

Compliance Policy

As a Registered Training Organisation (RTO), Kiama Community College is committed to complying with Commonwealth and State legislation and all regulatory requirements relevant to its operations. It is required under the terms of its registration as an RTO to ensure that information is given to students and staff about current legislation that significantly affects their participation in VET. The following list which identifies legislation relevant for Kiama Community College Inc was developed in consultation with Industry Skills Councils:

Scope

This policy applies to all accredited training & assessment delivered by Kiama Community College Inc.

Policy

Kiama Community College Inc will comply with all relevant Commonwealth and State legislation and associated regulatory requirements, including the requirements specified in funding agreements.

Kiama Community College staff and students are informed of legislative and regulatory requirements that affect their duties or participation in training.

Procedure

It is ultimately the responsibility of the Executive Officer to ensure compliance with legislation and regulatory requirements including funding agreements. It is the responsibility of the Training Development Manager to ensure compliance with the VET Quality Framework Standards for National VET Regulator (NVR) Registered Training Organisations.

Kiama Community College has developed policies and procedures (outlined in staff and student handbooks) to support compliance with relevant legislation and regulations.

Legislation Relevant to Kiama Community College

Below is a summary of the most relevant legislation and regulatory instruments for Kiama Community College Inc. Further general information on state and territory legislation is available at:

http://www.austlii.edu.au/au/legis/nsw/consol_act/

Further information on Commonwealth legislation is available at:

<http://www.comlaw.gov.au/>

A good source of legal information and help with legal issues go to:

<http://www.lawaccess.nsw.gov.au/>

Context	Legislation (current as at April 2013)
Work Health and Safety	Work Health & Safety Act NSW, 2011 Work Health & Safety Regulation NSW, 2011
Anti-discrimination (including equal opportunity and racial vilification, Harassment Victimization and bullying,)	Commonwealth Racial Discrimination Act 1975 Commonwealth Sex Discrimination Act 1984 Anti-Discrimination Act NSW, 1977 Australian Human Rights Commission Act 1986
Disability discrimination	Commonwealth Disability Discrimination Act 1992 Disability Standards for Education NSW, 2005
Children	Commission For Children And Young People Act, NSW 1998 Child Protection (Working with Children) Act 2012
Vocational education and training	National Vocational Education and Training Regulator Act 2011
Governance	Association Incorporation Act NSW, 2009 Association Incorporation Regulation NSW 2010
Privacy	Privacy & Personal Information Protection Act NSW, 1998
Copyright	Commonwealth Copyright Act 1968
Apprenticeships and Traineeships	Apprenticeship and Traineeship Act NSW 2001
Employment	Fair Work Act 2009 Fair Work Regulations 2009
Hair and Beauty training	Hairdressers Act NSW 2003 The Public Health NSW Act 2010 Public Health Regulation NSW 2012
Horticulture training	Agricultural Industry Services Act 1998 No 45 Horticultural Legislation Amendment Act 2000 No 96
Hospitality training	(National) Food Standards Code (FSANZ) Food Act 2003 NSW

	Food Regulation 2010 NSW
Funding Body Agreements	<p>Approved Provider List (APL)</p> <p>Workplace English Language and Literacy (WELL)</p> <p>ACE Delivery Funding Agreement</p> <p>Note: additional short term funding agreements will be relevant from time to time</p>

Work Health & Safety (WH&S)

Work health and safety (WH&S) legislation describes the general requirements necessary to ensure a safe and healthy workplace, and is designed to reduce the number of injuries in the workplace by imposing responsibilities on individuals and corporations. Students, staff and visitors have WHS responsibilities by law.

In general, employers must:

- provide and maintain a safe working environment and safe systems of work
- provide information to employees in relation to health, safety and welfare in the workplace.

Employees, volunteers, students and visitors must:

- follow instructions and rules in the workplace - for example, to comply with instructions designed to ensure that work is carried out safely;
- work and behave in ways which are safe and do not endanger the health and safety of anyone in the workplace.
- Report any safety issues or concerns to Kiama Community college staff as soon as possible

Regulation and further information

WH&S is regulated by Commonwealth and state and territory government bodies:

www.workcover.nsw.gov.au

Anti-Discrimination

In Australia it is unlawful to discriminate on the grounds of race, colour, descent or national or ethnic origin (Commonwealth Racial Discrimination Act 1975) and sex, marital status and pregnancy (Commonwealth Sex Discrimination Act 1984).

In addition, in New South Wales, the Anti-Discrimination Act 1977, makes it unlawful to discriminate

against a person, or any of their relatives, friends or associates, on the grounds of race, sex, pregnancy, marital status, disability, age, or homosexuality

Australian Human Rights Commission Act 1986 also address Workplace harassment, victimisation and bullying.

Regulation and further information

Anti-Discrimination legislation is regulated by the Australian Human Rights Commission:
www.humanrights.gov.au

Disability discrimination

The Commonwealth *Disability Discrimination Act 1992* seeks to eliminate, as far as possible, discrimination against people with disabilities. It is unlawful for an educational authority to discriminate against a person on the ground of the person's disability or a disability of any associates of that person.

A complaint about an alleged contravention of the act can be made to the Human Rights and Equal Opportunity Commission

The Disability Standards for Education NSW, 2005 specify how education and training are to be made accessible to students with disabilities. They cover the following areas:

- enrolment;
- participation;
- curriculum development, accreditation and delivery;
- student support services; and
- elimination of harassment and victimisation

Regulation and further information

Disability Discrimination legislation is regulated by the Australian Human Rights Commission:
www.humanrights.gov.au

Children

Organisations who work with children and young people are required by law to take measures to ensure their safety. All staff employed by Kiama Community College complete a Working with Children Check. We comply with all relevant legislation to ensure the safety, welfare and wellbeing of children. We welcome the views and contributions of children and young people.

Regulation and further information

The NSW Commission for Children and Young People provide advice, information, make referrals and administer the legislation: www.kids.nsw.gov.au

If you want to raise a concern or make a complaint regarding a particular child, go to the [NSW Ombudsman](#), the [Health Care Complaints Commission](#) or the [Independent Commission Against Corruption](#). Children or young people who need help can contact the [Kids Helpline](#): 1800 551 800

Vocational education and training (VET)

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

The VET Quality Framework comprises:

- the Standards for National VET Regulator (NVR) Registered Training Organisations
- the Fit and Proper Person Requirements
- the Financial Viability Risk Assessment Requirements
- the Data Provision Requirements, and
- the Australian Qualifications Framework.

The VET Quality Framework is aimed at achieving greater national consistency in the way RTO's are registered and monitored and in how standards in the vocational education and training (VET) sector are enforced. It provides greater confidence in the quality and consistency of nationally recognised VET qualifications and in the skills and abilities of VET graduates.

Regulation and further information

The VET Quality Framework is regulated by The Australian Skills Quality Authority (ASQA):
www.asqa.gov.au

Governance

Kiama Community College is an incorporated association and it complies with the requirements of the Association Incorporation Act NSW, 2009 and Association Incorporation Regulation NSW 2010

Regulation and further information

Governance legislation is regulated by the Commissioner for Fair Trading, Department of Commerce:
www.fairtrading.nsw.gov.au

Privacy

Kiama Community College treats personal information in accordance with NSW privacy legislation. Information about students or staff cannot be disclosed except in accordance with the legislation. In

general this means the College must have consent from the individual concerned before information can be released, or that the release of the information is required in accordance with a law or legal instrument.

It is possible to apply for access to, or to amend, personal information about you held by the College under the privacy legislation.

Regulation and further information

Privacy law is regulated by the Information and Privacy Commission NSW:

www.ipc.nsw.gov.au/privacy. Also refer to the office of the Federal Privacy Commissioner.

There are provisions in the Commonwealth Copyright Act 1968 that allow educational institutions to use copyright material for educational purposes without permission from the copyright owner.

Trainers are directed to refer to the Australian Copyright Council information sheet "Education Copyright basics" for details. Students are permitted to use copyright material for the purpose of research or study provided your use is "fair" refer to the Australian Copyright Council information sheet "Research or Study" for details.

Regulation and further information

Copyright law is regulated by the Attorney-General's department: www.lawlink.nsw.gov.au

The Australian Copyright Council provide information on Australian copyright law:
www.copyright.org.au

Apprenticeships and Traineeships

Kiama Community College provides Apprenticeships and Traineeships in accordance with The Apprenticeship and Traineeship Act NSW 2001 and Apprenticeship and Traineeship Regulation 2010. The act addresses how Apprenticeships and Traineeships must be delivered including:

- Recognised trade/traineeship vocations
- Appropriate term or terms for apprenticeships or traineeships
- Appropriate probationary period or periods
- Appropriate qualification or qualifications that may be awarded
- Any other training to be provided in addition to the training required for an appropriate qualification
- Other matters relating to the training of apprentices or trainees

Regulation and further information

State Training Authorities are government departments in each State or Territory responsible for the operation of the Vocational Education and Training (VET) system (including Australian Apprenticeships) within that jurisdiction.

Each STA participates in the formulation of national policy, planning and objectives, and promotes and implements the agreed policies and priorities in the State or Territory.

The State Training website is: www.training.nsw.gov.au

The Australian Apprenticeships website also provide further information:
www.australianapprenticeships.gov.au

Employment

Kiama Community College staff are employed in accordance with the Fair Work Act 2009 and Fair Work Regulations 2009.

Regulation and further information

Employment law is regulated by the Fair Work Commission: <http://www.fwc.gov.au>

Hair and Beauty training

Kiama Community College complies with legislation including the Hairdressers Act NSW 2003, The Public Health NSW Act 2010, Public Health Regulation NSW 2012 as it relates to the delivery of Hair and Beauty training.

Regulation and further information

Hair and Beauty legislation is regulated by NSW Health: www.health.nsw.gov.au

Service Skills Australia is a source of expert, independent advice for industry, training organisations and employees, students and jobseekers about skills development in the service industries:
www.serviceskills.com.au.

Horticulture training

Kiama Community College complies with legislation including Agricultural Industry Services Act 1998 No 45 and Horticultural Legislation Amendment Act 2000 No 96 as it relates to the delivery of Horticulture training.

Regulation and further information

Horticulture legislation is regulated by NSW Department of Primary Industries:
www.dpi.nsw.gov.au/agriculture/horticulture

Hospitality training

Kiama Community College complies with legislation including (National) Food Standards Code (FSANZ), Food Act 2003 (NSW), Food Regulation 2010 (NSW) as it relates to the delivery of Hospitality training.

Regulation and further information

Hospitality legislation is regulated by NSW Food Authority: www.foodauthority.nsw.gov.au