

Enterprise Compliance News

Quarterly (November 2021)

The Enterprise Compliance newsletter identifies compliance themes that are informed by recent changes and amendments to legislation or other regulatory instruments. In addition, we may note key reports and articles of interest that may inform and/or guide our academic and professional practices. The aim is to support and raise stakeholder awareness of existing, new, and emerging compliance themes and obligations.



The following indicative tags are used for each news item:

- **For Action:** *is likely to require changes or review of existing practices within a particular scope or context;*
- **For Consideration:** *may require enhancement or changes to existing practices within a particular scope or context; and*
- **For Information:** *may be used to inform or enhance existing practices.*

Please contact Rene Ferm (Compliance Manager, r.ferm@uq.edu.au) if you have any questions or suggestions in relation to the newsletter, or any of the items. We welcome suggestions and contributions for future newsletter items.

In Focus: The UQ Compliance Legislation Register

Tag:	For Action
Theme(s):	Compliance Legislation; Obligations
Article:	UQ Compliance Register
Date:	Updated in 2021
Notes:	The Compliance Legislation Register is an integrated component of the UQ Enterprise Compliance Management Framework (ECMF) that is a resource for staff containing information and links to over 400 regulatory instruments that UQ has compliance exposures to. The register includes thematic grouping of compliance obligations and mapping of regulatory instruments to compliance owners, custodians, and relevant policy areas. The

register may serve as a useful reference for compliance owners, policy owners, and staff responsible for managing and implementing compliance controls.

A scheme of work has been undertaken in 2021 to review, update and add new legislative instruments in the register. This will support the transition to a new Governance Risk and Compliance (GRC) system in 2022. In advance of this transition, we welcome suggestions for enhancements to the register that may be considered for implementation in the new GRC compliance module and integrated Compliance Legislation Register. Please email your suggestions and feedback to compliance@uq.edu.au.

Link(s): [Enterprise Compliance Management Framework \(ECMF\)](#)

Regulatory Powers Reform Impact ESOS Act and the TEQSA Act

Tag:	For Consideration
Theme(s):	Enforceable undertakings; Investigations; Injunctions; Civil Penalty
Article:	Legislation (Cth)
Date:	26 Sep 2021
Notes:	<p>The Regulatory Powers Act (Standard Provisions) Act 2014 (Cth; RPA) contains a standard suite of regulatory powers for the monitoring, investigation and enforcement of Commonwealth legislation. Regulatory powers may be used by regulators and government agencies to ensure compliance with legislative requirements, and to respond to instances of non-compliance.</p> <p>Amendments under the Regulatory Powers (Standardisation Reform) Bill 2020 (Cth) have been passed which extend standard suite of regulatory powers to the Education Services For Overseas Students Act 2000 (Cth; ESOS Act) and Tertiary Education Quality and Standards Agency Act 2011 (Cth; TEQSA Act). This will enable TEQSA and the ESOS director to use 'coercive and enforcement powers' (of the RPA) to undertake monitoring, investigations, apply for civil penalty orders, issue infringement notices, and the pursue enforcement of undertakings in relation to compliance under the 'parent' legislative instruments.</p> <p>This is part of the Australian government's approach to standardising and streamlining red tape by utilising the RPA as a central instrument to support compliance monitoring and enforcement. Similar amendments have also been made to other instruments, including the National Vocational Education and Training Regulator Act 2011 (Cth).</p>
Link(s):	Regulatory Powers (Standard Provisions) Act 2014 (Cth) Regulatory Powers (Standardisation Reform) Act 2021 (Cth) Education Services for Overseas Students Act 2000 (Cth) Tertiary Education Quality and Standards Agency Act 2011 (Cth)

[Find out more >>](#)

Tag:	For Information
Theme(s):	TEQSA; Regulator Policy
Article:	Policy
Date:	Various (Jun-Oct 2021)
Notes:	<p>TEQSA have published a suite of new and updated policies that include:</p> <p>Material Change Notification Policy (version 4.0) – outlines circumstances in which providers are required to notify TEQSA of material changes and the method for notification.</p> <p>Compliance and enforcement policy – part of TEQSA's compliance monitoring framework outlining the regulators approach to monitoring and assessing provider compliance, responses to non-compliance and enforcement actions. This policy should be read in conjunction with the overall compliance framework and the amendments to the Regulatory Powers (Standard Provisions) Act 2014 (as noted above).</p> <p>Concerns and complaints about providers policy - outlines the four principles that underpin TEQSA's approach to managing concerns and complaints about regulated entities under TEQSA's legislative framework.</p> <p>TEQSA has published updated information on the Higher Education Standards Framework (Threshold Standards) 2021 (HESF) that commenced on 1 July 2021. While Part A of the 2021 HESF only contained minor amendments, Part B that outlines, provider categories and research standards, was completely re-written.</p>
Link(s):	TEQSA Compliance Monitoring Framework

Updated Poisons Standard and Industrial Chemicals Rules

Tag:	For Consideration
Theme(s):	Poisons Standard; Industrial Chemicals
Article:	Standard; Rules
Date:	01 Oct 2021; 22 Nov 2021
Notes:	<p>The updated Poisons Standard (October 2021) contains 'the schedules' that are incorporated by reference under State and Territory legislation for regulatory purposes. This enables restrictions to be placed on the supply of scheduled substances to the public, according to the degree of risk associated with the substances and the level of control recommended over their availability.</p> <p>Industrial Chemicals (General) Legislation Amendment (2021 Measures No. 1) Rules 2021 (Cth; 2021 Rules) – amends the 2019 General Rules that set out the technical and operational details of the AICIS (national regulator). The Industrial Chemicals (Consequential Amendments and Transitional Provisions) Rules 2019 (the Transitional Rules) ensure the</p>

effective transition of the Commonwealth regulation of industrial chemicals, from the old scheme (the National Industrial Chemicals Notification and Assessment Scheme (NICNAS)) to the new scheme (AICIS). The 2021 Rules establish the technical and operational details of AICIS including:

- categorisation of industrial chemical introductions, including what is exempted and what is reported
- requirements for reporting information about introductions
- requirements for record keeping
- confidentiality and disclosure
- international agreements and arrangements, and
- additional functions for the Executive Director.

If there are any queries regarding these obligations please contact hsw@uq.edu.au particularly in relation to the AICIS (regulator) as the HWS Division will liaise with the regulator.

Link(s): [Therapeutic Goods Act 1989](#) (Cth)

Updates to State Legislation for Chemicals, Medicines, and Poisons

Tag:	For Consideration
Theme(s):	Chemicals; Health and Safety; Medicines; Prohibited Substances
Article:	Legislation (Qld)
Date:	27 Sep 2021
Notes:	<p>Medicines and poisons are scheduled by the Therapeutic Goods Administration (TGA) in the Commonwealth Standard for the Uniform Scheduling of Medicines and Poisons (SUSMP, Poisons Standard).</p> <p>Enforcement of the Poisons Standards is executed under State legislation. Following legislative review in Queensland, it was determined that the Health Act, Pest Management Act, Health (Drugs and Poisons) Regulation, Health Regulation and Pest Management Regulation would be repealed and replaced with a suite of legislation comprising primarily the Medicines and Poisons Act 2019 (Qld; MPA), and the Therapeutic Goods Act 2019 (Qld/TGA) and subordinate instruments.</p> <p>The transition to this new regulatory framework has seen a range of recent legislative updates that regulate the procurement, use, storage, and disposal of various classes of substances, that include:</p> <ul style="list-style-type: none">• the Medicines and Poisons (Medicines) Regulation 2021 (Qld; MPMR) that commenced on 27 September 2021 under the Medicines and Poisons Act 2019 (Qld; MPA) – that include updated information about minimum requirements for substance management plans (SMP). There are obligations to have SMP in place for regulated

areas to demonstrate how risks are managed and to ensure roles and responsibilities are clearly outlined. The SMP must be reviewed at least every five years. Entities will have one year after the Act commences to comply with the substance management plan requirements (Extended to September 2021, due to the Covid-19 response), to give entities sufficient time to make their plan, so that their activities will not be interrupted.

- [Medicines and Poisons \(Medicines\) Regulation 2021](#) (Qld; MPMR)
- the [Medicines and Poisons \(Poisons and Prohibited Substances\) Regulation 2021](#) (Qld) - regulates poisons and prohibited substances and gives effect to the objectives of the MPA.
- [Therapeutic Goods Regulation 2021](#) (Qld) – the Qld TGA and regulations adopt Commonwealth provisions to ensure consistency with national regulatory standards, and
- [Medicines and Poisons \(Pest Management Activities\) Regulation 2021](#) (Qld) - provides for particular classes of persons ('approved persons) to be authorised to carry out specific regulated activities with regulated substances because of their profession, qualifications or authorisation under relevant Qld legislation.

If there are any queries regarding these obligations please contact hsw@uq.edu.au

Link(s):

[Guide to developing a Substance management plan for medicines: Medicines and Poisons Act 2019 and Medicines and Poisons \(Medicines\) Regulation 2021](#) (updated Sep 2021)
[Agricultural and Veterinary Chemicals Code \(MRL Standard\) Instrument 2019](#) (updated Oct 2021)
[Agricultural and Veterinary Chemicals Code \(MRL Standard\) Amendment Instrument 2021 \(No. 8\)](#) (updated Oct 2021)
[Agricultural and Veterinary Chemicals Code \(MRL Standard\) Instrument 2019](#) (updated Oct 2021)

Updated Foreign Interference Guidelines

Tag:	For Consideration
Theme(s):	Foreign Interference; Transparency
Article:	Guidelines
Date:	17 Nov 2021
Notes:	<p>The updated Guidelines to Counter Foreign Interference in the Australian University Sector (the Guidelines) were developed collaboratively between the Australian Government and the university sector to further uplift the foundational elements essential for building awareness and resilience to foreign interference within a university.</p> <p>The Guidelines are intended to be enduring, specific and measurable, and consider the evolving risks and threats of foreign interference. They support universities to develop new, or examine existing tools, frameworks, and resources to assess and mitigate risks from foreign</p>

interference. The Guidelines promote greater consistency across the sector and should be applied by each university proportionate to their organisational risk. Key areas:

1. [Governance and risk frameworks](#)
2. [Communication, education, and knowledge sharing](#)
3. [Due diligence, risk assessments and management](#)
4. [Cybersecurity](#)

Link(s): See resources including [Case studies](#) and [Templates and tools](#) .

DESE: Higher Education Provider Updates (October 2021)

Tag:	For Consideration
Theme(s):	HE Funding and Administration
Article:	Various
Date:	14 Oct 2021
Notes:	<p>DESE have published Higher Education Provider Updates October 2021 that include important information for higher education providers on recent HELP policy changes, current policy interpretations and reminders to support best practice in the sector. These updates are in addition to the Administrative Information for Providers (AIP) and are a product of current interactions between providers and the department. Topics include:</p> <ul style="list-style-type: none">• Government eCAF• Undergraduate Certificate sunsets 31 December 2021• Changes to HELP eligibility for former permanent humanitarian visa holders• Unique Student Identifiers in higher education• 2022 HELP publications• 2021 HELP provider workshops• University Mission based Compacts 2021–23• The National Priorities and Industry Linkage Fund (NPILF)• Tuition protection review• Enhancing graduate employability with the Australian Higher Education Graduation Statement• Short courses for NUHEPs in semester 2, 2021• Rural and Regional Enterprise Scholarships Program, and Creative Arts Scholarships• Tertiary Access Payment• TCSI Update
Link(s):	DESE - Higher Education DESE - Support programs for the research sector

ASIC Corporations and Credit (Breach Reporting—Reportable Situations) Instrument 2021

Tag:	For Consideration
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Theme(s):	Breach Reporting; Corps Act; National Credit Act
Article:	Instrument
Date:	17 Aug 2021
Notes:	<p>The ASIC Corporations and Credit (Breach Reporting—Reportable Situations) Instrument 2021/716 amends the operation of the breach reporting regime to exclude certain contraventions of general obligations (subsection 912A(5A)) of the Corporations Act 2001 (Cth; Corps Act), and general conduct obligations of licensees (subsection 47(4)) of the National Consumer Credit Protection Act 2009 (Cth; National Credit Act).</p> <p>The Reportable Situations Instrument is intended to notionally modify the law to exclude non-compliance with standards set out in the IDR Standards Instruments from the categories of situations deemed to be ‘significant’ breaches of core obligations about which licensees are required to lodge breach reports. See the supporting Explanatory Statement here .</p>
Link(s):	<p>ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98</p> <p>Updates to setting on interchange fees:</p> <ul style="list-style-type: none"> • Standard No. 1 of 2016 The Setting of Interchange Fees in the Designated Credit Card Schemes and Net Payments to Issuers Variation 2021 • Standard No. 2 of 2016 The Setting of Interchange Fees in the Designated Debit and Prepaid Card Schemes and Net Payments to Issuers Variation 2021 • Standard No. 3 of 2016 Scheme Rules Relating to Merchant Pricing for Credit, Debit and Prepaid Card Transactions Variation 2021

Updated Linkage Program Grant Guidelines (2021 edition and 2023 variation)

Tag:	For Consideration
Theme(s):	Linkage Program; Grant
Article:	Legislation; Guidelines
Date:	20 Sep 2021
Notes:	<p>Linkage Program Grant Guidelines (2021 edition) Variation No.1 – is a variation under the Australian Research Council Act 2001 (Cth) of the Linkage Program Grant Guidelines (2021 edition). These guidelines establish the rules which govern the administration of the Linkage Program including the application, eligibility, and selection processes to be followed and the selection criteria that will be used to recommend grantees including the Industrial Transformation Research Program (ITRP).</p> <p>The Linkage Program Grant Guidelines ARC Centres of Excellence commencing in 2023 Variation No.1 - relate to the Linkage Program - ARC Centres of Excellence commencing in 2023, Variation No.1 funded under the Linkage Program of the ARC’s National Competitive</p>

Grants Program. The Linkage Program supports the growth of research partnerships between university-based researchers and researchers in other sectors in Australia and overseas for projects that generate new knowledge, technologies, and innovations.

Link(s): [Australian Research Council Act 2001](#) (Cth)

Vocational Education and Training (VET) Compliance

Tag:	For Information
Theme(s):	ASQA; VET Compliance; Priorities; Areas of Risk
Article:	Various
Date:	Various (Jul-Oct 2021)
Notes:	<p>ASQA have published information About our Regulatory Risk Priorities for 2021–22 that focus on:</p> <ul style="list-style-type: none">• International student delivery (incl. offshore delivery)• Online learning• Aged care / disability support sector (focusing on CHC33015 Certificate III in Individual Support)• Specified training products with risk exposure (focusing on CHC33015 Certificate III in Individual Support; Certificate III and Certificate IV in Commercial Cookery; CHC50113 Diploma of Early Childhood Education and Care; and BSB50420 Diploma of Leadership and Management) <p>o Newly listed areas of concern from ASQA include: CHC33015 Certificate III in Individual Support, CHC50113 Diploma of Early Childhood Education and Care, TAE40116 Certificate IV in Training and Assessment, CPCWHS1001 Prepare to work safely in the construction industry, and BSB50215 Diploma of Business.</p> <ul style="list-style-type: none">• Assuring quality of VET delivered to students in secondary schools• Targeting risk of non-compliance with Standards for Registered Training Organisations (RTOs) 2015. (Clauses include: 1.1, 1.8, 1.3, 1.2, 3.1, 1.7). <p>Noting that there has been a Minor amendment to the National Vocational Education and Training Regulator (Financial Viability Risk Assessment Requirements) Amendment Instrument 2021 (FVRAR instrument) (section 12) to remove reference to an old auditing standard.</p>
Link(s):	ASQA publishes scoping study on VET in schools ASQA Financial viability risk assessment tool ASQA review of online learning in the VET sector

In short...

Cost Recovery Under the ESOS Act

01 Sep 2021: The [ESOS Act](#) (Cth) has been updated to incorporate amendments enacted through the [Education Services for Overseas Students Amendment \(Cost Recovery and Other Measures\) Act 2021](#) (Cth) that commence on 1 January 2022 and enable cost recovery by the regulator relating to compliance audits and CRICOS registration.

Updated Foundation Program Standards

16 Sep 2021: Updated [Foundation Program Standards](#) (2021) under the Education Services for Overseas Students Act 2000 (Cth) through the Education Services for Overseas Students (Foundation Program Standards) Instrument 2021 (Cth) have been published. This instrument specifies the Foundation Program Standards, and sets out requirements for Foundation Programs, teachers, and providers to ensure Foundation Programs fulfil their proper function and are delivered to a high standard.

Student Identifiers

30 Sep 2021: [Student Identifiers \(VET Exemptions\) Instrument 2021](#) (Cth) - this instrument repeals and replaces the Student Identifiers (Exemptions) Instrument 2018 and is consequential to the passage of the Student Identifiers Amendment (Enhanced Student Permissions) Act 2020.

Grants Guidelines

8 Nov 2021 - [Other Grants Guidelines \(Education\) Amendment \(Total Funding Amounts\) 2021](#) (Cth) - this instrument amends the Other Grants Guidelines (Education) 2012 to increase the maximum grant amounts for the Higher Education Participation and Partnerships Program and the National Priorities and Industry Linkage Fund.

Annual Reports Queensland

28-30 September 2021:

[WorkCover Queensland—Annual Report 2020-21](#)

[Department of Health-Annual Report 2020-21](#)

[National Injury Insurance Agency Queensland-Annual Report 2020-21](#)

[Department of Education-Annual Report 2020-21](#)

[TAFE Queensland-Annual Report 2020-21](#)

[Queensland Curriculum & Assessment Authority-Annual Report 2020-21](#)

[Jobs Queensland-Annual Report 2020-21](#)

[Queensland Law Society-Annual Report 2020-21](#)

[Crime and Corruption Commission-Annual Report 2020-21](#)

[Queensland Human Rights Commission-Annual Report 2020-21](#)

[Office of the Information Commissioner-Annual Report 2020-21](#)

Other Annual Reports can be accessed [here](#) .



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