

## Legislation Having Application to James Cook University as at 30 June 2013

The University is required to comply with a number of local, State (Qld) and Commonwealth (Cth) laws and subordinate legislation which come in the form of guidelines, standards and protocols. Below is a list of Legislation having application to James Cook University as at 30 June 2013. The table is in three sections:

**Category A** Has major day-to-day significance to a section or specific officer

**Category B** Is of importance but does not necessarily impinge on every-day operations

**Category C** Imposes some compliance responsibilities and may require periodic reporting.

NB: Legislation which is highlighted in bold font indicates the imposition of one or more annual or regular pro-active obligations from the University.

### GOVERNANCE & MANAGEMENT

#### Category A

- **Education Services for Overseas Students Act 2000 (Cth)**
  - Education Services for Overseas Students Regulations 2001 (Cth)
  - National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007
- **Education (Overseas Students) Act 1996 (Qld)**
  - **Education (Overseas Students) Regulation 1998 (Qld)**
- **Higher Education Support Act 2003 (Cth)**
- Public Records Act 2002 (Qld)
  - Information Standard No.31 – Retention and Disposal of Public Records
  - **Information Standard No.40 – Recordkeeping – version 2.0**
- **James Cook University Act 1997 (Qld)**

#### Category B

- Acts Interpretation Act 1954 (Qld)
- Copyright Act 1968 (Cth)
- **Information Privacy Act (Qld) 2009**
- Libraries Act 1988 (Qld)
- Migration Act 1958 (Cth)
- Ombudsman Act 2001 (Qld)
- **Right to Information Act 2009 (Qld)**

## Category C

- Commission for Children & Young People and Child Guardian Act 2000 (Qld)
- Crime and Misconduct Act 2001 (Qld)
- Competition and Consumer Act 2010 (Cth)<sup>1</sup>
- **Education Services for Overseas Students (Registration Charges) Act 1997 (Cth)**
- Evidence Act 1977 (Qld)
- Information Standards – subordinate legislation to the Financial Management Standard 1997 (Qld):
  - **Information Standard No.13 – Procurement and Disposal of ICT Products and Services version 4.0.0**
  - Information Standard No.18 – Information Security – version 5.0.0<sup>2</sup> (Nov 2010)
  - Information Standard No.26 – Internet – version 6.0.1 (Dec 2010)
  - Information Standard No.33 – Information Access and Use - version 2.0.0 (Jun 2012)
  - Information Standard No.34 – Metadata – version 3.0.0<sup>3</sup> (Nov 2010)
  - Information Standard No.38 – Use of ICT Facilities and Devices – version 2.04 (Apr 2012)
- Invasion of Privacy Act 1971 (Qld)
- Judicial Review Act 1991 (Qld)
- **National Greenhouse and Energy Reporting Act 2007 (Cth)**
- **Public Interest Disclosure Act 2010 (Qld)**<sup>4</sup>
- **Public Sector Ethics Act 1994 (Qld)**
- Statutory Instruments Act 1992 (Qld)

## FINANCIAL

### Category A

- **A New Tax System (Goods and Services Tax) Act 1999 (Cth)**
  - GST Regulations 1999 (Cth)

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<sup>1</sup> Reforms set out under the *Trade Practices Amendment (Australian Consumer Law) Act (No 1) 2010* and the *Trade Practices Amendment (Australian Consumer Law) Act (No 2) 2010* made a number of changes to consumer law in Australia. These reforms came into effect on 1 January 2011 and changed the name of the *Trade Practices Act 1974* to the *Competition and Consumer Act 2010*.

<sup>2</sup> IS No 18 – Information Security – version 5.0.0 has been updated

<sup>3</sup> IS No 34 – Metadata – version 3 has been updated

<sup>4</sup> The *Public Interest Disclosure Act 2010* came into effect on 1 January 2011 and replaced the *Whistleblowers Protection Act 1994*.

- **Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)**
- **Financial Accountability Act 2009 (Qld)**
  - **Financial and Performance Management Standard 2009 (Qld)**
- **Higher Education Support Act 2003 (Cth)**

#### Category B

- **Corporations Act 2001 (Cth)**
- Electronic Transactions (Queensland) Act 2001 (Qld)
- Fringe Benefits Tax Act 1986 (Cth)
- **Fringe Benefits Tax Assessment Act 1986 (Cth)**
- Statutory Bodies Financial Arrangements Act 1982 (Qld)

#### Category C

- A New Tax System (Australian Business Number) Act 1999 (Cth)
- **Security Providers Act 1993 (Qld)**
- **Taxation Administration Act 1953 (Cth)**

### HEALTH AND SAFETY

#### Category A

- **Work Health and Safety Act 2011 (Qld)**
  - **Work Health and Safety Regulation 2011 (Qld)**
  - **How to Manage and Control Asbestos in the Workplace Code of Practice 2011**
  - **How to Safely Remove Asbestos Code of Practice 2011**
  - **First Aid Code of Practice 2004**
  - **Hazardous Chemicals Code of Practice 2003**
  - **Labelling of Workplace Hazardous Chemicals Code of Practice 2011**
  - **Preparation of Safety Data Sheets for Hazardous Chemicals Code of Practice 2011**
  - **Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011**
  - **Managing the Risk of Falls at Workplaces Code of Practice 2011**
  - **Managing the Work Environment and Facilities Code of Practice 2011**
  - **Manual Tasks Involving the Handling of People Code of Practice 2001**
  - **Occupational Diving Work Code of Practice 2005**
  - **Plant Code of Practice 2005**
  - **Hazardous Manual Tasks Code of Practice 2011**

- **How to Manage Work Health and Safety Risks Code of Practice 2011**
- **Prevention of Workplace Harassment Code of Practice 2004**
- **Traffic Management for Construction or Maintenance Work Code of Practice 2008**
- **Work Health and Safety Consultation, Co-Operation and Coordination Code of Practice 2011**

#### Category B

- Australian Radiation Protection and Nuclear Safety Act 1998 (Cth)
- **Fire and Rescue Service Act 1990 (Qld)**
  - **Building Fire Safety Regulation 2008**
- **Radiation Safety Act 1999 (Qld)**
  - **Radiation Safety Regulation 2010 (Qld)**
  - Radiation Safety (Radiation Safety Standards) Notice 2010 (Qld)<sup>5</sup>

#### Category C

- Australian Dangerous Goods Code (7<sup>th</sup> Ed Oct 2011) (Cth)<sup>6</sup>
- **Gene Technology Act 2000 (Cth)**
  - Gene Technology Regulations 2001 (Cth)
- Guidelines for Small Scale Genetic Manipulation Work – Genetic Manipulation Advisory Committee
- Gene Technology Act 2001 (Qld)
- Health Act 1937 (Qld)
  - **Health (Drugs and Poisons) Regulation 1996 (Qld)**
- **Nuclear Non-Proliferation (Safeguards) Act 1987 (Cth)**
- Weapons Act 1990 (Qld)
- Electrical Safety Act 2002 (Qld)
- Maritime Safety Queensland Act 2002 (Qld)

### PHYSICAL PLANT AND GROUNDS

#### Category A

- Building Regulation 2006 (Qld)
- **Environmental Protection Act 2012 (Qld)**
  - **Environmental Protection Regulation 2008 (Qld)**
  - Environmental Protection (Waste Management) Regulation 2000 (Qld)
  - Environmental Protection (Water) Policy 2009

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<sup>5</sup> This Notice replaces the Radiation Safety (Radiation Safety Standards) Notice 1999 which expired on 1 September 2010 (see *Statutory Instruments Act 1992 (Qld)*, s 54).

<sup>6</sup> In October 2011 the NTC published a revised version of the Code that corrects various printing errors that occurred in the initial production of the Code in 2007.

- Environmental Protection (Air) Policy 2008
- Environmental Protection (Noise) Policy 2008
- Environmental Protection (Waste Management) Policy 2000
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Waste Reduction and Recycling Act 2011 (Qld)
  - Waste Reduction and Recycling Regulation 2011 (Qld)

### Category B

- Aboriginal and Torres Strait Islander Act 2005 (Cth)
- Coastal Protection and Management Act 1995 (Qld)
- Marine Parks Act 2004 (Qld)
- Native Title Act 1993 (Cth)
- Native Title (Queensland) Act 1993 (Qld)
- Nature Conservation Act 1992 (Qld)
- Queensland Heritage Act 1992 (Qld)
- Vegetation Management Act 1999 (Qld)
- Wet Tropics World Heritage Protection and Management Act 1993 (Qld)

### Category C

- **Clean Energy Act 2008 (Qld)**
- Liquor Act 1992 (Qld)
- National Environment Protection Council Act 1994 (Cth)
- Queensland Heritage Act 1992 (Qld)
- Sustainable Planning Act 2009 (Qld)
- Townsville City Council Trade Waste Policy (version 1 July 2009)
- Transport Operations (Marine Safety) Regulation 2004 (Qld)
- Transport Operations (Road Use Management) Act 1995 (Qld)
  - **Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010 (Qld)**
- Water Act 2000 (Qld)

### STAFFING

#### Category A

- Anti-Discrimination Act 1991 (Qld)
- Aust. Universities Academic Staff (Conditions of Employment) Award 1988
- Disability Discrimination Act 1992 (Cth)
- Fair Work Act 2009 (Cth)
- Higher Education Industry - General Staff – Award 2010
- Higher Education Industry - Academic Staff – Award 2010
- Industrial Relations Act 1999 (Qld)
- James Cook University Enterprise Agreement 2010

- **Workplace Gender Equality Act 2012 (Cth)**<sup>7</sup>

#### Category B

- **Payroll Tax Act 1971 (Qld)**
- **Paid Parental Leave Act 2010 (Cth)**
- Sex Discrimination Act 1984 (Cth)

#### Category C

- **Workers Compensation and Rehabilitation Act 2003 (Qld)**
  - **Workers Compensation and Rehabilitation Regulations 2003 (Qld)**

#### OTHER

#### Category A

- **Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (2004) (Cth)**
- National Statement on Ethical Conduct in Human Research (2007) – National Health and Medical Research Council<sup>8</sup> (Cth)

#### Category B

- **Animal Care and Protection Act 2001 (Qld)**
- Transplantation and Anatomy Act 1979 (Qld)
  - Transplantation and Anatomy Regulation 2002 (Qld)
- Environment Protection and Biodiversity Conservation Act 1999 (C'wlth)

#### Category C

- **Queensland Biotechnology Code of Ethics 2006 (currently being updated)**
- State Penalties Enforcement Act (Qld) 1999

### 1.1.1 Risk Management Framework

The University has updated its Risk Management Framework which was approved by the Audit and Compliance Committee in February 2013. In support of the achievement of strategic and operational goals, the objective of the University's risk management process is to provide a framework for all levels of management which will enable, support and promote:

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<sup>7</sup> The *Equal Opportunity for Women in the Workplace Amendment Act 2012* commenced in December 2012 and made a number of changes to the *Equal Opportunity for Women in the Workplace Act 1999* including changing its name to the *Workplace Gender Equality Act 2012*.

<sup>8</sup> The **National Statement on Ethical Conduct in Human Research** 2007 replaced the **1999 National Statement on Ethical Conduct in Research Involving Humans**.

- awareness and understanding of the real and significant business risks and their impact;
- demonstration of due diligence in decision-making;
- exercise of appropriate duty of care;
- innovation through the taking of calculated risks in pursuit of business opportunity and excellence; and
- provision of assurance that business risks are properly managed, commensurate with their level of threat or exposure.

The Risk Management Framework aims to provide consistency to business risk management practices throughout the University. In doing so it outlines a methodology, based upon qualitative risk assessment, which should be applied to the assessment of any risks of a general nature. This framework has been designed to provide assurance that all key risks within the business are being identified and managed appropriately and to ensure the University, including management and the Council, are aware of key business risks.

The University implemented web-based software, Riskware ERM, on 15 November 2012. Enterprise risks are recorded within Riskware ERM at two levels: University wide/strategic risks on a University risk register and Divisional/Faculty specific risks on Divisional and Faculty risk registers.

The University updated its Risk Management Policy which was approved by Council. The Risk Management Policy is available through the University's Policy Library ([http://www.jcu.edu.au/policy/allitoz/JCUEDEV\\_010038.html](http://www.jcu.edu.au/policy/allitoz/JCUEDEV_010038.html))