be impacted and ensure the necessary co-ordination.

UCOs provide an annual Certification of Compliance for their area. These certifications are used as the basis for providing assurance to the University's Audit, Compliance and Risk Committee and reporting to Council, external auditors and regulators that the University is compliant.

### *Specific Responsibilities*

|                    |  |
|--------------------|--|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>Assist the University Compliance Centre to identify and classify legislation with University-wide application (tier 1, 2 and 3) in an allocated category</li> </ul>   |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>Provide guidance on legal compliance requirements for specific Tier 1, 2 and 3 Acts across the University</li> <li>Encourage the development of compliance education materials and induction programs</li> <li>Inform the development of appropriate policies, practices and systems</li> </ul>   |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>Monitor compliance with tier 1, 2 and 3 Acts</li> <li>Receive notifications of compliance matters related to assigned Acts</li> <li>Manage compliance matters as require, working with Local Area Heads and Designated Specialist Officers to ensure appropriate remedial action is taken</li> <li>Liaise with external bodies (such as regulatory, funding bodies or commissions) as required</li> </ul> |
| <b>CERTIFY</b>     | <ul style="list-style-type: none"> <li>Provide an annual Certification of Compliance</li> </ul>  |

## 6. Designated Specialist Officer (DSO)

Designated Specialist Officers are nominated by University Compliance Owners to raise awareness of legal compliance requirements. Most DSOs have specialist knowledge and experience, and an operational understanding of the requirements of an Act as it applies to both general and specific University activities.

DSOs have detailed knowledge about legislation from on-the-job training and their dealings with regulatory bodies, auditors and ethics committees. With this contextual knowledge, a DSO is best placed to provide advice about specific Tier 1, 2 and 3 Acts, or know where to go for further assistance.

Many Acts will have more than one DSO, because of the complexity and importance of the legislation. Examples include the *Competition and Consumer Act* and *Education Services for Overseas Students (ESOS) Act*.

DSOs can assist with resolution of non-compliances.

When determining remedial action for non-compliance, the DSOs should consider if another DSO or area within the University may be impacted and take appropriate action.

### *Specific Responsibilities*

|                    |   |
|--------------------|---|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>Assist the University Compliance Owner to identify and classify legislation that has University-wide application</li> </ul>  |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>Provide guidance and advice to local areas on their legal obligations relating to assigned Acts</li> <li>Assist the University Compliance Centre in the development of compliance resources</li> </ul>   |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>Assist the University Compliance Owner in monitoring and responding to compliance activity</li> <li>Receive notifications of compliance matters related to assigned Acts</li> <li>Respond to compliance matters as necessary</li> <li>Ensure that all compliance matters that occur in your area are reported to the University Compliance Centre for recording on the Compliance Register</li> <li>Liaise with external parties (such as regulatory authorities, funding bodies or commissions) as required</li> <li>Support awareness of compliance obligations</li> </ul> |

## 7. Head of Faculty/Division (HFD)

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The Head of Faculty/Division has executive responsibility for his/her area and countersigns the annual Certification of Compliance by Local Area Heads.

Email notifications advising of all potential compliance matters relevant to their area will ensure that the HFD remains properly informed.

### *Specific Responsibilities*

|                    |  |
|--------------------|--|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>Consistent with leadership role</li> </ul>  |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>Provide leadership for a compliance culture within the University</li> </ul>  |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>Receive notification of non-compliances that occur in your faculty/division and note activity to resolve</li> </ul> |

## 8. Local Area Head (LAH)

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The Local Area Head has operational responsibility for legal compliance in their area. This management responsibility is formalised under the Legal Compliance Framework.

The LAH works with the University Compliance Centre to identify all Tier 3 and 4 Acts applicable to their area.

The LAH nominates Local Compliance Officers (LCO) to support compliance within their area.

The LAH also completes an annual Certification of Compliance which is provided to the Vice-Chancellor and President, as a part of the Management Accountability Framework.

### *Specific Responsibilities*

|                    |   |
|--------------------|---|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>Assist the University Compliance Centre to identify and classify legislation with local-level application</li> </ul>   |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>Ensure staff in your area are able to fulfil their obligation to be compliant with all relevant legislation</li> <li>Support appropriate education and training as required in your area</li> </ul>  |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>Ensure that all compliance matters that occur in your area are reported to the University Compliance Centre for recording on the Compliance Register</li> <li>Receive notification of compliance matters that occur in your area</li> <li>Take action to resolve compliance matters as required</li> </ul> |
| <b>CERTIFY</b>     | <ul style="list-style-type: none"> <li>Provide an annual compliance certification as a part of the Management Accountability Framework.</li> </ul>  |

## 9. Local Compliance Officer (LCO)

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Local Compliance Officers provide day-to-day assistance to the Local Area Head in carrying out their compliance responsibilities, and assist in the circulation of compliance information to staff working in the local area.

LCOs understand the legal issues and compliance hot-spots of their area, and may already be in a compliance monitoring role (e.g. School Manager or Lab Manager). LCOs are well placed to help make decisions relating to what, how and in what form compliance information is disseminated.

LCOs do not need a legal background, but some will have a good awareness of legal compliance from on-the-job training and their dealings with regulatory, ethics or funding bodies (e.g. HSW representative or finance officer). An LCO will generally have the ability to answer questions about the requirements of an area-specific Act or be able to direct staff towards someone who can (framework training is provided to help with this role).

### *Specific Responsibilities*

|                    |   |
|--------------------|---|
| <b>IDENTIFY</b>    | <ul style="list-style-type: none"> <li>Assist the University Compliance Centre and Local Area Head to identify and classify legislation that has local-level application</li> </ul>   |
| <b>DISSEMINATE</b> | <ul style="list-style-type: none"> <li>Assist the Local Area Head in circulating information about compliance obligations to staff in your area</li> <li>Be a local contact for the UCC, for legal updates and educational material</li> </ul>                          |
| <b>MONITOR</b>     | <ul style="list-style-type: none"> <li>Ensure that all compliance matters that occur in their areas are reported to the University Compliance Centre for recording on the Compliance Register</li> <li>Take action to resolve compliance matters as required</li> </ul> |



Figure 3: Comparison of Legal Compliance Roles

|  | Identify  | Disseminate   | Monitor   | Certify  |
|--|---|---|---|--|
| <b>University Compliance Centre (UCC)</b>  | <p>Identify and classify legislation relevant to the University</p> <p>Maintain the Legislation Database (on the Legal and Risk Branch website)</p> | <p>Provide advice and guidance to all areas on compliance matters</p> <p>Provide compliance education and framework training where appropriate</p>  | <p>Administer the Compliance System</p> <p>Monitor all identified and potential compliance matters and ensure that an action plan is implemented</p> <p>Monitor, analyse and review compliance performance across the University</p>  | <p>Support certification through the Management Accountability Framework. the Compliance Certification process</p> <p>Report on Compliance Activity annually to the General Counsel for presentation to the Audit, Compliance and Risk Committee</p> |
| <b>University Compliance Owner (UCO)</b>   | <p>Assist the UCC to identify and classify legislation with University-wide application (tier 1, 2 and 3) in your allocated category</p>            | <p>Provide guidance as to the dissemination of legal compliance requirements of tier 1, 2 and 3 Acts in your category across the University</p> <p>Encourage the development of compliance education materials and induction programs</p> <p>Encourage the development of appropriate policies, practices and systems</p> | <p>Monitor compliance with tier 1, 2 and 3 Acts</p> <p>Receive notifications relating to compliance matters with the Acts assigned to you (ie. remain in the loop)</p> <p>Manage compliance matters as required, working with LAHs and DSOs to ensure appropriate remedial action is taken</p> <p>Liaise with external bodies (such as regulatory, funding bodies or commissions) as required</p>   | <p>Provide an annual Certification of Compliance to the Vice Chancellor and President on University-wide Acts assigned to you</p>  |
| <b>Designated Specialist Officer (DSO)</b> | <p>Assist the UCO to identify and classify legislation that has University-wide application in your allocated category</p>                          | <p>Provide guidance and advice to local areas on their legal obligations relating to Acts assigned to you</p> <p>Assist the UCC in the development of compliance resources on Acts assigned to you</p>  | <p>Assist the UCO in monitoring compliance activity relating to Acts assigned to you</p> <p>Ensure that all compliance matters that occur in your area are reported to the UCC for recording on the Compliance System</p> <p>Receive notifications relating to compliance matters with Acts assigned to you</p> <p>Support resolution of non-compliance matters as required</p> <p>Liaise with external parties (such as regulatory authorities, funding bodies or commissions) as required</p> |  |

|                                       |  |  |  |  |
|---------------------------------------|--|--|--|--|
| <b>Head of Faculty/Division (HFD)</b> | Consistent with leadership role  | Provide leadership for a compliance culture within the University  | Receive notification of non-compliances that occur in your faculty/division  |  |
| <b>Local Area Head (LAH)</b>          | Assist the UCC to identify and classify legislation that has local-level application         | Ensure staff in your area are compliant with all relevant legislation<br><br>Support appropriate education and training for those required in your areas                   | Ensure that all non-compliance matters that occur in your area are reported to the UCC for recording on the Non-Compliance Register<br><br>Receive notification of non-compliances that occur in your area<br><br>Take action to resolve non-compliances as required | Provide an annual compliance certification to the Vice-Chancellor and President for all relevant local-area Acts via the Management Accountability Framework |
| <b>Local Compliance Officer (LCO)</b> | Assist the UCC and LAH to identify and classify legislation that has local-level application | Assist the LAH in circulating information about compliance obligations to staff in your area<br><br>Be a local contact for the UCC, legal updates and educational material | Assist the LAH in ensuring that all non-compliances that occur in your area are reported to the UCC for recording on the Non-Compliance Register<br><br>Take action to resolve non-compliances as required   |  |

# PART C - THE FRAMEWORK

## 10. Step 1 – Identify Legal Requirements

Identifying the legal requirements appropriate to a school or branch is generally a straight-forward process involving a series of meetings with the UCC and key staff in the area. The intent of this “discovery process” is to find out what activities are undertaken in the area, how an area currently manage compliance matters and where Legal and Risk Branch can be of assistance.

The discovery phase will generally identify;

- key business activities within the area;
- applicable State and Commonwealth legislation;
- local staff with existing compliance responsibilities;
- existing compliance processes and procedures; and
- what you do and do not know about legal compliance.

You know your business better than we do... so help us understand your compliance requirements so we can tailor the Legal Compliance Framework to suit your operational reality

Some areas will be more aware of their compliance responsibilities than others, due to the nature of their activity, audits undertaken in their area or the regulations that guide particular operations. Every area of the university will be different, so the UCC tailors training to suit. During training sessions, various resources available to staff are explained, including the Legal and Risk Branch website, Legislation Directory, Legal Alerts and the Legal and Risk Blog.

### Website

The Legislation Directory (*Figure 4*) supports user engagement with the Legal Compliance Framework by providing up-to-date information on relevant legislation that can be readily access by those with compliance responsibilities and other staff. The Directory can be accessed from the compliance section of the Legal and Risk Branch website.

Figure 4: Legislation Directory

Users can search for legislation from the full A to Z listing of Act or by School/Area or by Category.

The Legislation Directory is maintained and up-dated regularly.

The Legislation Directory includes:

- links to applicable State and Commonwealth Acts;
- summary information and links to resources that support legal compliance within the University; and
- area specific pages where users can access legislation relevant to a school, faculty or branch.

Users can search for legislation from the full A to Z listing, by School or Branch, or by Category. By clicking on the name of the Act, users are automatically directed to the most up to date version. Similarly, University Compliance Owners and Designated Specialist Officers can be emailed via the website to request information or clarification about a particular Act

### Legal Alerts

The UCC receives updates about changes to existing Acts or proposals for new legislation (as Bills introduced into parliament). Content for the Legislation Directory is maintained using the LawOne database. LawOne is a service that tracks all State and Commonwealth legislation and provides summaries via email.

In consultation with the legal team, the UCC identifies areas within the University that might be affected by a change and issue a Legal Alert (*Figure 5.*) to relevant staff. These staff forward the Alert on to others in their area as necessary. The UCC can provide additional information or detail as required.

If you are a UCO, DSO or LAH, please take the time to read and assess possible implications of all Legal Alert emails and contact the UCC on 8313 4539 if you have any questions about the information provided.

Figure 5: Legal Alert example – Copyright Act Amendments

Legal Alert


THE UNIVERSITY  
of ADELAIDE

## Copyright Act amendments

Dear Teresa,

Amendments to the [Copyright Act 1968 \(Cth\)](#) will commence 23 December 2017. This alert provides a brief overview so that necessary changes to current procedures can be considered and progressed.

The [Copyright Amendment \(Disability Access and Other Measures\) Act 2017](#) was passed on 15 June 2017. There was been considerable consultation with the Higher Education sector on the detail of the legislation. An Issues Brief from Universities Australia is attached.

In general, the amendments will benefit the University.

**Key changes**

The amendments will introduce the following changes:

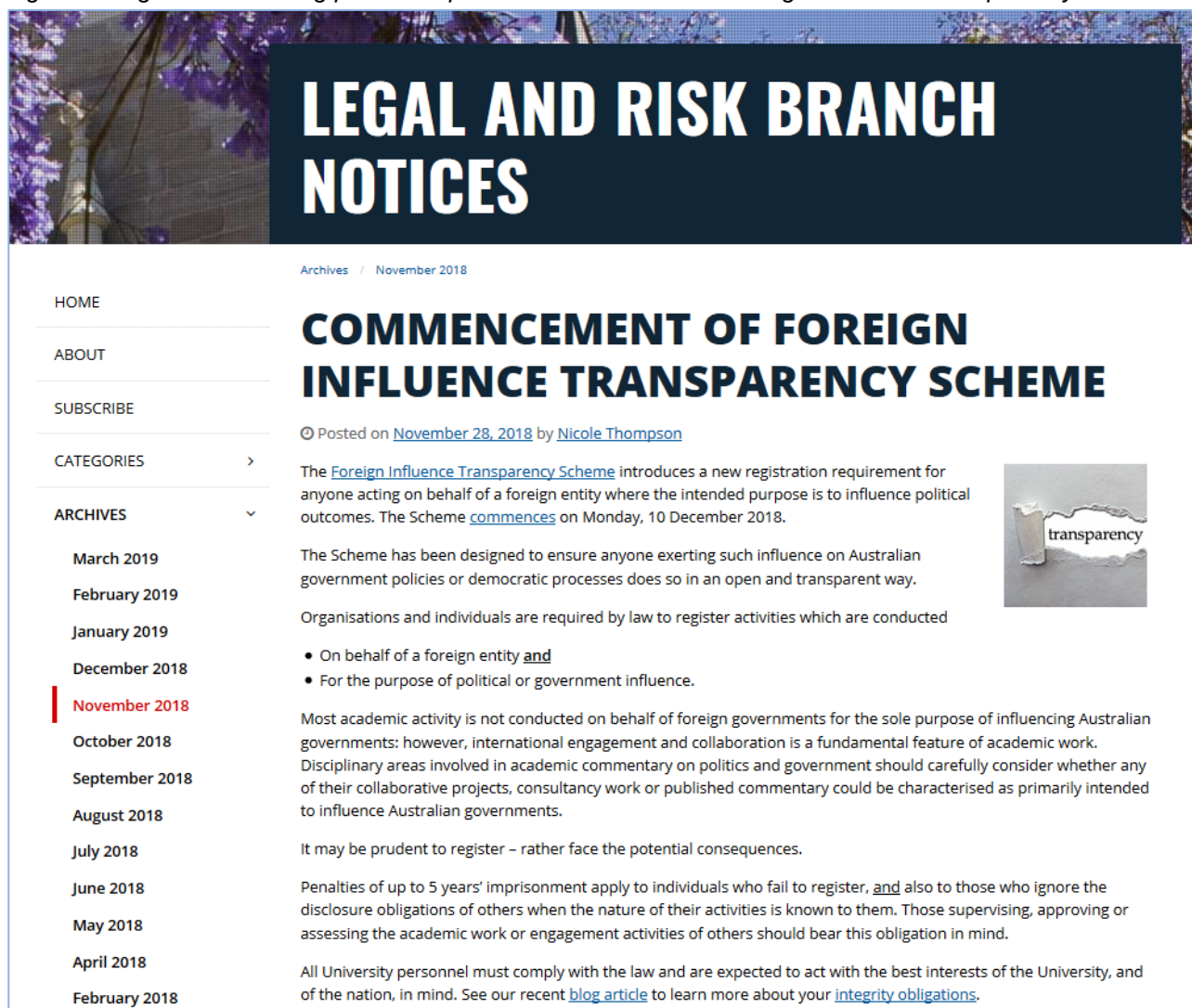
- **Streamlined copyright licensing**

## Legal and Risk Blog

The Legal and Risk Branch Blog (*Figure 6.*) provides a plain English overview of key legal issues and information for staff in general. Articles are posted about significant changes to relevant legislation with an outline of how changes may affect activities in the University. Topics covered also include risk management, copyright, contract management, insurance and current or emerging issues. Subscribers are welcome to provide feedback on topics they would like addressed in future posts.

Anyone can [subscribe](#) to receive emails when new articles are posted or view on the Legal and Risk Branch Blog (<https://blogs.adelaide.edu.au/legal-risk>).

Figure 6: Legal and Risk blog post example – Commencement of Foreign Influence Transparency Scheme



The screenshot shows a blog post from the 'LEGAL AND RISK BRANCH NOTICES' section. The post is dated November 28, 2018, by Nicole Thompson. The title is 'COMMENCEMENT OF FOREIGN INFLUENCE TRANSPARENCY SCHEME'. The post discusses the new registration requirement for anyone acting on behalf of a foreign entity to influence political outcomes, starting on Monday, 10 December 2018. It explains the purpose of the scheme to ensure transparency and lists the requirements: being on behalf of a foreign entity and for the purpose of political or government influence. It also mentions that most academic activity is not for influencing governments, but disciplinary areas should consider this. Penalties of up to 5 years' imprisonment are noted for those who fail to register or ignore disclosure obligations. Finally, it states that all University personnel must comply with the law and act in the best interests of the University and the nation, with a link to a recent blog article on integrity obligations.

**LEGAL AND RISK BRANCH NOTICES**

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## COMMENCEMENT OF FOREIGN INFLUENCE TRANSPARENCY SCHEME

Posted on November 28, 2018 by Nicole Thompson

The [Foreign Influence Transparency Scheme](#) introduces a new registration requirement for anyone acting on behalf of a foreign entity where the intended purpose is to influence political outcomes. The Scheme [commences](#) on Monday, 10 December 2018.

The Scheme has been designed to ensure anyone exerting such influence on Australian government policies or democratic processes does so in an open and transparent way.

Organisations and individuals are required by law to register activities which are conducted


- On behalf of a foreign entity and
- For the purpose of political or government influence.

Most academic activity is not conducted on behalf of foreign governments for the sole purpose of influencing Australian governments; however, international engagement and collaboration is a fundamental feature of academic work. Disciplinary areas involved in academic commentary on politics and government should carefully consider whether any of their collaborative projects, consultancy work or published commentary could be characterised as primarily intended to influence Australian governments.

It may be prudent to register – rather face the potential consequences.

Penalties of up to 5 years' imprisonment apply to individuals who fail to register, and also to those who ignore the disclosure obligations of others when the nature of their activities is known to them. Those supervising, approving or assessing the academic work or engagement activities of others should bear this obligation in mind.

All University personnel must comply with the law and are expected to act with the best interests of the University, and of the nation, in mind. See our recent [blog article](#) to learn more about your [integrity obligations](#).



## 11. Step 2 – Disseminate Legal Requirements

University Compliance Owners, Local Area Heads and Designated Specialist Officers should be proactive in their approach to disseminating legal requirements. The way this information is provided or presented to staff will vary.

Options include detailed work instructions, guidelines or incorporation into relevant policies. For significant changes to legislation, a training session for staff may be an effective strategy and allow a whole of area approach to be developed.

The Legal and Risk Branch can assist in this process by preparing legal compliance resources and the provision of in-person training sessions.

University personnel are made aware of their compliance responsibilities through the formalised induction processes, and in the future, compliance obligations may be included on position descriptions in the same generic manner as is currently the case with WHS.

### Compliance Resources

One of the most challenging aspects of compliance can be figuring out what an Act is asking you to do (or not to do). For this reason, the Legal and Risk Branch have prepared education material (*Figure 7.*) on Acts that are applicable to most staff in most areas of the University, such as the *Fair Work Act* or *Education Services for Overseas Students Act*.

The resources give an overview of an Act as it applies specifically to the University. These legislative summaries are:

- set out in easy-to-read language;
- specify the minimum requirements to ensure compliance with the Act;
- detail the personal and institutional consequences of non-compliance; and
- provide reference points for further information and advice.

A comprehensive library of legislative summaries for key legislation can be accessed in the [Self Service](#) section of the Legal and Risk Branch website.

*Figure 7: Legislative summary example – Education Services for Overseas Students Act*



Legislative summaries are a good starting point for staff to increase their compliance knowledge and understanding



## 12. Step 3 – Monitor Compliance

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To be effective, the Legal Compliance Framework relies on routine monitoring of compliance activity. In practice, this usually involves monitoring non-compliance (as opposed to compliance). However, as awareness increases and strategies to identify and meet all legal requirements are incorporated into day to day practices, we should see the reduction in any repetition of non-compliance events in all areas of the University. In other words, the University will be demonstrating a positive compliance culture through managing our activities within the requirements of the law.

Monitoring compliance requires awareness by staff of the legal context in which they conduct their work. The Legal Compliance Framework has been designed to provide all staff with the necessary knowledge for such assessments and to support decision-making.

Staff should be able to:

- Determine the difference between compliance and non-compliance after completing the mandatory on-line legal compliance induction course.
- Establish the impact of specific legislation on University activities by reference to areas of activity (Categories 1-19) and scope (Tiers 1-4).
- Access assistance by referring to the contacts and resources available on the Legal and Risk Branch website (DSOs and Legislative Summaries).
- See the importance of registering matters of non-compliance on a central register so that the University can demonstrate a commitment to upholding legal obligations.
- Appreciate the value of resolving non-compliance by eliminating or reducing its likelihood.
- Recognise their role in supporting senior management to provide an annual certification for their area.

All new staff are required to complete the mandatory legal compliance online course as part of staff induction. This course is also available to existing staff and additional training is available to those with specific compliance roles. Staff should be encouraged to increase their compliance awareness by using the education material available on the Legal and Risk Branch website and attending training sessions hosted by the Branch. Staff from the UCC are available to provide tailored briefings about any aspect of the Legal Compliance Framework on request.

Ideally, compliance should be monitored in the course of usual duties but there is also value in arranging an audit of a program or conducting a gap analysis in a specific area. Staff should also consider whether feedback or a complaint by students, other staff, contractors, an external party or a regulator is a compliance matter and act accordingly.

### *Compliance Register*

The Compliance Register is a web-based system used to capture and report compliance data. The Register provides a central record of all compliance matters (i.e. non-compliance and potential non-compliance with State and Commonwealth Legislation) reported under the Legal Compliance Framework.

University staff are able to log compliance issues and UCC system administrators have the ability to record and manage compliance matters within the Register.

System functionality allows for quarterly reports advising of the status of compliance matters to be sent via email, to compliance staff. The System is also used to manage the annual Certification of Compliance by University Compliance Owners (UCOs).

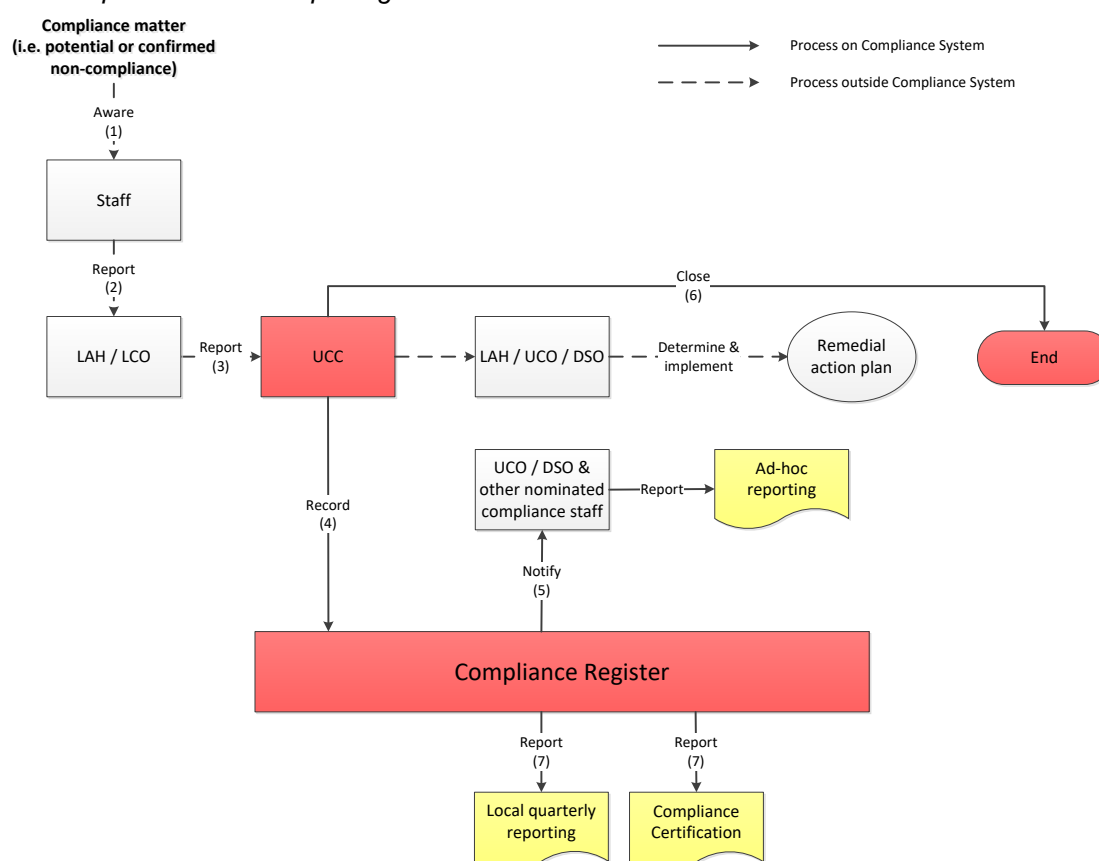
The following examples illustrate the sorts of compliance matters that should be recorded on the Register:

- A student informs a School Manager that she has made a complaint to the Equal Opportunity Commission about a University advertisement she deems “inappropriate and offensive”. (Potential breach of the *Equal Opportunity Act*)
- A commercial DVD is screened during a lecture and the lecture is recorded and posted on MyUni (Breach of the *Copyright Act*)
- A staff member makes untrue statements to the Ombudsman during an external review of the University, hindering the investigation process (Breach of the *Ombudsman Act*)
- A member of the public is found to be promoting his business using the University logo and letterhead (Breach of the *University of Adelaide Act*)
- A senior employee retires and orders his notebooks to be destroyed and all of his emails to be deleted (Breach of the *State Records Act*)
- A school hosts its end-of-year exhibition at an off-campus site, selling alcohol without obtaining a liquor licence (Breach of the *Liquor Licensing Act*)
- The personal details of 100 staff members, including their phone number and address, is accidentally emailed from HR to a staff member in a School (Breach of the *Privacy Act*)
- A contractor is observed pouring paint down a stormwater drain on University grounds (Breach of the *Environment Protection Act*)
- A staff member alleges her employment was terminated because the University did not accommodate her commitments as a carer (Potential breach of the *Fair Work Act*)
- The University website is found to be advertising inaccurate course information, pertaining to the availability of subjects and the cost of tuition (Breach of the *Competition and Consumer Act*)

### Reporting Compliance Matters

It is important that compliance matters are reported and monitored in an accountable, timely and responsible manner. The process is outlined below.

Figure 7: Compliance Matter Reporting Process



## The Reporting Process

### Step 1 - Become aware of compliance matter

#### **How do I identify a compliance matter?**

For the purposes of the Legal Compliance Framework, *compliance* is defined as “when we meet a mandated standard, activity or behaviour set out in an Act of Parliament, a Code or Guideline.” *Non-compliance* is defined as being “any circumstance where the requirements of an Act applicable to a particular school have not been met, have only partially been met or where it is likely that they will not be met.”

### Step 2 - Report compliance matter

#### **What do I have to do?**

All University personnel must inform a Local Compliance Officer or Head of School in a timely manner, of all compliance matters they become aware of or that they reasonably suspect - whether it involves their actions or the actions of someone else. If an external party is involved, or the threat of legal action, you must address the matter with some urgency. Take immediate remedial action where there is risk to persons and/or property or to mitigate further loss or damage.

The Legal Compliance Framework is intended to support you to deal with the matter at the local level, but the Legal and Risk Branch can provide a legal perspective and other support where required, particularly if an external body becomes involved. The school pages of the legal compliance website

<https://www.adelaide.edu.au/legalandrisk/compliance/legislation-directory/school-or-area> can help staff identify the Local Compliance Officers to assist with reporting the compliance matter. If no-one appropriate can be located within the local area, staff can make reports to Sandra Lilburn (Manager Compliance, 8313 0482) or Céline McInerney (General Counsel and Executive Director, Legal and Risk, 8313 5033).

If another staff member has advised you of a compliance matter and you are unsure whether it has been reported, or if you are aware of, or concerned about a compliance matter that does not relate to your School or are concerned that an issue could have University-wide effects, please contact the Manager Compliance. Legal matters have a tendency to spiral out of control if left unreported, but accidents and incidents do occur, and most breaches are simple oversights and can be rectified quickly and with few problems. A compliance matter will always be looked upon more favourably if it is reported promptly and genuine effort to rectify the situation is taken. Reporting non-compliance will ensure actions are put into place immediately, before a breach or potential breach becomes more serious.

### Step 3 - Inform the UCC

#### **What do I have to do?**

All compliance matters must be reported to the Manager Compliance for recording on the Compliance System. The manner of this report may be over the phone, in person or via email. The Manager Compliance will likely contact you to collect all of the information necessary to form a complete description of the matter. The Manager Compliance make a full record of the compliance matter on the Compliance System.

Information required will include:

- name of the legislation breached
- significant dates
- people and areas involved (both internal and external)
- steps taken to resolve the matter

Once a matter has been recorded, automated email notifications go to the University personnel who have been allocated specific compliance responsibilities:

- The University Compliance Centre and Vice Chancellor and President receive notification of all compliance matters.

- University Compliance Owners receive notification of all compliance activity relating to their categories.
- Designated Specialist Officers receive notifications relating to all legislation within their Category, despite being assigned specific Acts.
- Local Area Heads receive notification of compliance activity relating to their school.
- Heads of Faculty/Division receive notification of compliance activity relating to their faculty.

### **Q: What if an External Body becomes involved?**

In almost all cases, when a third party becomes involved responses from the University must be formal and properly managed by qualified personnel.

The University might be instructed via a formal notice to apologise, pay a fine or review policies and practices in order to rectify the matter.

A letter may originate from (among others):

- |                                    |   |
|------------------------------------|---|
| • Environment Protection Authority | • ATO (Australian Taxation Office)                      |
| • Ombudsman                        | • Medical Board of Australia                            |
| • Funding Body                     | • ACCC (Australian Competition and Consumer Commission) |
| • Equal Opportunity Commission     | • Ethics body   |
| • A solicitor                      | • Medical Board of SA                                   |
| • A Government Minister            |   |

### [Step 4 - Manage the matter appropriately](#)

#### **What do I have to do?**

With the assistance of the University Compliance Centre, staff must work together to determine and implement appropriate remedial action on a timely basis to address non-compliance and prevent reoccurrence. Primary responsibility for remedial action sits with the local area, unless the University Compliance Owner or Designated Specialist Officer feels it is necessary to intervene. Decisions made and action taken to resolve the matter must be documented in the Compliance System by the Manager Compliance.

Collectively, it is up to all compliance staff to decide what actions must be undertaken in order to rectify a breach or prevent future occurrence, and who will be carrying out the task. The procedure is likely to be different in all areas and may involve the assistance of the Manager Compliance or one of the legal team in the Legal and Risk Branch.

### [Step 5 - Close a compliance matter](#)

#### **What do I have to do?**

A compliance matter will be closed when there has been a proper resolution of the compliance issue; meaning that all actions have been completed and any further actions required have been planned. This may include an identification of any broader risks and recording this on the University Risk Register. The UCC may contact you to discuss this process.

### [Step 6 - Generate a Compliance Report](#)

#### **What do I have to do?**

A variety of reports can be generated through the Compliance System by any staff with *appropriate access to the Register of Compliance Activity*. Users are able to view data relating only to their school or area.

The University Compliance Centre provides quarterly reports to the University Compliance Owner, Local Area Head and Head of Faculty or Division. The UCC also provides reports as a part of the certification process.

## 13. Step 4 - Certify Compliance

The annual Certification of Compliance is managed by the University Compliance Centre via the Compliance System. A component of the System - the *Register of Compliance Activity* - provides a central record of all compliance matters reported under the Legal Compliance Framework.

Compliance Certifications allow the University to demonstrate our commitment to legal compliance to senior management and external bodies.

The certification process is conducted each year for the period 1 January to 31 December. Status reports supplement the annual certification reports from time to time.

Certifications acknowledge compliance matters that have occurred and activity to ensure compliance in an area and are provided by;

- Local Area Heads, who certify compliance by their area through the annual Management Accountability Framework. Compliance staff are asked to certify that their area has adopted the Legal Compliance Framework and shares the University's commitment to compliance, and that all compliance matters that have occurred in the area (that they are aware of) have been reported under the Framework and are being managed.
- University Compliance Owners, who certify compliance by the University with their categories of tier 1 and 2 legislation.

Figure 8: Compliance Certification Process

Compliance Register

**Certification complete**

**Legal Compliance Certification: Mrs Celine McInerney**

**Category: Ms Celine McInerney (Categories 14-17)**

☒ I am the University Compliance Owner under the University's Legal Compliance Framework for: Ms Celine McInerney (Categories 14-17)

☒ To the best of my knowledge, all compliance matters\* that have occurred during the relevant period that relate to these categories have been recorded on the Compliance Register.

☒ To the best of my knowledge, all compliance matters\* identified that relate to this category have been, or are being, addressed to resolve the matter and prevent re-occurrence.

Please complete this certification by ticking all three boxes. If you do not tick all three boxes, please provide an explanatory comment below:

**Open compliance matters**

| ID | Faculty/Division | School/Branch/Entity | Occurred | Legislation | Category | Classification | Summary | Status | Leading | Recorded | Closed | Days open# |
|----|------------------|----------------------|----------|-------------|----------|----------------|---------|--------|---------|----------|--------|------------|
|----|------------------|----------------------|----------|-------------|----------|----------------|---------|--------|---------|----------|--------|------------|

Compliance certifications are provided to the Vice-Chancellor and President and reported to the University's Audit, Compliance and Risk Committee and Council.

# PART D - RESOURCES

## 14. Legal Compliance Support

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### *Frequently Asked Compliance Questions*

Refer to the [FAQ](#) section of the Legal and Risk Branch website (<https://www.adelaide.edu.au/legalandrisk/self-service/faqs>)

### *Key Legal Compliance Staff*

Sandra Lilburn  
Manager Compliance

[sandra.lilburn@adelaide.edu.au](mailto:sandra.lilburn@adelaide.edu.au)  
(08) 8313 0482

University Compliance Centre

[helpdesklegal@adelaide.edu.au](mailto:helpdesklegal@adelaide.edu.au)  
(08) 8313 4539

Richard Duddy  
Legal Counsel & Senior Project Officer (Policy)  
[richard.duddy@adelaide.edu.au](mailto:richard.duddy@adelaide.edu.au)  
(08) 8313 0085

### *Useful pages within the Legal and Risk Branch website*

Compliance website  
[www.adelaide.edu.au/legalandrisk/compliance](http://www.adelaide.edu.au/legalandrisk/compliance)

Legal and Risk Branch Blog  
<http://blogs.adelaide.edu.au/legal-risk>

Legislation Database  
<https://www.adelaide.edu.au/legalandrisk/compliance/legislation-directory/school-or-area>

Compliance System  
<https://www.adelaide.edu.au/legalandrisk/compliance/register-non-compliances>

Legislative summaries and other compliance resources  
<https://www.adelaide.edu.au/legalandrisk/self-service>



## 15. Glossary

|   |  |
|---|--|
| <b>Act</b>  | A law made by Parliament which has passed both lower and upper Houses and has received Assent (by the Governor-General for Commonwealth laws or the Governor for State laws).  |
| <b>Amendment</b>  | An amendment to legislation occurs when a new Act changes (amends) an existing law.  |
| <b>Audit</b>  | An evaluation of a person, system, process, project or product, performed to ascertain the validity and reliability of information, and also provide an assessment of a system's internal control.   |
| <b>Bill</b>   | A draft Act which has been presented to Parliament and may be subject to debate and amendment before being passed into law. Bills may be introduced to Parliament by the Government or as a Private Member's Bill  |
| <b>Codes</b>  | Government can give force of law to a number of codes, by including or referring to them in Acts or legislative instruments. Some Codes are developed on a voluntary basis, such as the Australian Code for the Responsible Conduct of Research but may be referred to in funding agreements.                            |
| <b>Compliance Certification</b>                             | The annual certification to the Vice-Chancellor and President, other senior University managers, and the University's Audit, Compliance and Risk Committee and Council that confirms that the University has complied with all applicable legislation or has measures in place to resolve any matters of non-compliance. |
| <b>Designated Specialist Officer (DSO)</b>                  | Personnel nominated by the University Compliance Owners to support the Compliance Owners in managing their compliance responsibilities. These people will have specialist knowledge and experience in a functional area impacted by the relevant legal requirements.   |
| <b>Legal Compliance Framework</b>                           | The systems, processes and governance activities which enable those with compliance responsibilities, at both local and University-wide levels, to more effectively address and manage compliance obligations imposed by laws, regulations and mandated codes.   |
| <b>Legislation</b>  | Acts, regulations and mandated codes which have been endorsed by a Parliament.   |
| <b>Legislative Instrument</b>                               | Legislative instruments are laws on matters of detail made by a person or body authorised to do so by an Act of the Parliament. They may be called regulations or rules and many have the force of law. For example, regulations made under the Animal Welfare Act under the authority of the relevant Minister.         |
| <b>Local Area Head (LAH)</b>                                | The person designated to be operationally responsible for compliance by their area with all relevant legislation, by identifying and effectively managing (on an ongoing basis), the risks flowing from non-compliance with laws impacting on the operations and activities in their area.                               |
| <b>Local Compliance Officer (LCO)</b>                       | Personnel designated to provide day-to-day support and assistance to the Local Area Heads in carrying out their compliance responsibilities. The Local Compliance Officer will have comprehensive operational knowledge of the area rather than being technical specialists in particular areas of legislation.          |
| <b>Manager Compliance</b>                                   | The person designated to coordinate the University's compliance obligations who has responsibility for the implementation and administration of the Legal Compliance Policy.   |
| <b>Non-compliance (for the purpose of legal compliance)</b> | Where the requirements of legislation (laws, regulations and mandated codes) applicable to a particular School activity have not been met or have only been partially met through an act or omission or a change in administration of legislation.   |

|   |  |
|---|--|
| <b>Regulation</b>                         | An authoritative rule established by government administrative agencies supported by penalties, sanctions or fines.  |
| <b>Statutes</b>                           | Generally used to refer to all legislation.  |
| <b>Tier</b>                               | The classification rating applied to a particular Act according to; application, consequence and risk.   |
| <b>University Compliance Centre (UCC)</b> | The centre (located in Legal and Risk Branch) which coordinates the Legal Compliance Framework throughout the University, provides active assistance and support in all areas of compliance, maintains the University compliance database and collates the annual certificates of compliance by both Local Area Heads and University Compliance Owners on behalf of the Vice-Chancellor and President. |
| <b>University Compliance Owner (UCO)</b>  | The designated person accountable for compliance with legislation of University-wide application or consequence (tier 1 and 2). The UCO provides guidance and support for all staff to ensure that legal requirements are met across all areas of the University.  |



## FOR FURTHER ENQUIRIES

The University of Adelaide SA 5005 Australia

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Mitchell Building,  
North Terrace,  
Adelaide SA 5005

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**ENQUIRIES** [helpdesklegal@adelaide.edu.au](mailto:helpdesklegal@adelaide.edu.au)

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 [adelaide.edu.au](http://adelaide.edu.au)

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