



Unilink

Legal & Risk Newsletter



Scamming the University:- a worrying trend

Occasionally we come across dishonest people who try and take advantage of us, and we've all learned to be somewhat dubious and careful of emails that could be frauds, scams or viruses.

For example, it is not uncommon to:

- *win a lottery without ever buying a ticket*
- *inherit a small fortune from a relative you've never met*
- *receive a security scare from a bank with whom you have no account*
- *be asked to assist a Nigerian move vast amounts of money offshore*



Unfortunately, scams, frauds and sharp practices are everywhere, and not just in our personal in-boxes. There are subtle versions currently targeting the University.

Examples

1. A student from Indonesia charged \$30k for University fees to a credit card. He then withdrew from the courses and asked to have the funds refunded to a different bank account. The original credit card details turned out to be stolen.
2. Faxes and emails have been received from various subscription services asking for confirmation of details so that the University's order can be finalised, supposedly in response to a request by the University. In each case there had not actually been any original request.
3. Cold-call salespeople have pressured staff into agreeing to receive a sample of a journal, magazine or reporter. When it arrives, the fine print in the covering letter says that if you don't return it promptly you agree to pay for a 12 month subscription.

These types of scams are typically targeting managers and administrative staff, but it could happen to anyone in the University.

What you can do

Like the cynicism we apply to the unsolicited emails from Nigeria, the easiest way to protect the University against these types of scams is simply to be wary and alert.

If something seems a bit odd or suspicious or unfamiliar, stop and have a closer look at it and if you have any doubts or need a second opinion, ask a colleague or refer it to Legal & Risk.

For more information contact Kim Evans (Legal Counsel) on 8313 6103 or kim.evans@adelaide.edu.au, or Geraldine Yam (Legal Counsel) on 8313 5244 or geraldine.yam@adelaide.edu.au.

"It's not personal. . ." why we can't provide personal legal advice

Legal & Risk is occasionally contacted by staff or students of the University asking for legal advice on a personal matter, such as a traffic offence, private dispute or visa problem. Some people express surprise when we say we are not able to provide personal legal advice. The reasons why we are unable to do so are:

The University is our client

Our in-house lawyers - Celine McInerney, Kim Evans, Geraldine Yam and Richard Duddy - are employed by the University to act as legal advisors for the University. The University is the client and we must act in the University's best interests. This involves providing advice on the University's position and to staff members in their role as University employees, but not to individuals in a private capacity.

Proper discharge of duties

Providing personal legal advice to individuals would be improper. It can give rise to conflicts of interest where the conflict cannot be resolved. It would also compromise the proper use of University resources.

Professional conduct and insurance

Legal practice in South Australia is regulated by the Law Society of South Australia. As in-house lawyers, we are exempted from the Law Society's professional indemnity insurance scheme on the basis that we only act for our employer (i.e. the University). If we act for other clients (e.g. staff or students), not only will we be uninsured but we will also be in breach of professional conduct rules.

Who can provide personal legal advice?

For common consumer concerns, the Office of Consumer and Business Affairs is a useful source of information (www.ocba.sa.gov.au).



Staff who require personal legal advice must obtain it independently. The Law Society of South Australia (www.lawsocietyysa.asn.au) offers a legal advisory and legal referral service.



THE LAW SOCIETY
OF SOUTH AUSTRALIA
GOLD
ALLIANCE FIRM

If you are a **student**, the Adelaide University Union facilitates free initial legal consultation from a Community Legal Service Lawyer and can assist with issues like tenancy problems, social welfare, traffic infringements and more.

Refer to www.lifeoncampus.org.au/support





Legal Jargon—"Affidavit"

The word or term "affidavit" is medieval latin for "he has declared upon oath".

An affidavit is a written statement of facts sworn on oath, or affirmed before a person with authority to administer it, such as a Justice of the Peace. Generally, affidavits are required in court proceedings.

Insurance for students on overseas work placements

Our students are often offered fantastic opportunities to undertake work experience overseas. Working abroad—whether in another university, veterinary clinic, building site or laboratory - is a chance for students to not only put their academic knowledge to practice, but to gain an international perspective in their chosen field. Students are afforded protection under the University's travel insurance program while engaged in overseas work experience activities, but only under certain conditions. Here are the details:

Are all students covered while on work placement overseas?

Yes, but under certain conditions. Undergraduate students are covered provided that:

- the work experience has been approved by the Head of School;
- travel time does not exceed a total of 180 days (approximately 6 months); and
- the student's personal holiday time does not exceed 4 weeks or more than 50% of the total travel time (whichever is the lesser).

Postgraduate students require the same approval, but are covered for up to 360 days.

What are students covered for?

The University's travel policy provides cover to students undertaking work experience overseas for (among other things):

- medical and/or hospital expenses (including GP visits)
- cancellation charges or loss of deposits
- theft of personal property
- deprivation of baggage
- emergency dental treatment

Some countries, including the US, sometimes require students to purchase in-house medical insurance, in addition to what the University provides. (Check with the embassy of the country well prior to departure.)

An embassy has asked for proof of insurance as part of a visa application. What can be provided?

The 2012 [Work Experience & Community Placement Insurance Policy Guide](#) includes a Memorandum of Insurance, which can be printed as proof of travel insurance. If this is not sufficient, a letter confirming insurance cover can be provided by Legal & Risk. Please provide as much notice as possible. Calling the day before you need it can be a problem.

A PhD student wants to undertake work experience in a country that has a level 3 DFAT warning. Can they go?

Probably—but under certain conditions. The Department of Foreign Affairs and Trade (DFAT) routinely assesses the danger of travelling overseas and may issue travellers a warning against visiting certain countries. A Level 3 warning advises people to "reconsider the need to travel".

Final approval to travel to these destinations **can only** be given by the relevant Executive Dean **as well as** the Vice-Chancellor. Among other things, approval will be based on a risk assessment of the proposed location and the individual's familiarity with the country in question. For more details, refer to the Travel Safety section of the [HSW handbook](#).



What assurance is there that students will receive adequate care by a host organisation?

A Student Placement Agreement (found in the [Work Experience & Community Placement Insurance Policy Guide](#)) provides some level of assurance, provided it is completed and signed by the student, Head of School and host organisation prior to departure. The agreement acknowledges the activities the student will be undertaking while on placement, confirms that they will be supervised at all times and that adequate safety precautions will be adhered to. It also recognises that a level of insurance will be provided by the host organisation, in addition to what the University provides.

Does University insurance cover students engaged in voluntary work experience too?



Voluntary work experience refers to work experience that is not a course requirement and generally, that a student has arranged independently of the School. If voluntary work experience is to receive the benefit of University insurance cover, it must still be approved by the Head of School, and a Student Placement Agreement completed prior to departure. If for some reason, the work experience is not endorsed by the Head of School, the student will need to arrange his or her private travel insurance at their own cost.

To discuss any student work experience issue or concern, contact Tom Pontt (Insurance Officer) on 8313 3878 or email thomas.pontt@adelaide.edu.au.

Legal & Risk Resources

The list of resources on our website continues to grow as we develop new material in-house, or find interesting external information to link to. Our resource material covers a wide spectrum of legal, risk, compliance, contract management, copyright and insurance. We have broad framework overviews, answers to specific travel insurance questions, summaries of key State and Federal Acts relevant to the University, and a back-catalogue of Unilink editions from the past two years. Go to www.adelaide.edu.au/legalandrisk/ to find:

- Handbooks for contracts, compliance and risk
- Presentations and seminar notes
- Learning aids
- Checklists
- Frequently Asked Questions
- Insurance Policy Guides
- Private travel insurance calculators
- Internal and external weblinks



RMIA Risk Odyssey

Risk Management Conference

This year's Risk Odyssey conference provides an excellent networking opportunity for risk professionals and managers striving to implement risk management programs. In addition, the conference facilitates the exchange of ideas and information with a diverse range of keynote speakers.

The program includes topics as diverse as *Identity Fraud* and *Lessons learned from catastrophic 2011*, to *The opportunities and challenges of engaging in Social Media* and *Future directions for Risk Management*.

When: Thursday 10 May 2012
Where: Crown Plaza, Adelaide



For more information contact Anne Hill (Manager Risk Services) on 8313 4603 or email anne.hill@adelaide.edu.au.