

Legislated and ethical responsibilities of staff:

A Quick Guide.



University of
South Australia



Table of Contents

Introduction	3
Confidentiality of students' personal information	4
Dealings with people under the age of 18	5
Equal opportunity and anti-discrimination	6
Privacy	8
Responsible practice in research	10
Trade practices and consumer law	11
Use of the intellectual property of others	12
Work health and safety	13

Introduction

Welcome to the University of South Australia.

As Australia's University of Enterprise, UniSA is deeply committed to developing a workforce that is diverse, high performing and one in which talented people thrive. Our enterprising culture fosters innovation through global, national and state links to our academic, research and industry partners.

Staff have many responsibilities that can be found in places such as your position description, the Enterprise Agreement, in legislation and in UniSA's policies, procedures and practices – all of which support the safety, rights and wellbeing of our staff, students and the wider University community.

This guide provides a starting point to help you understand your crucial responsibilities and we encourage you to read it during the first month of your induction, or when your role changes, or at any stage when you want to revisit what you need to know.

It is important for you to speak with your manager or your People, Talent and Culture (PTC) Business Partner to identify what is essential for you to know about in more detail than we provide in this guide and/or if there is anything else specific or unique to your role that you should learn about and understand.

The *Risk Management for Managers* resource complements this guide.

Jane Booth

Executive Director: People, Talent & Culture

Focus of the legislation or code	Essential knowledge	Further information
<p>Confidentiality of students' personal information</p> <ul style="list-style-type: none"> ➤ Education Services for Overseas Students Act (ESOS) 2000 (Cth) – National Code of Practice 2018 ➤ Higher Education Support Act 2003 (Cth) ➤ Privacy Act 1988 (Cth) ➤ Tax File Number Guidelines 1992 ➤ Privacy Policy 	<p>UniSA collects and holds personal information about all of its students and has a range of legislative responsibilities in regard to maintaining the confidentiality of their personal information. These include, but are not limited to, responsibilities under the Higher Education Support Act 2003, the Privacy Act 1988, the Tax File Number Guidelines 1992 and the Education Services for Overseas Students (ESOS) Act 2000.</p> <p>The privacy of student information is a vital part of the UniSA's relationship with its students. UniSA recognises its responsibility to collect, manage, use and disclose their personal information in accordance with legislative requirements and community expectations of best practice.</p> <p>Personal information is confidential and must not be used or disclosed except in accordance with UniSA's Staff guidance for the management of student personal information and Privacy policies.</p> <p>Access to records of students' personal information will be restricted to staff members who need the information in order to carry out their duties and responsibilities in the personal and/or academic interests of students.</p> <p>Staff who are granted access to personal information should be aware of the strict conditions set out under the Higher Education Support Act 2003 which includes specific access to the information that is collected for the purpose of administering Commonwealth contributions and loans programs. Staff need to be aware that the following are all offences under the Act and that severe penalties apply:</p> <ul style="list-style-type: none"> • disclosing such personal information outside of the requirements of official duties • copying a record of such personal information outside of the requirements of official duties • causing unauthorised access to such personal information held in a computer system. 	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Privacy Policy • Staff Guidance for the Management of Student Personal Information <p>UniSA websites</p> <ul style="list-style-type: none"> • ESOS website – information for students • ESOS website – information for staff

Focus of the legislation or code	Essential knowledge	Further information
<p>Dealings with people under the age of 18</p> <ul style="list-style-type: none"> ➤ Age Discrimination Act 2004 (Cth) ➤ Australian Human Rights Commission ➤ Act 1986 (Cth) ➤ Children and Young People (Safety) Act 2017 ➤ Child Safety (Prohibited Persons) Act 2016 ➤ Child Safety (Prohibited Persons) Regulations 2019 ➤ Classifications (Publications, Films and Computer Games) Act 1995 (SA) ➤ Education Services for Overseas Students Act 2000 (Cth) - National Code of Practice 2007 – standard 5 ➤ Equal Opportunity Act 1984 (SA) ➤ Liquor Licensing Act 1997 (SA) ➤ Minors Contracts (Miscellaneous Provisions) Act 1979 (SA) 	<p>It is unlawful for UniSA to discriminate against a student on the grounds of age.</p> <p>In the course of carrying out their work or study, any staff member, student or volunteer who forms a reasonable suspicion that a person under 18 is being or has been abused or neglected must report their suspicion to the Families SA child abuse report line (131478).</p> <p>People who are working or volunteering with children, or are likely to do so, in a prescribed position must by law in South Australia have a valid Working with Children Check (WWCC). A valid WWCC must be current.</p> <p>The University prescribes positions that require the occupant to hold a valid WWCC. These checks are obtained from the Department of Human Services. The Management of Prescribed Positions Procedure sets out the requirements for prescribed roles. It is an offence to exhibit in the presence of a minor a film that is, or would be, classified MA15+ (unaccompanied only), R18+, RC, or X 18+. ‘Film’ includes a cinema film, slide, videotape, videodisc or any other form of recording from which a visual image (including computer generated) can be produced. It is lawful to request the name, age and address of a suspected minor and to request a minor leave a place exhibiting a film that they are prohibited from viewing.</p> <p>Under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 UniSA must put in place appropriate accommodation, support and general welfare arrangements for under 18 international students not cared for by a parent or relative.</p> <p>It is an offence to employ a minor to serve or sell liquor on licensed premises, to supply or sell liquor to a minor, or to permit a minor to consume liquor on licensed premises.</p> <p>Any contract UniSA enters into with a person under the age of 18 must be guaranteed by a person aged over 18. Students are required to sign contracts in accordance with the University’s policies.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Child Safety Policy • Staff Guidance for the Management of Student Personal Information • Management of Prescribed Positions Procedure <p>UniSA websites</p> <ul style="list-style-type: none"> • UniSA – Australian Centre for Child Protection

Focus of the legislation or code	Essential knowledge	Further information
<p>Equal opportunity and anti-discrimination</p> <ul style="list-style-type: none"> ➤ Age Discrimination Act 2004 (Cth) ➤ Australian Human Rights Commission Act 1986 (Cth) ➤ Disability Discrimination Act 1992 (Cth) ➤ Equal Opportunity Act 1984 (SA) ➤ Fair Work Act 2009 (Cth) ➤ Privacy Act 1988 (Cth) ➤ Racial Discrimination Act 1975 (Cth) ➤ Racial Vilification Act 1996 (SA) ➤ Sex Discrimination Act 1984 (Cth) ➤ Whistleblowers Protection Act 1993 (SA) ➤ Enhancing Whistleblower Protections Act 2019 ➤ Public Interest Disclosure Act 2018 ➤ Workplace Gender Equality Act 2012 (Cth) 	<p>It is unlawful for UniSA or its employees to discriminate against someone in areas including employment, education, provision of goods and services, accommodation, conferral of qualifications, on the grounds of:</p> <ul style="list-style-type: none"> • age • breast feeding • caring responsibilities • disability – physical, intellectual and mental illness (past, present or future) • family responsibilities • gender • marital status • pregnancy or potential pregnancy • race, colour, descent or national or ethnic origin • religious dress or appearance (in work or study) • sexuality (actual or presumed), and • spouse or partner’s identity. <p>In addition to these grounds the <i>Fair Work Act 2009</i> also includes in the area of employment, the grounds of religion, political opinion, social origin and carers responsibilities.</p> <p>UniSA has a legal responsibility to take all reasonable steps to prevent unlawful discrimination and harassment, including sexual harassment and sexual assault from occurring, and to respond quickly and effectively to complaints should they arise.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Equal Opportunity Policy • UniSA equity and anti-discrimination policies and procedures • Sexual Assault and Sexual Harassment Policy and Procedures <p>UniSA websites</p> <ul style="list-style-type: none"> • Equity and Diversity – treating people with respect quick guide • Recognising and managing workplace bullying • Sexual Assault and Sexual Harassment <p>Contact</p> <ul style="list-style-type: none"> • People, Talent and Culture

Focus of the legislation or code	Essential knowledge	Further information
<p>Ethical conduct</p> <ul style="list-style-type: none"> ➤ UniSA Code of Ethical Conduct ➤ Independent Commissioner Against Corruption Act 2012 (ICAC) 	<p>The Code establishes principles to be applied by all staff in their activities and behaviour.</p> <p>We should:</p> <ul style="list-style-type: none"> • conduct ourselves with integrity. This includes treating others with dignity and respect and giving members of the University community the care and courtesy that we would wish to receive. • ensure our actions are fair, honest, and impartial. • avoid actual or perceived conflicts of interest and declare conflicts of interest when they are unavoidable. • conduct ourselves with care and skill and ensure our actions do not conflict with the requirements of integrity and objectivity or the University of South Australia Act 1990. <p>We must not:</p> <ul style="list-style-type: none"> • allow dishonesty, personal prejudice, or bias to influence us in the conduct of our Employment. • accept gifts, benefits, or hospitality if their nature and value may be seen by the wider community as compromising objectivity and as likely to influence us in our official capacity. • use confidential information for personal advantage or for the advantage of another. • condone the use of any statement which is misleading, false, or deceptive. <p>The Independent Commissioner Against Corruption Act 2012 came into effect on 1 September 2013. This act makes it mandatory for University officers to report acts or behaviour that they reasonably suspect constitutes corruption or 'serious or systemic' misconduct or maladministration in relation to our operations to the Office of Public Integrity (OPI).</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Code of Ethical Conduct • Equal Opportunity Policy <p>UniSA websites</p> <ul style="list-style-type: none"> • University of South Australia Enterprise Agreement • Core attributes of UniSA staff <p>Specific guidelines apply to ethical use of research data. See Responsible practice in <i>Research</i> section below.</p> <p>See the ICAC website for further information and training available through ICAC to understand our responsibilities as Public Officers.</p>

Focus of the legislation or code	Essential knowledge	Further information
<p>Privacy</p> <ul style="list-style-type: none"> ➤ Privacy Act 1998 (Cth) 	<p>UniSA has policies, guidelines, procedures and other documentation that provide staff with information regarding privacy. They include the <i>Code of Ethical Conduct, Use of University Information Technology Facilities</i> and <i>Staff Guidance for the Management of Student Personal Information</i>.</p> <p>While the University is not within the jurisdiction of the <i>Privacy Act</i>, we are committed to ensuring best practice in all respects, including privacy, and so we have chosen to comply with the Australian Privacy Principles in the <i>Privacy Act</i>. All staff should be aware of these principles and apply them to ensure good business practices.</p> <p>The Australian Privacy Principles provide guidance in the collection, management and disclosure of personal information and afford a level of protection to the individual concerned.</p> <p>Matters may include:</p> <ul style="list-style-type: none"> • Collection of personal information; • Use and disclosure of personal information; • Data quality – accuracy, completeness and currency of information; • Data security – data protection, authorised use, storage; • Openness – responsibilities to individuals whose information is kept; • Access and correction; • Identifiers such as Tax File numbers, Medicare information are not to be used • Anonymity; • Transborder data flow – responsibility in relation to information transferred outside Australia; and/or • Sensitive information – collection and legal obligations. 	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • <u>Privacy policy and notice</u> • <u>Acceptable use of Information Technology (IT) facilities</u> • <u>Code of Ethical Conduct</u> • <u>Staff Guidance for the Management of Student Personal Information</u> <p>UniSA websites</p> <ul style="list-style-type: none"> • <u>Privacy FAQ</u> • <u>Freedom of Information</u>

Focus of the legislation or code	Essential knowledge	Further information
<p>Program delivery for overseas students</p> <ul style="list-style-type: none"> ➤ Education Services for Overseas Students Act (ESOS) 2000 (Cth) – National Code of Practice 2018 ➤ Autonomous Sanctions Act 2011 	<p>UniSA is a registered higher education provider that offers education services to overseas students. To provide education and training services to international students, UniSA must comply with rules and regulations required by the Government.</p> <p>The Education Services for Overseas Students (ESOS) Legislative Framework has been designed to establish and maintain national standards for the provision of education and training services to international students. The legislation is consumer protection legislation and aims to protect international students and guarantee quality education. It enables the Government to take actions against providers who are found in breach of their obligations.</p> <p>ESOS relates only to students who are enrolled in an onshore program and who remain in Australia on a student visa. This legislation does not apply to students undertaking study offshore or who remain in Australia on a temporary visa other than a student visa. University obligations include the following:</p> <ul style="list-style-type: none"> • UniSA’s CRICOS Provider Number (00121B) must be displayed together with our name on all promotional materials used to attract international students • All programs delivered to international students must be CRICOS registered • All CRICOS registered programs must be available full-time and in internal mode • Programs cannot be advertised as available to international students without approval by Academic Board and subsequent CRICOS registration • UniSA must promote its educational activities with accuracy and integrity and is not permitted to make false comparisons to other providers in Australia • UniSA must deliver on what it offers or, in the case of a program change, find an alternative that is acceptable to affected international students • UniSA must report student visa holders to the Australian Government in the event <ul style="list-style-type: none"> • of any change in program enrolment or known breaches of a student’s visa • (including unsatisfactory academic performance). <p>Under the <i>Autonomous Sanctions Act 2011</i> the University is prohibited from allowing students from sanctioned countries to undertake certain types of research projects. (See Responsible practice in research section)</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Staff Guidance for the Management of Student Personal <p>UniSA websites</p> <ul style="list-style-type: none"> • ESOS website – information for students • ESOS website – information for staff <p>Government</p> <ul style="list-style-type: none"> • ESOS Act and Regulations

Focus of the legislation or code	Essential knowledge	Further information
<p>Responsible practice in research</p> <ul style="list-style-type: none"> ➔ Animal Welfare Act 1985 (SA) ➔ Australian Code for the Responsible Conduct of Research 2018 ➔ Australian Code for the care and use of animals for scientific purposes 8th edition (2013) ➔ Australian Standard AS/NZS 2243.3 (Safety in Laboratories: Microbiology) ➔ Autonomous Sanctions Act 2011 ➔ Competition and Consumer Act 2010 (Cth) ➔ Defence Trade Controls Act 2012 ➔ Foreign Influence Transparency Scheme Act 2018 ➔ Gene Technology Act 2000 ➔ National Statement on Ethical Conduct in Human Research ➔ Privacy Act 1998 (Cth) ➔ Radiation Protection and Control Act 1982 (SA) 	<p>The Australian Code for the Responsible Conduct of Research outlines the responsibilities of institutions and researchers for the responsible conduct, management and reporting of research.</p> <p>UniSA has developed a Framework for the Responsible Conduct of Research which provides a 'one stop shop' guide to access all information, including policies and guidelines to ensure compliance with the Code. Staff and students are required to obtain the necessary approvals and clearances that govern research (and some teaching activities) involving human participants, the use of animals in research and teaching activities, biological hazards, chemical substances, nanomaterials, genetically modified organisms and radiation (ionising and non-ionising).</p> <p>The Research Integrity and Ethics (RIE) website has detailed information about integrity, ethics and compliance, and the RIE team are happy to provide support and assistance to researchers.</p> <p>Research Degree Supervisors are required to abide by the University's Code of Good Practice: Research Degrees Management and Supervision, and University policies governing research degree management.</p> <p>Student and Academic Services manage and administer research education at the University, through the Admission, Candidature and Scholarship, and Examination teams.</p> <p>The University is prohibited from allowing students from sanctioned countries to undertake certain types of research projects. An update of the sanctions and the current list of sanctioned regimes is on the DFAT website.</p> <p>It is an offence under the Defence Trade Controls Act 2012 to export DSGL technology without a permit. This involves the tangible and intangible supply of controlled technology, including, in some cases, publication.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Biosafety and permits • Research degrees management and supervision • Code of good practice: research in honours degree programs <p>UniSA websites</p> <ul style="list-style-type: none"> • Research Integrity and Ethics (RIE) • Research Degree Supervisors Resources <p>Contacts</p> <ul style="list-style-type: none"> • Research Integrity and Ethics staff • Student Academic Services contacts <p>Government</p> <ul style="list-style-type: none"> • Australian Code for the Responsible Conduct of Research • Defence and Strategic Goods List (DSGL) technology • DFAT - sanctions • National Statement on Ethical Conduct in Human Research

Focus of the legislation or code	Essential knowledge	Further information
<p>Trade practices and consumer law</p> <ul style="list-style-type: none"> ➔ Competition and Consumer Act (CCA) 2010 (Cth) ➔ Competition Policy Reform Act 1996 (SA) ➔ Fair Trading Act 1987 (SA) ➔ Fair Trading Regulations 2010 (SA) ➔ Misrepresentation Act 1972 (SA) ➔ Sale of Goods Act 1895 (SA) 	<p>Trade practices and consumer law has broad application across many areas of our business. To ensure staff are fully aware of these issues, the Competition and Consumer Act (CCA) Compliance Manual has been produced to assist relevant staff.</p> <p>UniSA is committed to ensuring that its operations comply with relevant trade practices and consumer law obligations. This legislation is designed to ensure fair and equitable dealings in business activities and is primarily governed by the <i>Competition and Consumer Act (CCA) 2010 (Cth)</i>. It applies to all commercial activities of the UniSA, including dealings with suppliers, competitors, research partners, students and users of UniSA services and premises.</p> <p>Obligations under the CCA should be adhered to in relation to all business activities engaged in on behalf of the UniSA. This includes the provision of courses and services in Australia and overseas and international programs offered by UniSA.</p> <p>Potential areas of risk exposure under trade practices and consumer law include:</p> <ul style="list-style-type: none"> • providing programs and courses, including transnational, onshore international and non-award programs • purchasing goods and services, including managing supply contracts and involvement with tendering processes • supplying goods and services, including research and consulting • advertising, promoting and marketing • agreements with competing service providers. <p>There are significant penalties for the UniSA and individuals for non-compliance with the CCA, as outlined in the <i>Competition and Consumer Act</i> and the CCA Compliance Manual.</p> <p>If staff are in doubt about any conduct, or proposed conduct relating to trade practices and consumer law they should contact their manager and/or the University's Legal Counsel before making a decision.</p> <p>Staff are also encouraged to report to their supervisor and/or General Counsel, any conduct by a competitor, supplier, or customer of UniSA they believe might be in breach of the CCA.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • CCA Compliance Guidelines <p>UniSA websites</p> <ul style="list-style-type: none"> • Competition and Consumer Act (CCA) • CCA Compliance Manual • CCA Incident Report Template <p>Training</p> <ul style="list-style-type: none"> • CCA training modules <i>module 1 - overview of CCA</i> is recommended for all staff during your first month at UniSA <p>The seven remaining modules may be recommended depending on your role.</p> <p>Contacts</p> <ul style="list-style-type: none"> • UniSA Legal • legal.services@unisa.edu.au

Focus of the legislation or code	Essential knowledge	Further information
<p>Use of the intellectual property of others</p> <ul style="list-style-type: none"> ➤ Copyright Act 1968 (Cth) ➤ Licenses ➤ Moral Rights 	<p>Strict limitations apply to the extent to which staff can digitise, publish online, broadcast, photocopy or otherwise reproduce the creative and intellectual work of others.</p> <p>UniSA is bound by the requirements of license agreements with individual publishers and societies as well as by the educational statutory licenses under the Copyright Act.</p> <p>The Act enables staff, for teaching purposes, to make multiple copies of ‘reasonable portions’ of published works. Provisions vary for different media – music, text, pictures etc.</p> <p>Under the Copyright Act, a ‘reasonable portion’ for text-based works is defined as:</p> <ul style="list-style-type: none"> • 10% of the pages from a book published in hardcopy format or if the work is divided into chapters, up to one chapter. • 10% of the number words from a work in electronic format (e.g. webpage) or if the work is divided into chapters, up to one chapter. • 10% of the bars from a musical score. • A single article from a periodical publication (journal, newspaper) or more than one article if on the same subject matter. <p>Staff copying material for inclusion in online teaching must do so through the Digital Readings Service in the Library.</p> <p>The Copyright Act covers the moral rights of authors of literary, dramatic, musical or artistic works and cinematographic films and requires that where the creative and intellectual property of others is reproduced or used it must be properly acknowledged and attributed.</p> <p>If staff are unclear about the legality of any copying they intend to do, then they should check first with the Copyright Office.</p> <p>Questions relating to database licenses should be directed to the Library.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • Privacy policy and notice <p>UniSA websites</p> <ul style="list-style-type: none"> • Copyright • Library - curriculum support (ereadings) <p>Contacts</p> <ul style="list-style-type: none"> • <i>Copyright</i> • copyright@unisa.edu.au • <i>Digital Readings Service</i> • drs@unisa.edu.au • 832 26549

Focus of the legislation or code	Essential knowledge	Further information
<p>Work health and safety</p> <ul style="list-style-type: none"> ➔ Controlled Substances Act 1984 (SA) ➔ Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014 (SA) ➔ Controlled Substances (Poisons) Regulations 2011 ➔ Controlled Substances (Pesticides) Regulations 2003 ➔ Dangerous Substances Act 1979 (SA) ➔ Dangerous Substances Regulations 2002 (SA) ➔ Environment Protection Act 1993 (SA) ➔ Gene Technology Act 2001(SA) ➔ Radiation Protection and Control Act 1982 (SA) ➔ Radiation Protection and Control (Ionising Radiation) Regulations 2015 (SA) ➔ Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003 (SA) ➔ Work Health and Safety Act 2012 (SA) ➔ Work Health and Safety Regulations 2012 (SA) ➔ Return to Work Act 2014 (SA) ➔ Return to Work Regulations 2015 (SA) 	<p>UniSA has a legal responsibility under the Work Health and Safety (WHS) Act 2012 and WHS Regulations 2012 to provide a safe and healthy place for staff, students, contractors and volunteers to work and/or study and others who may be visiting. We all have a duty of care not to place ourselves or others at risk of injury or illness.</p> <p>The Health Safety and Injury Management Policy outlines the University’s commitment towards protecting its people and to continuous improvement. The safety management system adopts a range of policies, programs, activities and actions that systematically contribute to effectively managing hazards and risks associated with university business and improving the wellbeing of our people.</p> <p>Work health and safety responsibilities for employees are outlined in position descriptions and will be discussed as part of the worksite induction with your manager. Further information is available from the Safety and Wellbeing web site.</p> <p>Employees are required to undertake online and other relevant training courses specific to their role. The relevant training for you and your role will be identified in consultation with your manager and/or local health and safety person.</p> <p>You must notify your manager immediately if you are involved in an incident and/or sustain an injury or illness or identify a hazard that cannot be safely and promptly controlled. You need to also report a hazard or incident through the online staff portal home page as soon as possible. This report is a formal record and once submitted, initiates commencement of an investigation by the relevant responsible manager and corrective action implemented to prevent a recurrence and minimise risk.</p>	<p>UniSA policies or procedures</p> <ul style="list-style-type: none"> • <u>Health Safety and Injury Management Policy</u> • <u>Training needs guide form WHS13</u> <p>Incident report</p> <ul style="list-style-type: none"> • <u>https://my.unisa.edu.au/Staff/OHS/</u> <p>UniSA websites</p> <ul style="list-style-type: none"> • <u>Safety & Wellbeing</u> • <u>Work Health and Safety Responsibilities</u> • <u>Induction and training</u> <p>Contact</p> <ul style="list-style-type: none"> • <u>Safety & Wellbeing Team</u> • 8302 2459 • <u>HSIM.SafetyWellbeing@unisa.edu.au</u>