

# Legislation & Regulatory Compliance Policy

## 1. Purpose

Kiama Community College Ltd is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs). As such, Kiama Community College Ltd is required to ensure it complies with Commonwealth and State legislation and regulatory requirements relevant to its operations, integrate these into policies and procedures, maintain compliance and inform staff and clients of changes to legislation that affect the services delivered.

## 2. Policy Statement

Kiama Community College Ltd (the College) is committed to ensuring it complies with all relevant Commonwealth and State legislation and regulatory requirements in its operations as a Registered Training Organisation (RTO), and for its entire operation on the Community College side of its business.

The College will ensure that:

- compliance with legislation and regulatory requirements is monitored and maintained;
- it maintains copies of or access to all legislation that affects its business and/or its services delivered;
- legislation and regulatory requirements relevant to its operations are integrated into its policies and procedures;
- all staff and clients are provided with information regarding changes in legislation and regulatory requirements that affects their duties or participation in vocational education and training services provided.

The College will also comply with the requirements of specific funding agreements.

## 3. Scope

The policy applies to all operations of the Registered Training Organisation and all other aspects of the Community College operations, excluding the Shoalhaven River College.

## 4. Policy Principles

- a) There are numerous Acts that impact upon the training and assessment for courses offered by the College. A list of relevant legislation is kept on a *Legislation Register*.
- b) The College advises its staff and clients of legislation that affects their duties or learning.
- c) The College has electronic access to all Commonwealth and State legislation that affects its operations or services delivered.
- d) The College has and maintains memberships to the following legislation publishers so as to receive updates and notifications of changes in legislation and regulatory requirements.
  - i. Australian Government, COMLaw at <http://www.comlaw.gov.au/>

- ii. Australasian Legal Information Institute, website: <http://www.austlii.edu.au>
  - iii. New South Wales – <http://www.legislation.nsw.gov.au/>
- e) The College has access to solicitors who provide advice on legislation, where required.

## **5. Areas of Legislation and Regulation**

### **5.1 Vocational Education and Training (VET) Legislation**

The College is registered with the Australian Skills Quality Authority (ASQA), the national regulator for Australia's vocation education and training sector. This registration enables the College to deliver nationally accredited VET. All RTO's in Australia who deliver nationally accredited VET must comply with the VET Quality Framework, which comprises the:

- a) Standards for Registered Training Organisations (RTOs) 2015
- b) Data Provisions Requirements 2012
- c) Fit and Proper Person Requirements 2011
- d) Financial Viability Risk Assessment Requirements 2011
- e) Australian Qualification Framework

Other VET legislation relevant to the College includes:

- f) National Vocational Education and Training Regulator Act 2011 and the legislative instruments it enables
- g) Student Identifiers Act 2014
- h) VET Student Loans Act 2016 and the legislative instruments it enables

### **5.2 Business Structure**

The College is an incorporated association and it complies with the requirements of the:

- a) Association Incorporation Act NSW 2009
- b) Association Incorporation Regulations NSW 2010

The College is a Public Benevolent Institution, registered as a charity with the Australian Charities and Not-for-Profits Commission and complies with the:

- c) Australian Charities and Not-for-profits Commission Act 2012

### **5.3 Workplace Health and Safety (WHS) Legislation**

- a) There is a range of legislation and accompanying College policies which promote workplace health and safety within the national Vocational Education and Training system. (See *Workplace Health and Safety Policy*)

### **5.4 Anti-Discrimination Legislation**

- a) There is a range of legislation and accompanying College policies which promote access and equity within the national Vocational Education and Training system. (See *Access and Equity Policy*)

### **5.5 Disability Legislation**

- a) There is a range of legislation and accompanying College policies which promote inclusivity and diversity within the national Vocational Education and Training system. (See *Disability Policy*)

### **5.6 Child Protection Legislation**

- a) There is a range of legislation and accompanying College policies which promote care and protection for children and young persons. (See *Protecting Children and Young People Policy*)

### **5.7 Privacy Legislation**

- a) Federal privacy legislation impacts on the national Vocational Education and Training system. (See *Privacy Policy*)

### **5.8 Employment Legislation**

- a) There is a range of legislation and accompanying College policies in relation to employment. (See HR Policies)

### **5.9 Other Legislation**

- a) There is a range of legislation and accompanying College policies, including consumer protection, which impact on the operational business of the College. These include:
  - i. Corporation law – Corporations Act 2001 and Regulations
  - ii. Competition and Consumer Act 2010 and Regulations
  - iii. Fair Work Act 2009 and Regulations
  - iv. A New Tax System Act 1999 and Regulations
  - v. Copyright Act 1968 and Regulations
  - vi. Fair Trading Legislation and Regulations
  - vii. Trade Practices Legislation and Regulations
  - viii. Spam Act 2003 and Regulations
- b) The following represents other legislation that impacts on vocational outcomes of training and assessment services delivered.
  - i. Apprenticeship and Traineeship Act 2001
  - ii. Apprenticeship and Traineeship Regulation 2017
- c) Legislation that impacts on training and assessment provided within the College scope of registration includes:
  - i. Hair and Beauty

- Public Health ACT 2010 (NSW)
- Public Health Regulation 2012 (NSW)
- ii. Horticulture and Conservation & Land Management
  - Agricultural Industry Services Act 1998 No.45 (NSW)
  - Agricultural Industry Services Regulation 2015 (NSW)
- iii. Hospitality
  - Food Standards Code (National)
  - Food Act 2003 No.43 (NSW)
  - Food Regulation 2015 (NSW)

## 6. Roles and Responsibilities

The Board will:

- Ensure an appropriate Policy and Procedure framework is in place
- Approve acceptance of policies identified as “Board Endorsed”
- Remain informed about legislative changes impacting on the College

The Chief Executive Officer will:

- Ensure an adequate Policy & Procedure framework is in place
- Provide leadership to promote a culture of compliance and early notification of risk
- Ensure adequate monitoring of compliance and system for updating organizational documents to incorporate legislative changes
- Ensure Board are informed of legislative changes impacting the College
- Ensure staff and clients are informed of changes to legislation that affect the services delivered

The Training Services Manager will:

- Participate in review of proposed changed policies and procedures
- Draft new or reviewed policies and procedures, where required
- Monitor compliance with policies and procedures, including via annual internal auditing program
- Undertake twice annual check re legislative changes re all Acts pertaining to the operations of the College
- Ensure staff and clients are informed of changes to legislation that affect the services delivered

All staff

- Notify the Chief Executive Officer of any known or suspected breach of legislation, regulation, standards, policy or procedure at the earliest opportunity
- Comply with organizational policies and procedures

## 7. Records Management

All documentation from compliance with legislation processes are maintained in accordance with Records Management Policy. (See *Records Retention and Reporting Policy*)

## 8. Monitoring and Improvement

All practices relating to compliance with legislation are monitored by the Training Services Manager and areas for improvement identified and acted upon. (See *Continuous Improvement Policy*)

## 9. Policy Version and Revision Information

Policy Authorised by:	Board
Effective date of Original Version:	24 <sup>th</sup> September 2019
Policy Maintained by:	Chief Executive Officer
Version Number/Effective date:	V1, 24 <sup>th</sup> September 2019
Review Date:	24 <sup>th</sup> September 2021