

# WHSMP03: Legal Obligations and Other Requirements

## Section 1 - Purpose and Scope

- (1) The purpose of this procedure is to ensure the management of risks associated with identifying, monitoring, and complying with WHS legal obligations and other requirements at Southern Cross University (SCU) are appropriately managed and controlled.
- (2) The purpose of this procedure is to ensure Southern Cross University's management, employees, contractors, students, visitors and others are aware of the risks associated with managing the legal obligations and other requirements applicable to the hazards, risks, and Workplace Health and Safety Management System (WHSMS) in the workplace, management strategies and to provide advice on appropriate controls.
- (3) All employees, students and others including both independent contractors and contractors under SCU control are to be made aware of and follow this procedure.
- (4) This Procedure applies to all SCU Work Units and sites. The procedure aligns with WHS legislation in the relevant jurisdictions SCU operates in.

## Section 2 - Definitions

AS/NZS	Australian standard / New Zealand Standard.
Code of Practice	Model Code of Practice - Codes of Practice are practical guides to achieving the standards of health, safety, and welfare required under the WHS Act and the WHS Regulations in a jurisdiction. To have legal effect in a jurisdiction a model Code of Practice must be approved as a code of practice in that jurisdiction.
Controlled Documents	Documents created and approved by SCU and are controlled in their use and distribution, storage, and retrieval.
Records	A document that states the results achieved or provides evidence of activities performed.
Standard	Any reference to a standard means the most recently published versions of a standard.
Employee	An individual who carries out work as an employee, labour hire company worker, apprentice, trainee, the person undertaking a work trial or work experience, or a volunteer.
Workplace	A place where work is carried out for a business or undertaking.

## Section 3 - General Principles

### Identifying and monitoring legal requirements and other requirements

- (5) SCU must identify legislative, regulatory, and other specific requirements pertinent to business activities, evaluate compliance with these requirements, and continuously monitor for changes in requirements and continued compliance.

(6) SCU subscribes to LawOne to identify, monitor, and aid in compliance with applicable WHS legislation across the various jurisdictions of its operations. The subscription allows for the review and selection of applicable legislation and regulations to develop registers of those that have the potential to affect or impact operations. The subscription also provides updates on changes to legislation to the WHS Manager for review of applicability to SCU.

(7) Where determined to be applicable, the WHSMS will be updated along with communications to relevant stakeholders including legislation changes, potential impacts and required changes to ensure compliance.

(8) The WHS Team shall maintain a legal obligation and other requirement register applicable to scopes of work across SCU (WHSMP03 – FOR – 01 – Legal Requirements and Other Register).

(9) Employees will be advised during inductions of the location and ability to access relevant WHS legislation, Codes of Practice, Australian Standards, and WHSMP03 – FOR – 01 – Legal Requirements and Other Register.

## **Managing changes to Legal Requirements**

(10) This procedure is developed to comply with the following:

- a. Applicable legislation.
- b. Codes of Practice across multiple jurisdictions that SCU operate in.
- c. Guidance notes across multiple jurisdictions that SCU operate in.
- d. Australian Standards.

## **Evaluation of Compliance**

(11) The WHS Manager will ensure that SCU periodically evaluates its compliance with the applicable legal and other requirements to establish compliance status.

## **Record Management**

### **Document retention**

(12) The WHSMS contains many documents and records that must be retained as part of SCU's legal requirements. The process for storing of documents and records shall follow that set out in [WHSMP08: Document Control and Records Management](#). Work Units shall ensure the process is implemented to store, achieve, retain, and dispose of records to allow effective management and ease of retrieval of workplace health and safety information.

(13) Individuals with assigned responsibility of maintenance and upkeep of registers and records shall ensure that they are kept up to date, saved to relevant folders, and not lost or damaged, or inadvertently destroyed before being achieved.

### **Document archiving**

(14) Work Units shall archive their records before each update. Each archive shall be stored online along with evidence of communication of the updates to the Work Unit. This is to demonstrate evidence of monitoring and review of legal requirements and other requirements for audit purposes and to meet legislative requirements.

(15) Workplace health and safety records that must be archived for given periods to meet legal requirements include the following:

General records such as (but not limited to): <ul style="list-style-type: none"> <li>• Training records</li> <li>• Safety Talks</li> <li>• Risk assessments</li> <li>• Incident investigations</li> <li>• Inspections</li> </ul>	7 years
Incident investigations and supporting evidence, such as employee details, where there have been claims or potential for claims.	Until the claim has been settled.
Employee records and health monitoring records, and supporting evidence where work/exposure to asbestos occurred.	No limitation

(16) When considering the disposal of records and archiving, consideration shall be given to the potential risk of destroying the record, and where risk is identified, both hard and soft copy records shall be maintained. Reference to [WHSMP08: Document Control and Records Management](#) Procedure shall be undertaken in the first instance.

## Section 4 - Roles and Responsibilities

(17) Refer to the [WHSMP13: Responsibility and Accountability Statement](#).

## Section 5 - Records of Documentation

(18) All relevant documentation will be recorded and kept in accordance with WHS Legislation and other legislative obligations including:

- Register of Legal and Other Requirements.
- Records of Legislation Reviews.
- Training and Awareness Records.
- Compliance Audits and Inspections.

## Section 6 - Revision and approval history

(19) This procedure will be reviewed as per nominated review dates or because of other events, such as:

- Internal and external audit outcomes.
- Legislative changes.
- Outcomes from management reviews.
- Incidents.

## Section 7 - References

Work Health and Safety Act (in the applicable jurisdiction that SCU operates)
Work Health and Safety Regulation (in the applicable jurisdiction that SCU operates)

# Section 8 - Related Documents

<a href="#">WHSMP08: Document Control and Records Management</a>
WHSMP03 – FOR – 01 – Legal Requirements and Other Register
<a href="#">WHSMP13: Responsibility and Accountability Statement</a>

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	9th December 2024
<b>Review Date</b>	7th December 2027
<b>Approval Authority</b>	Vice President (People and Culture)
<b>Approval Date</b>	9th December 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Kim Franks Vice President (People and Culture)
<b>Head of Work Unit</b>	Brendan Pearce Director, Workplace Relations
<b>Enquiries Contact</b>	Shaun Brown Manager, Workplace Health and Safety <hr/> Vice President (People and Culture) portfolio