



OXFORD COLLEGE OF BUSINESS RTO No. 21442 (CRICOS: 02573B)

Legislation and Regulatory requirements Policy

1. PURPOSE

There are a range of legislative and regulatory requirements that significantly affect management and staff duties and are applicable to all Ozford staff. It is vital that all staff members carry out their duties in accordance with the current legislative and regulatory requirements.

Ozford must comply with relevant Commonwealth and State legislation, regulatory and contractual requirements relevant to operations and scope of registration. Staff and clients must be fully informed of legislative and regulatory requirements that affect the services delivered.

2. SCOPE

This policy applies to all staff, contractors and students of Ozford.

3. POLICY

3.1 It is the responsibility of all Ozford management and staff to ensure the requirements of relevant legislation above are met at all times.

3.2 Staff members at Ozford must be familiar with:

- ASQA VET Quality framework
- AQF requirements
- VET FEE Help funding requirements
- ESOS Act and the National Code, especially on Record Keeping
- Legislation and regulation relevant to the courses being delivered.

3.3 Ozford regularly conducts professional development sessions on the above requirements and notifies staff of changes at staff meetings and via email communications.

3.4 Staff are expected to use the websites indicated by this policy to obtain current information or to contact the VET Coordinator if further information is required.

3.5 Staff will inform students of legislative and regulatory requirements relevant to Ozford's operations and scope of registration in delivery of training and assessment services.

4. OZFORD PROCEDURES

Ozford's current policies and procedures are available on Ozford's website: www.ozford.edu.au.

Ozford's policy framework includes all relevant legislative and regulatory requirements. Important Ozford policies and procedures that must be read and understood are:

- Critical Incident Policy
- Course Progress Policy and procedures
- Completion within Expected Duration Policy
- Complaints and Appeals Policy
- Refusal, Deferral, Suspension and Cancellation of Student Enrolment Policy & Procedures
- Course Credit Policy and Procedures
- Recognition of Qualifications Issued By Other RTOs
- Student Refund Policy
- Transfer Policy and Procedures.

Relevant Legislation and Regulatory requirements

Some of the relevant legislation and regulatory requirements include:

ASQA

The Australian Skills Quality Authority (ASQA) is the national regulator for Australia's vocational education and training sector. ASQA regulates courses and training providers to ensure the Standards for RTOs 2015 are met. The ASQA website may be accessed at: <http://www.asqa.gov.au/>

Ozford must:

- comply with the VET Quality Framework, which comprises:
 - the Standards for Registered Training Organisations
 - the Australian Qualifications Framework (AQF)
 - the Data Provision Requirements
 - the Financial Viability Risk Assessment Requirements
- Notify ASQA of material changes
- Give ASQA information that is lawfully requested
- Cooperate with ASQA
- Comply with ASQA's general directions
- Comply with any other conditions that ASQA may impose.

AQF

The Australian Qualifications Framework (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. <http://www.aqf.edu.au/>

Education Services for Overseas Students (ESOS)

The ESOS Act sets out the legal framework governing delivery of education to overseas students studying in Australia on a student visa. The Australian Government, through the Department of Education and Training (DET), administers the ESOS Act and its associated instruments. The Education Services for Overseas Students (ESOS) Act 2000 (current) governs:

- the registration process and obligations of registered providers
- the Tuition Protection Service; and
- enforcement and compliance powers.

<https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx>

The National Code

National Code is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on CRICOS – the Commonwealth Register of Institutions and Courses for Overseas Students. Only CRICOS courses can be offered to international students studying in Australia on a student visa.

National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

<https://internationaleducation.gov.au/Regulatory-Information/Pages/Regulatoryinformation.aspx>

Responsibility for overseas students is shared between the Department of Immigration and Border Protection (DIBP) and the Department of Education and Training (DET).

DIBP has responsibility for:

- Making decisions on student visa applications
- Monitoring the behaviour of overseas students and ensuring compliance with visa conditions
- Administering all immigration-related legislation, policies and procedures, to ensure that the administration of the Overseas Student Program does not conflict with the Australian Government's overall objectives for the migration program.

<http://www.border.gov.au/Busi/Educ>

DET has responsibility for:

- Monitoring education providers that offer courses to overseas students
- Maintaining the Commonwealth Register of Institutions providing Courses for Overseas Students (CRICOS)
- Monitoring the Provider Registration and International Student Management System (PRISMS)
- Administering scholarships and certain bilateral awards.

Occupational Health and Safety Act

The *Occupational Health and Safety Act 2004* (the Act) is the cornerstone of legislative and administrative measures to improve occupational health and safety in Victoria. The *Occupational Health and Safety Regulations 2007* are made under the Act. They specify the ways duties imposed by the Act must be performed, or prescribe procedural or administrative matters to support the Act, such as requiring licenses for specific activities, keeping records, or notifying certain matters.

<http://www.worksafe.vic.gov.au>

<http://www.business.gov.au/business-topics/employing-people/workplace-health-and-safety/Pages/whs-acts-regulations-and-codes-of-practice.aspx>

Victorian Occupational Health and Safety Compliance Framework Handbook

<http://www.worksafe.vic.gov.au/forms-and-publications/forms-and-publications/victorian-ohs-compliance-framework-handbook>

Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body with responsibilities under three laws:

- Equal Opportunity Act 2010
- Racial and Religious Tolerance Act 2001
- Charter of Human Rights and Responsibilities Act 2006.

Oxford Business College Pty. Ltd. is trading as Oxford College of Business (CRICOS No. 02573B, RTO No. 21442, ABN 82 106 243 378)

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The Equal Opportunity Act 2010 makes it against the law to discriminate against people on the basis of a number of different personal characteristics.

The Racial and Religious Tolerance Act 2001 makes it against the law to vilify people because of their race or religion.

Under the Equal Opportunity Act 2010 and the Racial and Religious Tolerance Act 2001, the Commission helps people resolve complaints of discrimination, sexual harassment, victimisation and racial or religious vilification through a free, fair and timely dispute resolution service with the aim of achieving a mutual agreement.

The Charter of Human Rights and Responsibilities Act 2006 (the Charter) means that government and public bodies must consider human rights when making laws and providing services.

For more information please refer to <http://www.humanrightscommission.vic.gov.au/index.php/about-us>

Disability Act

The Disability Act 2006 and the Disability Regulations 2007 (the Act) commenced on 1 July 2007. The Act replaced the Intellectually Disabled Persons' Services Act 1986 and Disability Services Act 1991.

The Disability Act provides for:

- a stronger whole-of-government, whole-of-community response to the rights and needs of people with a disability, and
- a framework for the provision of high quality services and supports for people with a disability

The Act sets out principles for people with a disability and for disability service providers. Disability service providers are the Department of Human Services and organisations that are registered under the Act to provide disability services.

The Disability Amendment Act 2012 came into operation on 1 July 2012. It makes minor changes to the Disability Act 2006.

<http://www.dhs.vic.gov.au/for-individuals/disability/your-rights/disability-act-2006>

Working with Children Act

The Working with Children Act 2005 (the Act) outlines the process for assessing a person's suitability to work or volunteer with children. It spells out the type of work the Act applies to, referring to this work as child-related work. It lists the type of offences that are relevant to the assessment of a person's suitability to work and volunteer with children and the exemptions from the Working with Children (WWC) Check. The Act defines the specific terms used in the Act and prescribes several processes involved in the administration of the WWC Check.

The Working with Children Regulations 2006 (the Regulations) prescribe the contents of a WWC Check application form, the required documents for proof of identity and the application fees. The Regulations list the professional bodies and the nature of their findings that are relevant to the assessment of a person's suitability to work with children under the Act.

<http://www.justice.vic.gov.au/workingwithchildren/home/about+the+check/purpose/working+with+children+act/>

Privacy Act

The Privacy Act regulates how personal information is handled. For example, it covers:

- how personal information is collected (e.g. the personal information provided when you fill in a form)
- how it is then used and disclosed
- its accuracy
- how securely it is kept
- general right to access that information.

There are certain types of personal information that are especially important to your privacy, such as health or medical information. This information is classed as 'sensitive information' under the Privacy Act. The Act has particular provisions that require that sensitive information be managed with particular care.

The Office of the Australian Information Commissioner (OAIC) is an Australian Government agency, established under the Australian Information Commissioner Act 2010 and has the functions relating to freedom of information and privacy, as well as new functions relating to information policy. For more information please access the following link: <http://www.oaic.gov.au/>

Copyright Act

Provisions under Part VB of The Copyright Act 1968 allow all educational institutions to copy and communicate third party material to distribute to students, within the limitations of the Statutory Education license. The Copyright Agency Ltd (CAL) administers the Statutory Education license on behalf of the Attorney General's Department.

Oxford elects to rely on this license is legally allowed to introduce a wide variety of material into its training environment, both in hardcopy and digital format, without having to obtain direct permission from the owner. It facilitates compliance and good governance across the industry, while at the same time ensuring the freedom and flexibility of sharing information without infringing copyright legislation.

Without this license an educational institution is generally not allowed to reproduce any third party material from any source, other than where there is a direct license/subscription in place, or permission has been granted by the creator of the work.

Other relevant legislative and regulatory requirements:

The Victorian legislation and statutes can be reviewed on the web at <http://www.legislation.vic.gov.au/> and the Commonwealth Legislation at <http://www.comlaw.gov.au/Home>

Other relevant legislation may include but is not limited to:

- Public Records Act 1973
- Commonwealth Safe Work Australia Act 2008
- Commonwealth Taxation and Superannuation legislation
- Fairwork Act 2009 and Fairwork Regulations 2009
- Children, Youth and Families Act 2005
- Community Services Act 1970
- Health Records Act 2001
- Commonwealth Anti-Money Laundering and Counter Terrorism Act 2006 and associated legislation
- Commonwealth Corporations Act 2001 and associated legislation

- Commonwealth Competition and Consumer Act 2010
- Competition Policy Reform (Victoria) Act 1995
- Fundraising Act 1998
- Health Professions Registration Act 2005
- Health Services Act 1988
- Mental Health Act 1986 and regulations
- Guardianship and Administration Act 1986
- Gambling Regulation Act 2003
- Alcoholics and Drug-dependent Persons Act 1968
- Alcoholics and Drug-Dependent Persons Regulations 2002
- Drugs, Poisons and Controlled Substances Act 1981 and regulations
- Food Act 1984
- Liquor Control Reform Act 1998
- Do Not Call Register Act 2006
- Independent Contractors Act 2006

In addition, various training packages may have particular legislative requirements; for example, the legislation concerning Responsible Service of Alcohol is applicable to the Hospitality Training Package, and these will be taken into account when developing training strategies.