



Ensuring Excellence: University of Tasmania's Approach to Legal Compliance and Research Governance

ARMS – Tasmania Chapter

April 2023



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Why is legal compliance important?

Benefits of legal compliance:

- **Protects staff and the University**
- **Creates safe workplaces**
- **Improves productivity and bottom line**
- **Retain staff**

Consequences of non-compliance:

- **Fines**
- **Imprisonment**
- **Class actions**
- **Loss of licence, funding, contracts**
- **Reputational damage**
- **Drop in enrolments**

Ignorance is no excuse

SafeWork SA

<https://www.safework.sa.gov.au/news/news/bottli...>

Bottling company fined for exposing workers to unsafe ...

25 May 2022 — A wine bottling company has been convicted and fined \$120,000 for operating an electrically unsafe bottling plant, exposing their employees ...

ID InvestorDaily

Mining company fined \$450k for continuous disclosure breaches

ASX-listed mining and exploration company Australian Mines has been slapped with a \$450,000 fine by the Federal Court for breaching its...

16 Jan 2023

Money Management

Westpac fined \$113m for compliance failures

Westpac has been ordered to pay penalties of \$113 million for compliance failures in banking, superannuation, wealth management and...

22 Apr 2022



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The Legal compliance framework

Identify the obligations

Identify all legal and regulatory obligations impacting on the University

Assess the risks

Assess the risks of non-compliance (and the impact existing controls have on risk)

Establish controls

If there are gaps, create new controls to reduce risk

Monitor and review

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The Legal Compliance Framework

- Over 280 legislative instruments each with an identified compliance owner
- Risk assessed and categorised into tiers
- 64 research legislative instruments

Tier	Scope and Impact
Tier 1	University wide with high risks associated with non-compliance (ongoing monitoring)
Tier 2	University wide application with lower risks associated with non-compliance
Tier 3	Narrow application at College or Division Level - and may be high risk (e.g. biosecurity) and require ongoing monitoring or lower risk (e.g. libraries)

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Legal Compliance Plans

Compliance plans :

- detail the compliance requirements and associated risk in plain English
- identify controls and, where there are gaps, an action plan
- support the reporting of non-compliances
- identify performance indicators for monitoring of higher risk obligations
- be updated as the business and obligations change over time.



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What are my responsibilities?

- **Get informed** – have a basic understanding of the main legal risks associated with your work – ask your leaders.
- **Monitor for non-compliances.**
- **Report non-compliances:** help us fix problems and improve our practices.
 - Work Health and Safety

Protect yourself and the University



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Legal compliance tip: Follow our governance instruments – Policies and Procedures

Policy examples

- 2 Conflict of interest
 - 2.1 All conflicts and potential conflicts of interest must be identified, disclosed, monitored and effectively managed.
 - 2.2 Relevant members of the University Community will make declarations at least annually and at other times where there is a material change in private interests that may give rise to an actual, potential, or perceived conflicts of interest and manage the conflicts of interest arising from those interests.

- 2 Responsible conduct of research
 - 2.1 The University will actively promote and support a culture of responsible research conduct.
 - 2.2 University researchers will conduct research responsibly, ethically, and with integrity as a foundation for high-quality research, credibility, and community trust in the research endeavour.

Procedure examples

4 Research and Research Training

Intellectual property

- > [Copyright Complaints and Takedown Procedure \(PDF 237.5 KB\)](#)

Research

- > [Clinical Trials Procedure \(PDF 245.0 KB\)](#) **NEW**
- > [Open Access Procedure \(PDF 244.9 KB\)](#)
- > [Management of Research Funding Procedure \(PDF 223.2 KB\)](#)
- > [Research Funding Costing Procedure \(PDF 253.0 KB\)](#) **NEW VERSION**
- > [Research Ethics Procedure \(PDF 235.1 KB\)](#) **NEW VERSION**
- > [Research Data Management Procedure \(PDF 316.1 KB\)](#) **NEW VERSION**
- > [Veterinary Services Procedure \(PDF 340.3 KB\)](#) **NEW VERSION**
- > [Research Integrity Complaints Procedure \(PDF 552.1 KB\)](#)

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Research Governance

- Promotes a positive research culture and sustainable practices that facilitate the conduct of high-quality research
- Enables the protection of research participants, the safety and quality of research, privacy and confidentiality
- Ensures compliance with legal and regulatory matters
- Drives improvement through risk management, and monitoring arrangements

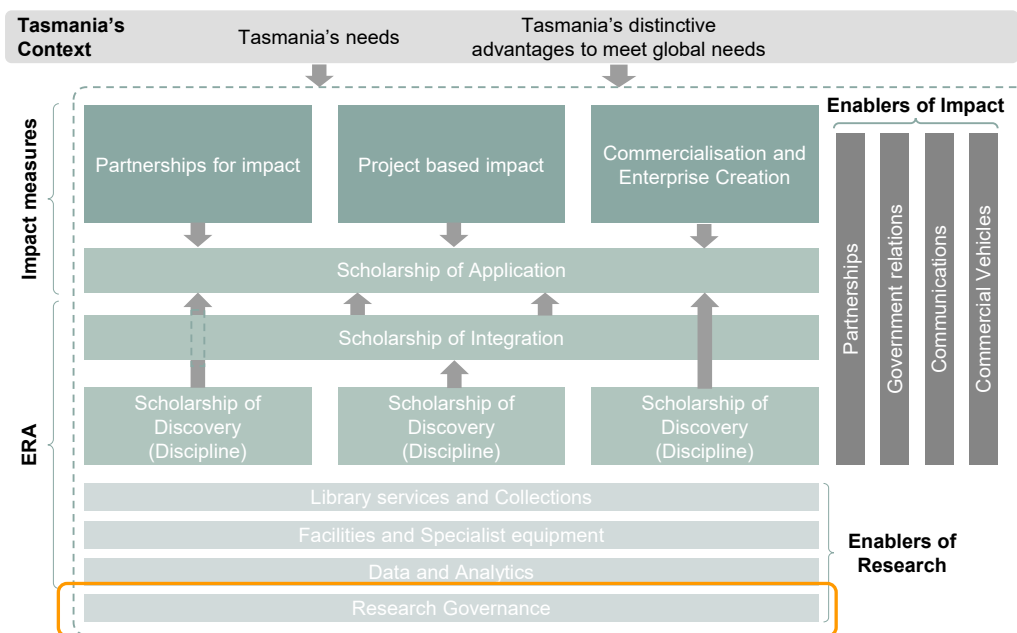


We can't control the external compliance requirements, but we can develop systems to help researchers navigate them!

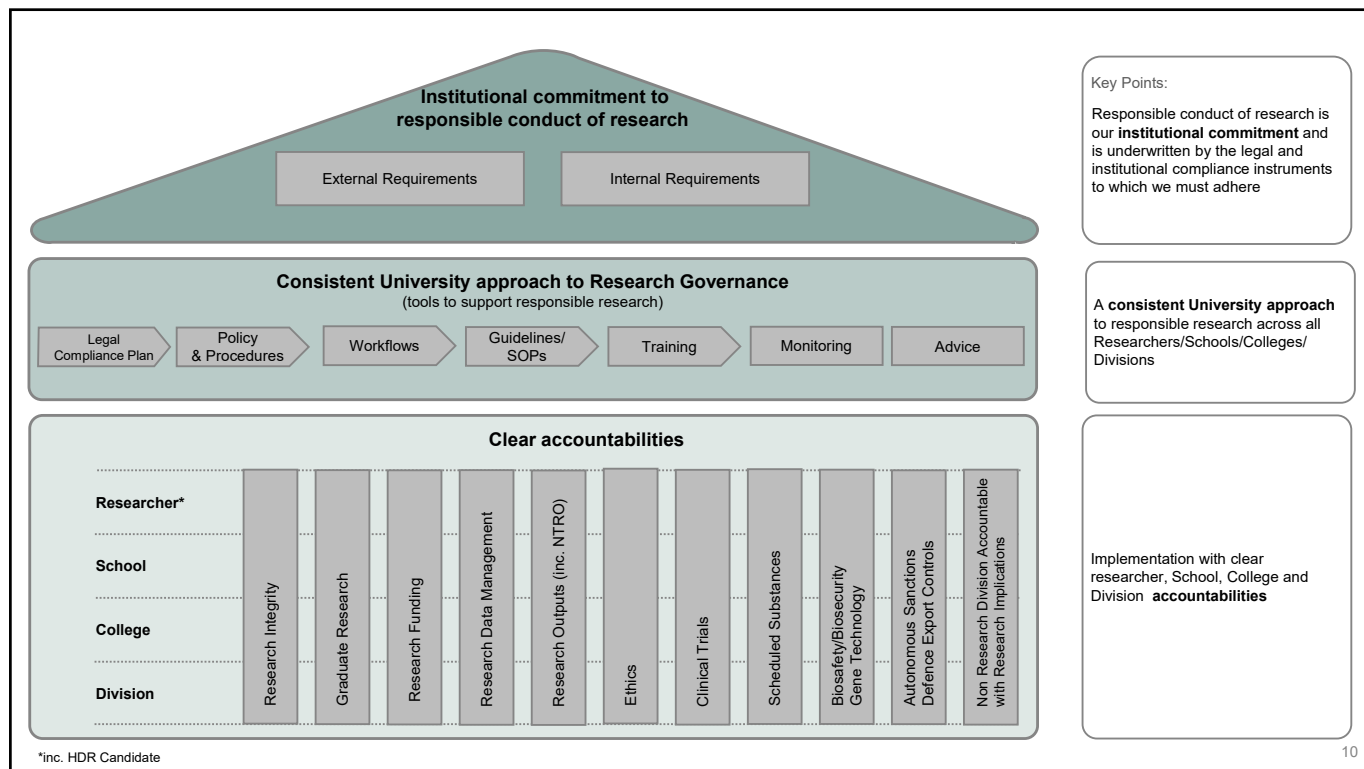
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Research Governance is an enabler to the Research Model – Impact, Excellence, Integrity

Based on: Boyer, E.L., 1990 *Scholarship Reconsidered*



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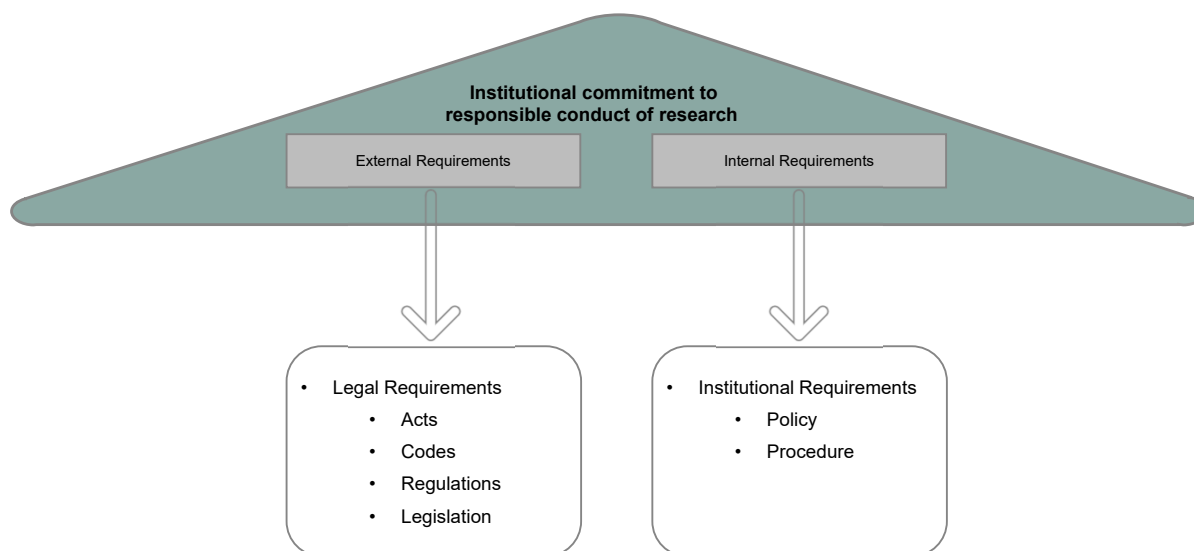


*inc. HDR Candidate

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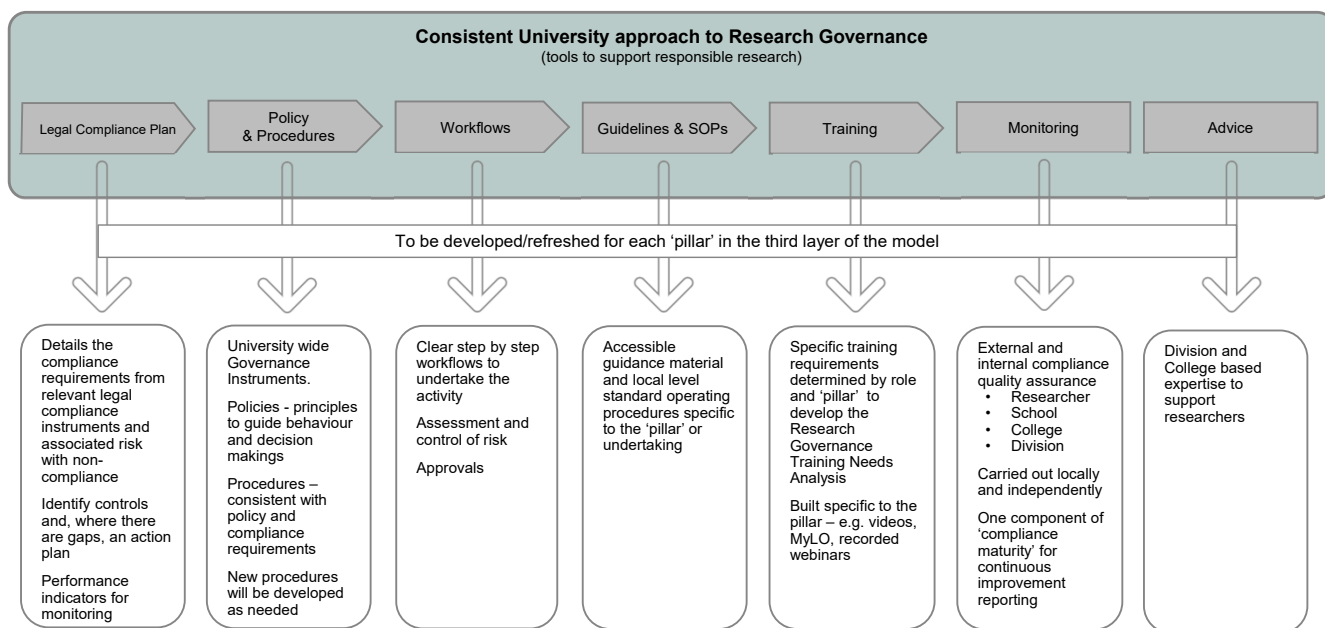
Responsible conduct of research is our institutional commitment and is underwritten by legal and institutional compliance requirements



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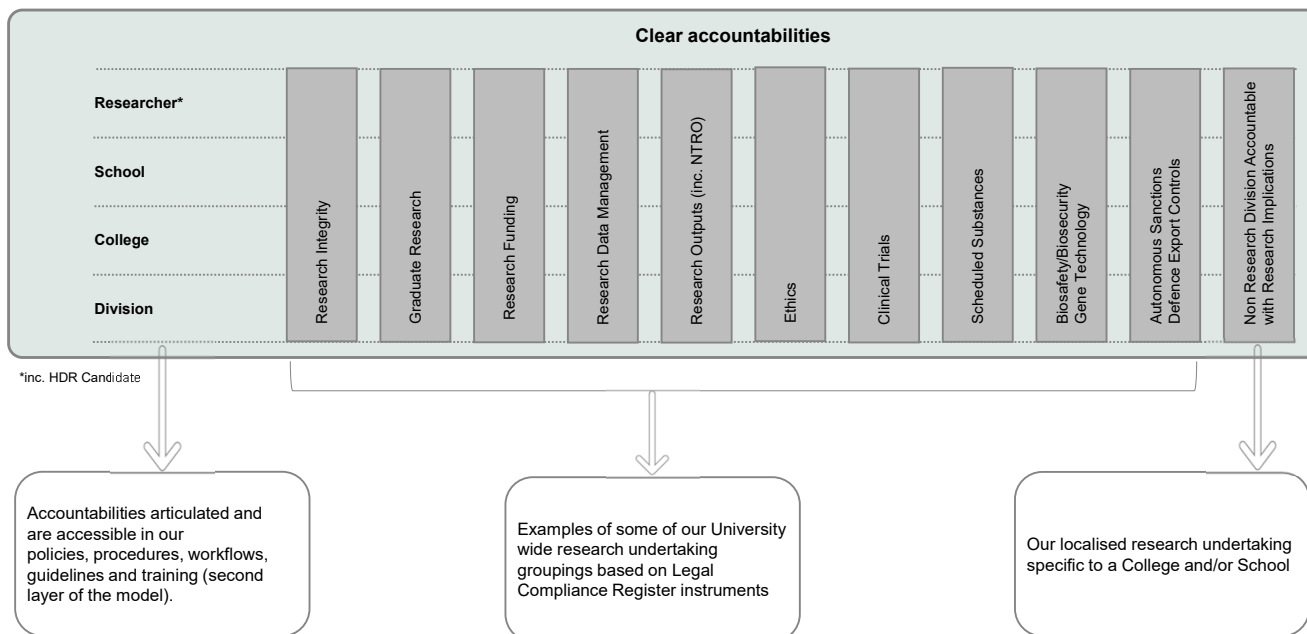
A consistent University approach to Research Governance across Schools, Colleges, Divisions with clear workflows



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Implementation at the local levels with clear accountabilities for Researcher, School, College and Division



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Compliance will be measured, made visible and monitored to build a robust compliance culture

Research Governance Dashboard

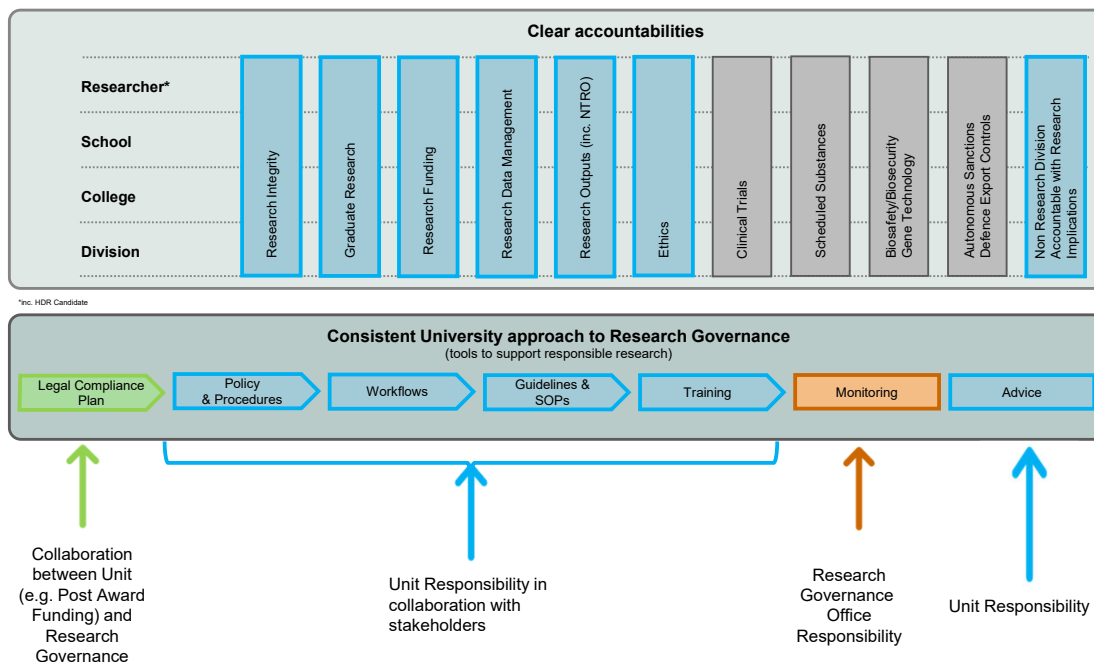
KPI	Measure	Aim
1. Legal Compliance Instruments Converted to Compliance Plan	% of 65 DVCR instruments	Tier 1 100% by 2022 Tier 2 100% by Q4 2023
2. Compliance Plans Reviewed	Monthly aim	All Annually
3. Policy and Procedures Review	Monthly aim	All Annually
4. Monitoring Conducted	As per monitoring plan	100% of due monitoring events
5. Monitoring Outcomes	Unsatisfactory Improvement Opportunities Satisfactory Best Practice	Best Practice
6. Compliance Forums	As per forum schedule Attendance	100% Critical Managers

Key features of monitoring approach:

- Provides clear KPIs which are leading indicators for control effectiveness and compliance maturity
- Allows for a proactive and local approach to compliance with a continuous improvement focus
- Complementary to Audit & Risk internal audit process
- Compliance Forums will allow for idea sharing, engagement and local self driven problem solving (aim 2024)
- Monitoring to be fully implemented 2024
- An efficient and combination type approach will be adopted:
 - Research Governance sourced data
 - School/College supplied reporting
 - Face to face monitoring

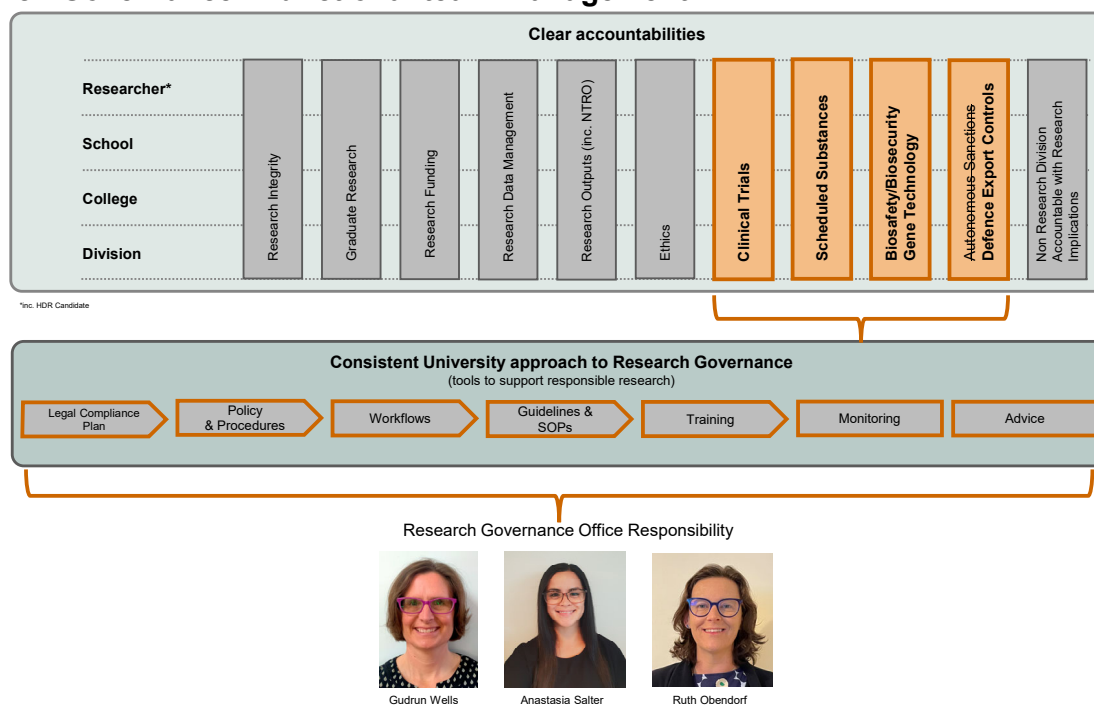
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Research Governance – who does what?



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Research Governance – functional team management



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TASMANIA

Thank you