

Legislation Compliance Policy

1. Purpose

Smartskill is committed to providing quality training and assessment in accordance with the Standards for Registered Training Organisations (RTOs) 2015. As such, Smartskill is required to ensure it complies with Commonwealth, State and Territory 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

Smartskill is committed to ensuring it complies with all relevant Commonwealth, State and Territory legislation and regulatory requirements in its operations as a Registered Training Organisation (RTO).

Smartskill 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 is 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.

3. Definitions

3.1 The following words and expressions have the following specific meaning, as in the Standards for Registered Training Organisations (RTOs) 2015.

Scope of registration means the training products for which an RTO is registered to issue AQF certification documentation. It allows the RTO to:

- a) both provide training delivery and assessment resulting in the issuance of AQF certification documentation by the RTO; or
- b) provide assessment resulting in the issuance of AQF certification documentation by the RTO.

4. Policy Principles

4.1 Underpinning Principles

- c) There are numerous Acts that impact upon the training and assessment for courses offered by Smartskill. A list is kept on a legislation register.
- d) Smartskill advises its staff and clients of legislation that affects their duties or learning.

- e) Smartskill will purchase a copy of, or have electronic access to, all Commonwealth, State and Territory legislation that affects its operations or services delivered.
- f) Smartskill 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/>
 - iv. Victoria – <http://www.legislation.vic.gov.au/>
 - v. Queensland – <https://www.legislation.qld.gov.au/OQPChome.htm>
 - vi. Western Australia - State Law Publisher, at www.slp.wa.gov.au.
 - vii. South Australia – <http://www.legislation.sa.gov.au/index.aspx>
 - viii. Northern Territory – http://dcm.nt.gov.au/strong_service_delivery/supporting_government/current_northern_territory_legislation_database
 - ix. ACT – <http://www.legislation.act.gov.au/>
 - x. Tasmania - <http://www.thelaw.tas.gov.au/index.w3p>
- g) Smartskill has access to solicitors who provide advice on legislation.

4.2 Vocational Education and Training (VET) Legislation

- a) Legislation relevant to Smartskill includes :
 - i. Commonwealth - National Vocational Education and Training Regulator Act 2011
 - ii. New South Wales - Vocational Education and Training (Commonwealth Powers) Act 2010
 - iii. Victoria – Vocational Education and Training Act 1990
 - iv. Queensland – Vocational Education and Training (Commonwealth Powers) Act 2012
 - v. Western Australia – Vocational Education and Training Act 1996
 - vi. South Australia – Vocational Education and Training (Commonwealth Powers) Act 2012
 - vii. Northern Territory –
 - viii. ACT – Training and Tertiary Education Act 2003
 - ix. Tasmania - Vocational Education and Training (Commonwealth Powers) Act 2011
<http://www.thelaw.tas.gov.au/index.w3p>

4.3 Anti-Discrimination Legislation

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

4.4 Workplace Health and Safety (WHS) Legislation

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

4.5 Privacy Legislation

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

4.6 Other Legislation

- a) There is a range of legislation and policies, including consumer protection, which impact on the operational business of Smartskill. 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 legislation that impacts on vocational outcomes of training and assessment services delivered.
 - i. Standards for Registered Training Organisations (RTOs) 2015
 - ii. Education Services for Overseas Students Act 2010 – ELICOS Standards
 - iii. Data Provisions Requirements 2012
 - iv. Financial Viability Risk Assessment Requirements 2011
 - v. Student Identifiers Act 2014

- c) Legislation that impacts on training and assessment provided within Smartskill scope of registration includes:
 - i. Xxx
 - ii. Xxx
 - iii. Xxx .
 - iv.

5. Smartskill Responsibilities

The Director Smartskill is responsible for ensuring compliance with this policy.

6. Records Management

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

7. Monitoring and Improvement

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