Legal Compliance Policy

Responsible Officer
Chief Operating Officer

Approved by
Vice-Chancellor

Approved and commenced
December 2014

Review by
December 2017

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle
University of Tasmania Act 1992
Ordinance 9 - Student Discipline

Responsible Organisational Unit
Audit and Risk

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1  Objective

The objective of this Policy is to establish a comprehensive legal compliance system to ensure that the University's operations are conducted in accordance with relevant legal obligations, and to encourage proactive, accountable management.

2  Scope

This policy applies to all University of Tasmania staff and students. This policy applies to any international, Commonwealth and State legislation, regulations, codes, guidelines, protocols, frameworks and Australian Standards that govern University operations.

3  Policy Provisions

3.1  Compliance Commitment

The University is committed to creating a strong compliance culture. The compliance system will be supported by senior management and appropriately resourced to ensure development, implementation, maintenance and continuous improvement of the system.

3.2  Compliance System

The University will identify relevant requirements of Commonwealth and State legislation, regulations, codes and Australian Standards that govern University operations. The University will identify a Responsible Person for each legal obligation. This information will be developed and compiled in the UTAS Legal Compliance Register. All register inclusions will be risk rated according to the Risk Management Policy, and legal obligations which receive a ‘High’ or ‘Extreme’ risk rating will be flagged and actioned in accordance with this Legal Compliance Policy and the Risk Management Policy.

The University will utilise a subscription service to receive information and flag changes to legal obligations to the appropriate Responsible Person. The Responsible Person will ensure any necessary changes are implemented and communicated.

The University will monitor legal obligations through various processes such as internal audit (in accordance with the 3-year Internal Audit Strategy), external audit, reviews (in accordance with the Reviews Policy) and identification of compliance failures through any University staff member.

University staff have an obligation to report suspected or potential compliance failures to their line manager/supervisor or the relevant Organisational Unit head. Instances of compliance failure involving University staff will be dealt with in accordance with the misconduct provisions set out in the relevant staff agreement or employment contract. Where the alleged compliance breach has been committed by a student, the provisions of Ordinance 9 - Student Discipline will be followed. The
Responsible Person will ensure that any compliance failures identified are actioned appropriately.

The University will capture and maintain records of compliance change and failure. The University will report regularly on the compliance system to review and drive continuous improvement. The Annual Compliance Return report will be presented to the Senior Management Team.

Where the University instigates internal change, legal obligations will be identified and considered in the business case for the change. Furthermore, all new contracts will include identification and consideration of legal obligations.

Where the University undertakes international operations in collaboration with a partner institution domiciled in that country, legal obligations will be fully articulated by the partner institution for the duration of the relationship through a suitable contractual agreement.

4 Responsibilities

At a strategic level, the Vice-Chancellor and Senior Management Team have overall responsibility for ensuring that the University fulfils its legal obligations and effectively manages any risk exposure that may result from compliance failures.

Heads of Organisation Units are expected to promote, monitor and uphold a positive compliance culture in areas within their authority and control; to investigate and respond to alleged compliance failures; and to implement any necessary measures to assist the University to meet its legal obligations.

All staff and students have a responsibility to ensure that their activities on behalf of the University comply with relevant legal obligations and related University policies.

The Director, Audit and Risk has overall responsibility for evaluating and reporting on the effectiveness of the system.

The Compliance Officer will be responsible for overall monitoring of the compliance system; on-going training or training of new Responsible Persons; ensuring that all legal obligation changes are acted upon in a timely manner; reporting and updating legal compliance documents as they occur.

The Responsible Person is the central point of review of any change in legislation. They are responsible for ensuring change is implemented and communicated and compliance failure is actioned.

The Governance unit within the Vice-Chancellor’s division and the Legal Office have an active supportive relationship in ensuring the on-going commitment to effective compliance for the University, through provision of expert advice and counsel.
5 Definitions and Acronyms

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<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tr>
<td>Organisational Unit</td>
<td>College, Faculty, School, Centre, University Institute, other University Entity, Division, Section or University Business Enterprise.</td>
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<td>Code</td>
<td>A statement of recommended practice, whether mandatory or voluntary, developed internally by an organisation or by an international, national or industry body or other organisation.</td>
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<td>Compliance</td>
<td>Adhering to the requirements of laws, industry and organisation standards and codes, principles of good governance and accepted community and ethical standards.</td>
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<td>Compliance Culture</td>
<td>The values, ethical standards and beliefs that exist throughout an organisation and interact with the organisation's structures and control systems to produce behavioural norms which are conducive to compliance outcomes.</td>
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<td>Compliance Failure</td>
<td>An act or omission whereby and organisation has not met its compliance obligations, processes or behavioural expectations.</td>
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<td>Compliance Program</td>
<td>A series of activities that when combined are intended to achieve compliance.</td>
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<td>Legal Obligation</td>
<td>International, Commonwealth and State legislation, regulations, codes, guidelines, protocols, frameworks and Australian Standards that govern University operations.</td>
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<td>Organisational and industry Standards</td>
<td>Documented codes of ethics, codes of conduct, good practices and charters that an organisation has adopted for its operations.</td>
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6 Supporting Documentation

- UTAS Legal Compliance Register
- Risk Management Policy
- Ordinance 9 - Student Discipline
- Reviews Policy
- 3-year Internal Audit Strategy

7 Versioning

| Former Version(s) | Version 1 – Legal Compliance Policy; approved November, 2011; reviewed November, 2014. |