

D-018 RTO Legislation & Licencing List

National VET Legislation

National Vocational Education and Training Regulator Act 2011

The objectives of the Act are:

- to provide for national consistency in the regulation of VET
- to regulate VET using a standards-based quality framework, and risk assessments, where appropriate
- to protect and enhance quality, flexibility and innovation in VET and Australia's reputation for VET nationally and internationally
- to provide a regulatory framework that encourages and promotes a VET system that is appropriate to meet Australia's social and economic needs for a highly educated and skilled population
- to protect students undertaking, or proposing to undertake, Australian VET by ensuring the provision of quality VET, and
- to facilitate access to accurate information relating to the quality of VET

Australian Quality Training Framework

For those training providers regulated by the Victorian Registration and Qualifications Authority (VRQA) or the Training Accreditation Council Western Australia (WA TAC), or those applying to VRQA or WA TAC to become a Registered Training Organisation, the Australian Quality Training Framework (AQTF) will remain in place until such time as Victoria and Western Australia can transition to the arrangements for the new Standards. This is anticipated to be mid 2015 at the latest.

Standards for NVR Registered Training Organisations 2012

Introduced in mid 2012 and applicable to all RTOs under the National regulator only (ASQA). State regulated RTOs continued to operate under the AQTF. These remain in effect for RTOs only until March 31, 2014.

Standards for Registered Training Organisations (RTOs) 2015

New standards which were introduced in mid 2014, they are in effect for new providers from Jan 1, 2015 and come into effect for existing providers from April 1, 2015. The 8 new standards are broken into three main areas-

- Training and assessment
- Learner and client obligations (with a focus on accurate and accessible information prior to enrolment)
- RTO Governance and administration

Australian Qualifications Framework

The AQF is the national policy for regulated qualifications in Australian education and training. It incorporates the qualifications from each education and training sector into a single comprehensive national qualifications framework. The AQF was first introduced in 1995 to underpin the national system of qualifications in Australia encompassing higher education, vocational education and training and schools. More info is available at www.aqf.edu.au

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Other VET Legislation

- Skills Australia Amendment (Australian Workforce and Productivity Agency) Act 2012
- Skilling Australia's Workforce Act 2005
- Student Identifiers Act 2014
- Financial Viability Risk Assessment Requirements 2011
- Data Provision Requirements 2012
- Fit and Proper Person Requirements 2011

State VET Legislation

Overview- Students completing training under a state funded program or through an apprenticeship or traineeship arrangement may be subject to additional requirements when training, this may include but is not limited to reporting requirements, course progress reporting, more regular student contact, etc.

Australian Capital Territory:

- Training and Tertiary Education Act 2003

New South Wales:

- Vocational and Training Act 2005
- Vocational Education and Training (Commonwealth Powers) Act 2010

Northern Territory:

- Northern Territory Employment and Training Act

Queensland:

- Vocational Education, Training and Employment Act & Regulation 2000

South Australia:

- Training and Skills Development Act 2008

Tasmania:

- Training and Workforce Development Act 2013:
- Tasmanian Vocational Education and Training Act 1994
- Tasmanian Qualifications Authority Act 2003

Victoria:

- Education and Training Reform Amendment (Skills) Act 2010
- Education and Training Reform Act 2006 (Vic)

Western Australia:

- Vocational Education and Training Act 1996
- Vocational Education and Training (General) Regulations 2009 (WA)

CRICOS

Overview- The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is a register of Australian education institutions that recruit, enrol and teach overseas students. Registration on CRICOS allows providers to offer courses to overseas students studying in Australia on student visas. Additional requirements apply for overseas students which may include but are not limited to work limitations, attendance requirements, course progress requirements, fee protection mechanisms, etc. More information is available at www.cricos.deewr.gov.au/

- Education Services for Overseas Students Act 2000

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- Education Services for Overseas Students Regulations 2001
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

HE/VET FEE HELP

VET FEE-HELP is a loan scheme that helps eligible VET students pay their tuition fees for certain higher-level VET qualifications, mostly Diploma and Advanced Diploma with a few Certificate IV qualifications. VET FEE-HELP is available to eligible VET fee paying/ fee for service students. These students are enrolled in fee paying places at approved VET providers, and charged tuition fees for their studies. More information is available at www.studyassist.gov.au

- Tertiary Education Quality and Standards Agency Act 2011
- Higher Education Support Act 2003
- Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003
- Archives Act 1983
- Electronic Transactions Act 1999

Licensing Requirements apply for the following units/qualifications

Nationally (Note: Licensing or Registration bodies may vary by state)

- CPCCOHS1001A - Work safely in the construction industry
- ICTCBL2136B Install, maintain and modify customer premises communications cabling: ACMA Restricted Rule (where ACMA Restricted Registration is necessary)
- ICTCBL2137B Install, maintain and modify customer premises communications cabling: ACMA Open Rule
- ICTCBL3009B Install, terminate and certify structured cabling installation
- ICTCBL3010B Install and terminate optical fibre cable on customer premises
- ICTCBL3011B Install and terminate coaxial cable
- ICTCBL3013A Perform cable and system test on customer premises
- ICTCBL3018A Install underground enclosures and conduit
- ICTCBL3019A Install underground cable
- ICTCBL3020A Construct aerial cable supports
- ICTCBL3021A Install aerial cable
- TLILIC2014B Licence to drive light rigid vehicle
- TLILIC2015B Licence to drive medium rigid vehicle
- TLILIC2016B Licence to drive heavy rigid vehicle
- TLILIC3017B Licence to drive heavy combination vehicle
- TLILIC3018B Licence to drive multi-combination vehicle
- TLILIC2001A Licence to operate a forklift truck

ACT

- CPP20307 Certificate II in Technical Security
- CPP30507 Certificate III in Technical Security

NSW

- AHCCHM201A Apply chemicals under supervision
- AHCCHM303A Prepare and apply chemicals

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- AHCCM304A Transport, handle and store chemicals
- TLILIC3013A Preparation to transport dangerous goods by road

Qld

- UEE30411 Certificate III in Data and Voice Communications (dependant on unit selection)

Child Welfare / Management of Minors Legislation

Overview- Due to the nature of training, it is important to understand the additional requirements that apply in regards to oversight, reporting and management of Minors. A minor is classified by the RTO as anyone under the age of 18 years of age. Requirements apply to how Minors are managed by the RTO, and additional expectations apply to adults participating in training with Minors (this includes all staff and adult students enrolled in the program). More information can be found at www.aifs.gov.au

Commonwealth

- Child Protection Act 1999

NSW

- The Children and Young Persons (Care and Protection) Act 1998
- Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Commission for Children and Young People Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Amendment Bill 2009

Victoria

- Children, Youth and Families Act 2005
- The Child Wellbeing and Safety Act 2005
- Working with Children Act 2005 (Vic.)
- The Commission for Children and Young People Act 2012

Queensland

- Child Protection Act 1999 (Qld)
- Child Protection Reform Amendment Act 2014 (Qld)
- Public Guardian Act 2014 (Qld)
- Family Child and Commission Act 2014 (Qld)
- Education (General Provisions) Act 2006 (Qld)
- Commission for Children and Young People and Child Guardian Act 2000 (Qld)

Western Australia

- Children and Community Services Act 2004
- Working with Children (Criminal Record Checking) Act 2004 (WA)
- Child Care Services Act 2007

South Australia

- Children's Protection Act 1993
- Children's Protection Regulations 2006 (SA)

Tasmania

- Children, Young Persons and Their Families Act 1997
- Children, Young Persons and their Families Amendment Act 2009 (Tas.)

Australian Capital Territory

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- Children and Young People Act 2008 (ACT)

Northern Territory

- Care and Protection of Children Act 2007 (NT)

WHS Legislation

Overview- Australia is still in process of harmonising all WHS legislation, however, generally most WHS acts require employers to provide a safe environment for staff, clients and visitors and for employees to comply with all reasonable instructions and work within organisational guidelines to act safely. WHS requirements may vary depending on job role and for trainers and assessors, depending on industry areas. It is expected that all staff will have knowledge of general National and State WHS legislation, and that trainers will have additional knowledge of WHS requirements specific to their field of training. More information can be found at www.safeworkaustralia.gov.au

Commonwealth-

- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011

Australian Capital Territory

- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011

New South Wales

- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011

Northern Territory

- Work Health and Safety (National Uniform Legislation) Act 2011
- Work Health and Safety (National Uniform Legislation) Regulations

Queensland

- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2011

South Australia

- Work Health and Safety Act 2011
- Work Health and Safety Regulations 2012

Tasmania

- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012

Western Australia

- Occupational Safety and Health Act 1984
- Occupational Safety and Health Regulations 1996
- Work Health and Safety Bill 2014 (Not yet ratified)

Victoria

- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2007

Equal Opportunity Legislation

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The RTO is committed to ensuring equal opportunity and has provided a brief explanation of key national legislation below. Information below has been taken from www.humanrights.gov.au

Age Discrimination Act 2004

The Age Discrimination Act 2004 helps to ensure that people are not treated less favourably on the ground of age in various areas of public life including:

- employment
- provision of goods and services
- education
- administration of Commonwealth laws and programs

The Act also provides for positive discrimination – that is, actions which assist people of a particular age who experience a disadvantage because of their age. It also provides for exemptions in the following areas:

- superannuation
- migration, taxation and social security laws
- state laws and other Commonwealth laws
- some health programmes.

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 has as its major objectives to

- eliminate discrimination against people with disabilities
- promote community acceptance of the principle that people with disabilities have the same fundamental rights as all members of the community, and
- ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people in the community.

Australian Human Rights Commission Act 1986

The Australian Human Rights Commission Act 1986 (formerly called the Human Rights and Equal Opportunity Commission Act 1986) established the Human Rights and Equal Opportunity Commission (now known as the Australian Human Rights Commission) and gives it functions in relation to the following international instruments:

- International Covenant on Civil and Political Rights (ICCPR)
- Convention Concerning Discrimination in Respect of Employment and Occupation (ILO 111)
- Convention on the Rights of Persons with Disabilities
- Convention on the Rights of the Child
- Declaration of the Rights of the Child
- Declaration on the Rights of Disabled Persons
- Declaration on the Rights of Mentally Retarded Persons, and
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

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In addition, the Aboriginal and Torres Strait Islander Social Justice Commissioner has specific functions under the AHRC Act and the Native Title Act,1993 to monitor the human rights of Indigenous people.

Racial Discrimination Act 1975

The Racial Discrimination Act 1975 gives effect to Australia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. Its major objectives are to

- promote equality before the law for all persons, regardless of their race, colour or national or ethnic origin, and
- make discrimination against people on the basis of their race, colour, descent or national or ethnic origin unlawful.

Sex Discrimination Act 1984

The Sex Discrimination Act 1984 gives effect to Australia's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and certain aspects of the International Labour Organisation (ILO) Convention 156. Its major objectives are to

- promote equality between men and women
- eliminate discrimination on the basis of sex, marital status or pregnancy and, with respect to dismissals, family responsibilities, and
- eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, in the provision of accommodation and the delivery of Commonwealth programs.

Privacy

Overview- The Australian Privacy Principles (APPs) regulate the handling of personal information by Australian government agencies and some private sector organisations.

The 13 APPs are contained in schedule 1 of the Privacy Act 1988 (the Privacy Act).

The APPs cover the collection, use, disclosure and storage of personal information. They allow individuals to access their personal information and have it corrected if it is incorrect.

There are also separate APPs that deal with the use and disclosure of personal information for the purpose of direct marketing (APP 7), cross-border disclosure of personal information (APP 8) and the adoption, use and disclosure of government related identifiers (APP 9).

More information can be found at www.oaic.gov.au

- Australian Privacy Principles
- Privacy Act 1988
- Freedom of Information Act 1982