

OHS LEGAL AND OTHER EXTERNAL REQUIREMENTS PROCEDURE

SCOPE

This Procedure relates to all activities under the management and control of Monash University and applies to affected workers; including staff, students, contractors and visitors.

For the purpose of this procedure, references to 'the University' includes activity at Monash University Australia, Monash University Malaysia, Monash University Indonesia, Monash Suzhou, the Monash University Prato Centre and World Mosquito Program Ltd (and its subsidiaries), unless indicated otherwise.

PROCEDURE STATEMENT

This document defines the process that Monash University uses to identify the legal and other requirements applicable to its OHS hazards, OHS risks and OHS management system and to ensure compliance is achieved and maintained.

The [Enterprise Risk Management Procedure](#) outlines roles and responsibilities for managing regulatory risk.

1. Abbreviations

LCO	Legal Compliance Officer
OHS	Occupational Health and Safety
OHSMS	Occupational Health and Safety Management System

2. Process and Requirements

The Legal Compliance Officer (LCO) is responsible for:

2.1 Identification of OHS Legal Requirements

2.1.1 The LCO must identify any legal requirement that should be incorporated into the Occupational Health and Safety Management System (OHSMS). New requirements must be communicated in accordance with the [OHS Communications Procedure](#). Changes to OHS legal and other requirements are identified through:

- Information maintained, monitored and provided by the Monash University Group Risk, Compliance and Governance areas;
- Legislative alerts and information from relevant government authorities (WorkSafe Victoria, Safe Work etc),
- Legal Subscriptions, e.g. [Lawlex Premium legislation](#)
- Updates and information provided by government regulators as a result of entry into a Monash University Group workplace;

- Expert advice from organisational legal advisors.

2.2 Identification of other External OHS Requirements

- 2.2.1 Group Occupational Health Safety & Wellbeing Leaders must determine if any other external requirements should be incorporated into the Occupational Health and Safety Management System (OHSMS). For example, new external requirements can be identified through monitoring of updates to international and national standards.

2.3 Current OHS Legal and other External Requirements

- 2.3.1 The LCO must ensure that all OHS legal and other requirements are documented and updated to reflect any changes, e.g. in the top-level OHS Risk register or a legal compliance register. A legal compliance calendar can be used to track compliance requirements.

2.4 Monitoring and Reporting

The LCO must ensure that OHS legal and other external requirements are evaluated for compliance through:

- A review of the OHS audit program outcomes;
- Periodic review of regulatory obligations using a set of 'Self-Assessment Questions' (SAQ) to map compliance with specific obligations; and
- Assigning personnel with designated responsibilities to monitor and report legal requirements.

3. Responsibility for Implementation

3.1 The LCO is responsible for ensuring:

- A record of all OHS legal requirements relevant to the University is documented and maintained; and
- Legislation is monitored to identify changes.

3.2 Group Occupational Health Safety & Wellbeing Leaders are responsible for ensuring:

- OHSMS documentation, including policies, procedures, guidance material and forms, are amended as necessary to reflect current OHS legal requirements; and
- All changes and amendments are communicated to relevant stakeholders in accordance with the [OHS Communication Procedure](#).

4. Records

4.1 For OHS Records document retention please refer to:

[OHS Records Management Procedure](#)

DEFINITIONS

A comprehensive list of definitions is provided in the [Definitions tool](#). Definitions and terms specific to this procedure are provided in the [Monash Risk & Compliance Glossary](#) and include the following:

Key word	Definition
Legal Compliance Officer (LCO)	Legal Compliance Officer (LCO) is a University staff member with local expertise and knowledge of a particular area of the University's operations who consults with Monash University Group Risk, Compliance and Governance areas to identify and maintain the University's regulatory obligations relevant to the activities of their work area. A Legal Compliance Officer: <ul style="list-style-type: none"> • Works with relevant staff including Policy Owners to ensure that compliance obligations are reflected in relevant policy and procedures; • Provides advice on the implications of new or amended legislation for the University; • Reviews existing controls in a Legal Compliance Register that minimise the risk of non-compliance to legislative obligations; and • Educates and promotes a culture of compliance.
OHS Legal Requirements	Health and Safety requirements listed in relevant legislation (Acts, Regulations). Any international or national standards, codes or guidelines that are called up in an Act or Regulation.
Occupational Health, Safety and Wellbeing Leaders	Person or group of people who direct and are responsible and accountable for OHS at the highest level within each area of the Monash Group e.g. Group Manager, Health Safety & Wellbeing, Occupational Health, Safety & Environment Manager (MUM), etc.
Other External Requirements	Relevant Government compliance codes and codes of practice, international and national standards.

GOVERNANCE

Parent policy	OHS&W Policy
Supporting procedures	Monash OHS Documents OHS Communication Procedure OHS Consultation Procedure OHS Monitoring Procedure OHS Records Management Procedure OHS Roles, Responsibilities and Committees Procedure
Supporting schedules	N/A
Associated procedures	Monash University Procedures Enterprise Risk Management Procedure Australian and International Standards ISO 45001:2018 Occupational Health and Safety Management Systems
Related legislation	Occupational Health and Safety Act 2004 (Vic) Occupational Safety and Health Act 1994 (Malaysia)
Category	Operational
Approval	Chief Operating Officer & Senior Vice-President 12 December 2023
Endorsement	Monash University OHS Committee 22 November 2023

Procedure owner	Group Manager, Health Safety & Wellbeing
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Content enquiries	ohshelpline@monash.edu

DOCUMENT HISTORY

Version	Date Approved	Changes made to document
1	May 2017	OHS Legal and Other Requirements Procedure
1.1	July 2017	Updated requirements outlined in section 3.1
1.2	June 2020	<ol style="list-style-type: none"> Updated wording in Scope Added Standards Australia subscription to section 2.1
2.0	December 2020	Adjusted procedure to cover: <ul style="list-style-type: none"> Changes required as a result of a WorkSafe determination Changes in relevant industry guidance Changes required to align with other organisations Added an OHSMS Requirements Register
2.1	July 2021	<ol style="list-style-type: none"> Updated certification logo in footer to ISO 45001 Added the Standard ISO 45001 under “Associated procedures” in the Governance table Updated OHS Policy under ‘Parent Policy’ to OHS&W Policy
2.2	October 2021	<ol style="list-style-type: none"> Updated Scope statement to include Monash University Malaysia, Monash University Indonesia, Monash Suzhou and the Monash University Prato Centre.
2.3	December 2021	<ol style="list-style-type: none"> Updated Scope statement to include World Mosquito Program Ltd (and its subsidiaries). Changed ‘Manager, OH&S’ to ‘Health, Safety and Wellbeing Manager’ throughout. Updated title of Procedure owner in Governance table.
3.0	December 2023	<ol style="list-style-type: none"> Clarified wording in Procedure statement and added reference to Enterprise Risk Management Procedure. Re-worded Section 2 – Process requirements to make these globally applicable. Added responsibilities of Legal Compliance Officer and Group Occupational Health and Safety Leaders. Updated Related Legislation in Governance table, Updated title of Procedure owner in Governance table.