



Australian Leading Institute of Technology

RTO Code: 45156

CRICOS Code: 03981M

No.6.1.14: Compliance and Communication with the Regulator and Compliance with Legislative Regulations Policy and Procedure

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	Standards for RTOs 2015 – Standard: 2.1; 2.2; 2.3; 2.4; 7.1; 7.2; 7.3; 7.4; 7.5; 8.1; 8.2; 8.3; 8.4; 8.5; 8.6;
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

The ALIT upholds its compliance standards across a range of statutory bodies, including national regulator of VET sector, Australian Skills Quality Authority (ASQA).

ALIT is required to comply with the requirements of the ALIT Standards from the VET Quality Framework as well as other VET regulations and Commonwealth, State and Territory legislation.

ALIT meets legislative and regulative procedures with quality systems, using rigorous internal auditing and regular external audits. All necessary procedures and manuals are maintained, including:

- codes of practice
- copyright
- legislation
- occupational health and safety
- privacy

- quality systems and The Australian Qualifications Framework (AQF).

The Registration Authority for ALIT is the national regulator Australian Skills Quality Authority (ASQA).

The VET Quality Framework (VQF) which contains the Standards for Registered Training Organisations (ALITs), assures a nationally consistent approach to the registration of training organisations seeking to deliver training, assess competency outcomes, and issue Australian Qualifications Framework qualifications and/or Statements of Attainment.

The VQF also ensures the recognition of training providers and the Australian Qualifications Framework qualifications and Statements of Attainment they issue, across Australia.

This policy and procedure outlines ALIT's approach to ensuring compliance. This policy and procedure ensure compliance with Standard 8 of the ALIT Standards and relates to Schedule 5.

Objective

The objective of this Policy and Procedure for ALIT is to ensure that ALIT:

- has suitable and appropriate mechanisms in place for meeting compliance and communication requirements with regulator
- has a policy framework which supports the compliance with legislative regulations policy
- has personnel who know their responsibilities and obligations

For the purposes of this policy, the term "ALIT" refers to the registered training organisation.

Scope

As a registered ALIT, there are several areas that ALIT must demonstrate compliance with:

- The National Regulator (ASQA)
- The Department of Education and Training
- the Licensing bodies (if any) in relation to qualifications on scope of registration (Refer to Point 15)

Policy Statement: Our Commitment

ALIT is committed to maintaining compliance with all regulatory, legislative and contractual requirements.

Specifically, we will:

- Ensure that all relevant staff have access to this policy
- Ensure staff know their obligations and responsibilities
- Ensure ALIT has suitable and appropriate mechanisms in place for meeting compliance and communication requirements with the regulator
- Ensure ALIT’s policy framework support the compliance with legislative regulations policy
- Ensure staff know their limitations

General Processes

Policy aspect	ALIT Implementation	
Standards for Registered Training Organisations, 2015 a.) Quality Indicator and Total VET Activity Reporting (Refer Standard 7 –	Procedure	Responsibility
	i. Learner Engagement and Employer Satisfaction Data (Quality Indicators)	CEO
	ii. Collect Learner Engagement and Employer Satisfaction surveys in line with ALIT’s Quality Management Procedures on Feedback.	
iii. Collate surveys, analyse findings and prepare a summary report for ASQA using ASQA’s Quality Indicator Annual Summary Report which can be		

<p>Clause 7.5; Standard 8 – Clause 8.1)</p>	<p>downloaded from here http://www.asqa.gov.au/forms.html. Submit it to ASQA by 30 June each year by emailing qidata@asqa.gov.au.</p> <p>iv. Keep a copy of the report/s and the date on which they were submitted to ASQA on file.</p> <p>For further information refer to ASQA’s website http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/quality-indicator-reporting.html</p>	
	<p>b.) Total VET Activity Data</p> <p>i. AVETMISS-compliant records for all students are collected through the Enrolment Form.</p> <p>ii. Competency enrolments and outcomes are recorded in ALIT’s AVETMISS-compliant student management system, SMS.</p> <p>iii. As ALIT reports AVETMISS-compliant data with Department of Education and Training, Victoria, total VET Activity Data is reported through this and no additional actions are required.</p>	<p>CEO</p>

	<p>For further information refer to ASQA’s website http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/total-vet-activity-reporting.html</p>	
	<p>c. Notifying ASQA of changes to the ALIT (Refer Standard 5 – Clause 5.4, Standard 8 – Clause 8.1, 8.2 and 8.3.)</p>	
	<ul style="list-style-type: none"> i. Material changes or significant events ii. The need to report material changes and significant events will be monitored during management meetings. iii. If there is a material change or significant event that may significantly affect the ALIT’s ability to comply with the VET Quality Framework, advise ASQA within 90 calendar days. This may be a change to one of the following: iv. Chief Executive Officer, or High Managerial Agent v. Fit and Proper Person Requirements vi. Financial Administration Status 	<p>CEO, ALIT</p>

	<ul style="list-style-type: none"> vii. Legal name or legal entity viii. Organisation type ix. Sale of business x. Ownership and/or control xi. Significant or unexpected turnover of staff xii. Another change not specified elsewhere xiii. Use ASQA's Material Change or Event form to describe the changes. Additional attachments may be required as outlined on the form. xiv. Send the completed form to ASQA within 90 calendar days of the change occurring. xv. Keep a record of the completed form on file. <p>Students will be advised in writing of any changes in ownership to the ALIT.</p>	
	<ul style="list-style-type: none"> xvi. Commencing or ending agreements with third parties 	CEO, ALIT

	<p>xvii. The need to report changes to third party agreements will be monitored using the Third-Party Agreement Checklists and through management meetings.</p> <p>xviii. If ALIT enters into an agreement with a third party to deliver Services on ALIT's behalf, notify ASQA within either of the following timelines, whichever is first:</p> <p>xix. within 30 calendar days of the agreement being entered in</p> <p>xx. or prior to the obligations under the agreement taking effect</p> <p>xxi. Use ASQA's Material Change or Event Form to advise ASQA. Keep a copy of the completed form on file.</p> <p>xxii. If ALIT's agreement with a third party to provide services on its behalf comes to an end, advise ASQA within 30 calendar days using ASQAs Material Change or Event Form. Keep a copy of the completed form on file.</p>	
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	<p>Students notified in writing if there is any change to existing third parties that affect them.</p>	
	<p>xxiii. Changes to ALIT’s details</p> <p>xxiv. If there is a change to any of following details of ALIT:</p> <ul style="list-style-type: none"> 01. Trading name 02. Web address 03. Head office details 04. Contact details for the Chief Executive 05. Contact people to be listed on training.gov.au 06. Delivery sites 07. Delivery locations 08. Offshore delivery <p>xxv. Fill in ASQA’s Notification of Change of Provider Details Form and sent it to ASQA within 90 calendar days of the change occurring.</p>	<p>CEO, ALIT</p>

	Keep a copy of the completed form on file.	
	d.) Responding to requests from ASQA (Refer Standard 8 – Clause 8.1)	
	<p>i. Respond to requests from ASQA</p> <p>ii. ASQA may contact ALIT to request information about any of its operations. A due date for the information to be provided may be given by ASQA.</p> <p>iii. Cooperate with ASQA in providing this information and respond truthfully and on time.</p> <p>Keep a copy of the information provided.</p>	<p>CEO,</p> <p>CEO</p>
	<p>iv. Participating in ASQA audits</p> <p>v. ASQA will audit ALIT’s operations from time to time. Usually upon initial registration, 12 months (or close to) after initial registration and prior to re-registration. Audits may also occur to monitor compliance for other reasons such as in response to a complaint, because ALIT presents a</p>	<p>CEO, / All relevant staff</p> <p>CEO</p>

	<p>risk, or because new courses have been requested to be added to scope.</p> <p>Cooperate in the conduct of audits by providing ASQA auditors with access to the information and facilities required. ASQA audits may require access to delivery sites, equipment, staff, materials, student files and other records.</p>	
<p>e.) Internal audits (Refer standard 8 – Clause 8.4 and 8.5)</p>		
	<ul style="list-style-type: none"> i. Schedule audits ii. Schedule audits annually or more frequently where required, by adding them to the Internal Audit Schedule and setting dates. The auditing schedule should include audits against: <ul style="list-style-type: none"> iii. The ALIT Standards iv. Legislation impacting on ALIT v. Staff files vi. Student files to ensure students receive the Services detailed in their agreement 	<p>CEO</p>

	<p>vii. Any funding contracts, as applicable.</p> <p>viii. Ensure the internal audit against the standards is scheduled for a date prior to the due date of the Annual Declaration of Compliance – refer to point 4 below.</p> <p>Assign the responsibility of each internal audit and advise person accordingly.</p>	
	<p>ix. Conduct and record audits</p> <p>x. Conduct audits as scheduled with internal or external support. A qualified external consultant may conduct audits if required.</p> <p>xi. Complete the relevant internal audit report template.</p> <p>xii. Summarise findings and actions required to maintain compliance.</p> <p>xiii. Internal audit reports should be signed and dated by the person conducting the audit and kept on file.</p> <p>xiv. Identify opportunities for improvement.</p>	<p>CEO or other staff as assigned.</p>

	Report findings to CEO, ALIT.	
	<p>xv. Act on outcomes of audits</p> <p>xvi. Allocate tasks to be actioned as outcome of audit to relevant staff with set timeframes.</p> <p>xvii. Monitor action plans and report outcomes at the management meetings.</p> <p>Any recommendations for improvement made during the audit should be recorded on the Continuous Improvement Register and acted upon accordingly.</p>	CEO
	f.) Annual declaration of compliance (Refer Standard 8 – Clause 8.4)	
	<p>i. Prepare declaration of compliance</p> <p>ii. Refer to ASQA’s website to find out the due date for the annual declaration of compliance each year. Mark this date in calendar.</p> <p>iii. Review internal audit report to determine whether ALIT is compliant.</p> <p>iv. Download ASQA’s Declaration of Compliance template and submission</p>	CEO

	<p>details which are available at http://www.asqa.gov.au.</p> <p>v. Complete the form and provide to CEO for signing.</p> <p>Submit on or before the due date.</p> <p>Keep a copy of the completed form on file.</p>	
	<p>g.) Compliance with legislation & VET regulations (Refer Standard 8 – Clause 8.5 and 8.6)</p>	
	<p>i. Identify legislation and VET regulations</p> <p>ii. ALIT maintains a Legislation & Regulations Register and a Legislations Guide that outlines legislation and regulations applicable to its operations and scope of registration.</p> <p>iii. This register is developed, maintained and updated by using online resources such as the ComLaw website at www.comlaw.gov.au and the legislation website relevant to each state and territory the ALIT operates within. The websites are as follows:</p> <p>Vic: www.legislation.vic.gov.au</p>	<p>CEO</p>

	<p>SA: www.legislation.sa.gov.au</p> <p>Qld: www.legislation.qld.gov.au</p> <p>NSW: www.legislation.wa.gov.au</p> <p>NT: www.legislation.nt.gov.au</p> <p>WA: www.legislation.wa.gov.au</p> <p>ACT: www.legislation.act.gov.au</p> <p>TAS: www.legislation.tas.gov.au</p> <p>iv. The Register reviewed annually to identify any changes and updated accordingly.</p> <p>Regulation changes may be notified by ASQA and these will be recorded on the Register.</p>	
	<p>v. Comply with legislation and VET regulations</p> <p>vi. ALIT will monitor legislation by ensuring that at least annually it conducts a review of applicable legislation and regulations, identifies any changes in legislation and</p>	<p>CEO</p>

	<p>addresses how changes impact the business.</p> <p>vii. The review will be recorded on the Legislation & Regulations Register.</p> <p>Any required changes are to be made in the Student Handbook, other student documents as relevant and relevant staff documents such as the induction plan.</p>	
	<p>viii. Inform staff and students of legislative requirements and changes</p> <p>ix. All staff are informed of the legislative requirements that impact on their role with ALIT during their induction.</p> <p>x. Where there are changes in legislative requirements, staff will be notified through emails, newsletters, LEO (Learning Environment Online) and at staff meetings.</p> <p>xi. All students are informed of the legislative requirements that impact their participation in education and training with ALIT during their course induction and in the Student Handbook.</p>	<p>CEO</p>

	<p>Where there are changes in legislative requirements, students will be notified through student newsletters or by written notice.</p>	
	<p>h.) Student record retention and transfer of records (Refer to Standard 8 – Clause 8.1f)</p>	
	<p>i. Retention of student assessment items</p> <p>In line with ASQA’s requirements, completed assessment items relating to each unit or module will be securely retained in the students file for at least 6 months from the date of decision of competence. Refer also to ALIT’s Training and Assessment Policy & Procedures.</p>	<p>CEO and Assessors</p>
	<p>ii. If withdrawing registration as an ALIT</p> <p>iii. Apply to withdraw registration with ASQA.</p> <p>iv. Once application to withdraw registration has been approved by ASQA:</p>	<p>CEO, ALIT</p>

	<p>01. Return certificate of registration to ASQA within 10 days of the day of withdrawal</p> <p>02. Provide copies of student records to ASQA within 30 days of the day of withdrawal (refer below).</p> <p>Pay any outstanding ASQA fees within 30 days of invoice.</p>	
	<p>v. Transferring student records to ASQA upon cessation</p> <p>vi. ALIT will meet the following obligations if the ALIT's registration:</p> <p>01. Is voluntarily withdrawn</p> <p>02. Has lapsed</p> <p>03. Is not renewed</p> <p>04. Is cancelled by ASQA</p> <p>vii. Within 30 days of the ALIT's end of registration date, provide to ASQA an electronic copy of the records for each student who was enrolled in a course during the period of registration.</p>	<p>CEO, ALIT</p>

	<p>viii. As per the information at http://asqa.gov.au/vet-registration/withdraw-registration/provide-student-records-to-asqa.html student records must include the following for each student:</p> <ol style="list-style-type: none"> 01. Family name, first name 02. Residential post code 03. Date of birth 04. Student ID number (if applicable) 05. Enrolment and commencement dates 06. Code and title of qualification, course or program student enrolled in 07. Codes and titles of units of competency completed and results (if applicable) 08. Date the certificate or Statement of Attainment was issued (if applicable) 	
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	<p>ix. Send this information to studentenquiries@asqa.gov.au.</p>	
	<p>x. Transferring records to another provider</p> <p>ALIT does not need to provide records to ASQA as per the point above if it is closing down but is providing records to another provider that the student is transferring to. Records can be transferred to the new provider with consent from the student.</p>	<p>CEO, ALIT</p>
	<p>i.) Retention of records relating to the issuance of AQF qualifications and statements of attainment (Refer to Standard 3 – Clause 3.4, Schedule 5 and Standard 8 – Clause 8.1f).</p>	
	<p>i. Records of statements of attainment and AQF qualifications</p> <p>ii. In line with ASQA’s requirements, a register is kept on the student management system of all AQF qualifications and statements of attainment it is authorised to issue and those issued.</p>	<p>CEO, ALIT</p>

	<p>iii. In line with requirements, records of qualifications and statements of attainment issued will be retained in AVETMISS data for 30 years, such that a qualification or statement can be re-issued at any time during this 30-year period (while RTO is still an ALIT).</p> <p>iv. AVETMISS data for each year will be backed up securely by the Institute's IT Department.</p> <p>v. In line with requirements, records of qualifications issued will be reported to ASQA on a regular basis as required.</p> <p>Learners can access their records following our Privacy Policy and Procedures.</p>	
<p>Data Provision Requirements (VQF Requirements)</p>	<p>ALIT undertakes to provide a range of accurate and complete data about their business and operations in a timely manner when requested or because of its requirements for Data Provision Requirements - part of VET Quality Framework (VQF).</p> <p>This is to include the Annual Quality Indicators data that is submitted in accordance with the National Regulator's instructions.</p> <p>Other data that may be requested is:</p> <ul style="list-style-type: none"> business registration records 	

	<ul style="list-style-type: none"> • documents demonstrating the organisation’s financial viability • information demonstrating how relevant people associated with the organisation satisfy the Fit and Proper Person Requirements • information on strategies, facilities and other materials used to conduct training and assessment • documents demonstrating trainers’ credentials • information about delivery operations (e.g. modes, venues, funding, student types, activity conducted) • evidence to demonstrate appropriate records management systems • public liability insurance coverage • the names of current or past students, who may be surveyed about satisfaction levels. <p>Registration Currency</p> <p>ALIT will, having already been registered, keep its registration up to date and submit renewal applications in sufficient time to keep its registration current and provide all the necessary information the VET Quality Framework and Funding Contract, as applicable, requested.</p> <p>Course Registration</p> <p>In applying to register a full-time course at a location, a provider must seek approval from the ESOS agency, including through the relevant designated State authority if the provider is a school, for the following:</p>
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	<ul style="list-style-type: none"> • the course duration, including holiday breaks • modes of study, including online, distance or work-based training • number of overseas students enrolled at the provider, within the limit or maximum number approved by the ESOS agency for each location • arrangements with other education providers, including partners, in delivering a course or courses to overseas students. <p>In seeking approval for registering a full-time course, the provider must demonstrate any matters requested by the ESOS agency, including through the designated State authority if the provider is a school, which may include but are not limited to the following:</p> <ul style="list-style-type: none"> • the expected duration of the course does not exceed the time required to complete the course on the basis of full-time study – for VET courses, this is a minimum of 20 scheduled course contact hours per week unless specified by an accrediting authority • the expected duration of the course includes any holiday periods or any work-based training • any work-based training to be undertaken as part of the course is necessary for the student to gain the qualification and there are appropriate arrangements for the supervision and assessment of students • the course is not to be delivered entirely by online or distance learning • the provider and any partner they engage to deliver a course or courses to overseas students has adequate staff and education resources, including facilities, equipment, learning and library resources and premises as are needed to deliver the course to the overseas students enrolled with the provider • the maximum number of overseas students proposed by the provider for the location reflects the appropriateness of the staff, resources and facilities for the delivery of the course.
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	<p>The registered provider must submit to its ESOS agency for approval, including through the relevant designated State authority if the provider is a school, information on any proposed changes to the provider’s registration for a course as outlined above at least 30 days prior to the time at which those changes are proposed to take effect.</p> <p>Registered providers who are self-accrediting must undertake an independent external audit during their period of CRICOS registration, within 18 months prior to renewal of that registration to inform the re-registration of the provider.</p> <p>In addition to the ALIT registration, ALIT will keep the National Regulator up to date with all proposed courses it intends to deliver, subject to approval. The information provided will include Course Duration, any Work Based Training requirements and Mode and Place of Study.</p> <p>In addition, any arrangements with other providers will be registered with the National Regulator – this may cover ALIT acting as the Course Owner and their sub-contracting the delivery. Full partnership details, including the quality management and continuous improvement management will be covered in the partnership agreement.</p> <p>Retention, archiving, retrieval and transfer of records</p> <p>ALIT undertakes to retain, archive, access and transfer records in line with the National VET Regulator's requirements.</p> <p>All records are managed at ALIT in line with the Records Management Policy and Procedure.</p> <p>Compliance with Legislation and regulatory requirements</p> <p>ALIT actively monitors all legislation and regulations (and licensing requirements, if any) in line with its scope of registration.</p>
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	<p>The scope of the legislation is contained in the Legislation Register which also identifies an overall owner with responsibility for ensuring that the requirements are implemented.</p> <p>In addition to the legislative, regulatory and licensing requirements that pertain to qualifications on scope. It is the responsibility of the CEO of ALIT and her team developing and delivering the qualification to ensure legislations currency.</p> <p>ALIT will ensure that its staff and clients are fully informed of legislative and regulatory requirements that affect their duties or participation in vocational education and training.</p> <p>Register of Legislation</p> <p>ALIT keeps a register of current legislation that is updated either because of a bi-annual review or by being notified of a change. (See QMS – Legislation and regulations Register).</p> <p>Requirements /Process</p> <p>ALIT has a duty to keep itself compliant with the regulations and to ensure that knowledge in relation to Legislation, Regulations and Funding Requirements that affect business operations are up to date. ALIT is regulated by the National Regulator and it must remain compliant with the VET Quality Framework which includes</p> <ul style="list-style-type: none"> • The Standards for National VET Regulator (NVR) Registered Training Organisations • The Fit and Proper Person Requirements • The Financial Viability Risk Assessment Requirements
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	<ul style="list-style-type: none"> • The Data Provision Requirements, and • The Australian Qualifications Framework. <p>The CEO of ALIT and other category C Level managers such as the (CEO) of ALIT will submit a fit and proper declaration annually or as required to ALIT.</p> <p>In addition, each qualification on scope may have specific legislation or license or regulatory requirements that are taught – this is the responsibility of the subject matter experts who are the lead trainer and the relevant training team.</p> <p>ALIT will inform staff and students about relevant legislation, and regulations and ensure updates are acting upon.</p> <p>Legislation and Regulation Method</p> <p>ALIT is registered on the automatic email notification services for changes to</p> <ul style="list-style-type: none"> • Commonwealth legislation and regulations (http://www.comlaw.gov.au/) • Victorian legislation and regulations (http://www.dms.dpc.vic.gov.au/) • Australian Skills and Quality Authority: (http://www.asqa.gov.au) • Australian Qualifications Framework: (http://www.aqf.edu.au/) • Relevant Industry Skills Councils • National Vocational Education and Training Regulator Act 2011: (http://www.comlaw.gov.au/Details/C2011A00012) • Environmentally Hazardous Chemicals Act 1985: (http://www.austlii.edu.au/au/legis/nsw/consol_act/ehca1985373/) • Fair Work Act 2009 (http://www.austlii.edu.au/au/legis/cth/consol_act/fwa2009114/)
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	<p>In addition to any notifications received (and acted upon) the CEO of ALIT (or her delegate), CEO will, every 3 months at minimum, check for updates and changes to all relevant Commonwealth and State legislations and regulations and record any such changes in the Legislation Register.</p> <p>Details of the links are contained in the Legislation Register/ Legislation Guide.</p> <p>Reviewing and Actioning</p> <ul style="list-style-type: none"> • Actions following change in legislation or regulations • Any changes identified will be notified to the CEO of ALIT, and CEO. <p>CEO will review what the changes are and formulate a plan to ensure that ALIT adjusts whatever is necessary to ensure continued compliance.</p> <p>This may take the form of amendments to:</p> <ul style="list-style-type: none"> • Policies and Procedures • Documentation • Publicity / Marketing Materials • Training and Assessment Material. • Financial Process • IT Processes • Funding contracts, as applicable • Development of an action plan <p>Dependent on the scale of the change an action plan will be developed to:</p> <ul style="list-style-type: none"> • Quantify the requirements
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	<ul style="list-style-type: none"> • Identify an owner/implementer • Steps to be taken with owner and timescale • Communication plan to staff/trainers/students/management as appropriate • Develop PD if required • Review points to ensure progress against plan • Management sign off • Review plan on effectiveness of the change <p>For changes that relate to information or requirements for qualifications create a continuous improvement notice and pass to the CEO who will own the action plan.</p>
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Procedures

	Procedure Steps	Responsibility	Reference
1	(Standards for Registered Training Organisations, 2015)	CEO	
2	Data Provision Requirements (VQF Requirements)	CEO	

Version Control:

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