

CG1-IE: VET, CRICOS and ELICOS Regulation and Legislation Policy & Procedures



Contents

Purpose.....	1
Definitions.....	2
Policy.....	3
1. Registration, ASQA and legal compliance	3
2. Third party agreements	3
3. Retention, archiving, retrieval and transfer of records	4
Procedures.....	5
1. Notifying ASQA of changes	5
2. Agreements with third parties	7
3. Responding to requests from ASQA	8
4. Internal audits	12
5. Annual declaration on compliance	13
6. Compliance with legislation & VET regulations	13
7. Notifying TPS of provider default	14
8. Notifying TPS of student default	15
9. Quality Indicator and Total VET Activity Reporting	16
10. Review PRISMS Data for ARC Collection	16
11. Retention, archiving and transfer of records	17
Document Control.....	19

Purpose

As an RTO and CRICOS provider and provider of ELICOS courses registered with Australian Skills Quality Authority (ASQA), Australian Management College is required to comply with:

- VET Quality Framework, including the *Standards for Registered Training Organisations 2015*, as well as the *Data Provision Requirements 2020*, the *National Vocational Education and Training Regulator Act 2011* and the *National Vocational Education and Training Regulator Amendment Act 2020*
- The *Education Services for Overseas Students Act 2000*, and related legislation and regulations, The *National Code of Practice for Providers of Education and Training to Overseas Students 2018*
- *English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018*
- Other relevant VET regulations and Commonwealth, State and Territory legislation.

This policy and procedure outlines Australian Management College's approach to ensuring compliance with the above regulations and legislation and contributes to compliance with Clauses 3.4, 5.4, 7.5, all of

CG1-IE: VET, CRICOS and ELICOS

Regulation and Legislation

Policy & Procedures



Standard 8 and Schedule of the Standards for RTOs 2015. It also ensures compliance with ESOS Act requirements, as well as Standard 11 of The National Code 2018 and Standard P8 of the ELICOS Standards 2018 .

Definitions

Act means the *National Vocational Education and Training Regulator Act 2011*.

AQF means Australian Qualifications Framework, which can be accessed at <http://www.aqf.edu.au/>

ASQA means Australian Skills Quality Authority, which is the national VET regulator and the RTO's registering body

AVETMISS means Australian Vocational Education and Training Management Information Statistical Standard

Data Provision Requirements means the *National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020* that set out the information an RTO is required to submit to ASQA. The requirements can be accessed here: <https://www.legislation.gov.au/Details/F2020L01517>

ELICOS Standards means English Language Intensive Courses for Overseas Students (ELICOS) Standards 2018

ESOS Act means Education Services for Overseas Students Act 2000

NCVER means the National Council for Vocational Education Research

National Code means National Code of Practice for Providers of Education and Training to Overseas Students 2018

National VET Data Requirements means the National VET Provider Collection Data Requirements Policy issued by the Australian Department of Education and Training and published at <https://docs.education.gov.au/node/37145>

PRISMS means Provider Registration and International Students Management System

Provider has the meaning under the ESOS Act being a registered VET provider. This term is used as Australian Management College offers both VET and ELICOS services.

Provider default means where the provider fails to start providing the course to the student at the location on the agreed starting day or after the course starts but before it is completed, it ceases to be provided to the student at the location; and the student has not withdrawn from the course before the default day.

Quality Indicator data means Learner engagement and Employer Satisfaction data as outlined in the Data Provision Requirements 2012

RTO means Registered Training Organisation

Services means training/teaching, assessment, related educational and support services and/or activities related to the recruitment of prospective learners. It does not include services such as mediation or ICT support.

SRTOs means the Standards for RTOs 2015 – refer definition of 'Standards'

Standards means the Standards for Registered Training Organisations (RTOs) 2015 of the VET Quality Framework which can be accessed from www.asqa.gov.au

Student default means where:

CG1-IE: VET, CRICOS and ELICOS Regulation and Legislation Policy & Procedures



- the course starts at the location on the agreed starting day, but the student does not start the course on that day (and has not previously withdrawn); or
- the student withdraws from the course at the location (either before or after the agreed starting day); or
- the registered provider of the course refuses to provide, or continue providing, the course to the student at the location because of one or more of the following:
 - the student failed to pay an amount payable to the provider for the course;
 - the student breached a condition of his/her student visa;
 - misbehaviour by the student

Note that a student does not default for failing to start a course on the agreed starting day if he/she does not start that course because of provider default.

Total VET Activity Data means full AVETMISS-data, in accordance with the National VET Data Requirements Policy

TPS means Tuition Protection Scheme

Policy

1. Registration, ASQA and legal compliance

- Australian Management College:
 - Will ensure it cooperates with ASQA in line with Standard 8 by always providing truthful, accurate and timely information to ASQA as required. This includes cooperating during an audit, providing quality and performance data and informing ASQA of substantial and significant changes to the RTO as soon as practicable after the change occurs.
 - Conducts regular internal audits in line with its Compliance Management Schedule to ensure ongoing compliance with the Standards and other relevant legislation and regulations.
 - Will work to rectify non-compliances identified through audit processes in a sustained and systematic way. This includes carefully planning and carrying out actions and remedies and working to improve processes to avoid recurrence of similar issues.
 - Will declare any events that cause a non-compliance with the Fit & Proper Persons Requirements or the Financial Viability Risk Assessment Requirements to ASQA in writing, as soon as practicable after the event occurs.
 - Will provide a truthful and accurate Annual Declaration of Compliance to ASQA in the format and by the date required by ASQA.
 - Maintains a *VET Legislation & Regulations Register* which outlines the relevant Commonwealth, State and/or Territory legislation and regulatory requirements, how each is relevant and its impact on staff and clients. Relevant legislation is listed at part 5 of this policy.

CG1-IE: VET, CRICOS and ELICOS

Regulation and Legislation

Policy & Procedures



- Informs staff and clients of any changes in VET legislation and regulations which impact them.
- Will submit Total VET Activity Data in line with the National VET Data Requirements unless it is exempt from doing so as stated in the national policy.
- Use PRISMS to manage student enrolments and comply with ESOS requirements.
- Ensures that where there are any changes to agreed services with a student including changes to third party arrangements or changes in ownership, it will advise the student as soon as practicable.
- Ensure it reports to the TPS Director and Secretary about provider and student defaults.

2. Third party agreements

- In relation to any third parties delivering Services on its behalf, Australian Management College will:
 - Ensure it has a written agreement in place with each third party in line with its *Third Party Agreements Policy and Procedure*, which outlines the third party's obligations and to ASQA under the Standards.
 - Inform ASQA within thirty (30) calendar days when agreements with third parties commence or come to an end.
 - Third party agreements include agreements with Education Agents as outlined in the *Education Agents Policy and Procedure*.

3. Retention, archiving, retrieval and transfer of records

- Australian Management College abides by ASQA's General Direction for Retention Requirements for Completed Student Assessment Items (located at <http://www.asqa.gov.au/news-and-publications/publications/general-directions/general-directions.htm>) by ensuring that student assessment evidence is retained for at least 6 months from the date the assessment decision was made. This applies to VET courses only.
- Should Australian Management College cease to operate or have its registration expire, withdrawn or cancelled, Australian Management College will:
 - Transfer to ASQA, sufficient digital records so that ASQA is able to confirm what each student completed during the period of registration. This information will be sent in the form required by ASQA within 30 days of expiry or cessation of operations.
 - Return its certificate of registration to ASQA within 10 days of expiry.
- In accordance with Schedule 5 of the Standards, Australian Management College will retain records of AQF qualifications and statements of attainment issued for a period of 30 years on its student management system. Current and past students are able to access these records by contacting our office.

CG1-IE: VET, CRICOS and ELICOS Regulation and Legislation Policy & Procedures



Procedures

1. Notifying ASQA of changes

Relevant to:

- SRTOs: Clause 5.4, 8.1, 8.2 and 8.3.
- National Code: Standard 11.1 and 11.3
- National Vocational Education and Training Regulator Act 2011 – Section 25
- National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020 – Section 8

Procedure	Responsibility
<p>A. Material changes or significant events</p> <ul style="list-style-type: none"> ● The need to report material changes and significant events will be monitored during management meetings. ● If there is a material change or significant event that may significantly affect the Provider’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: <ul style="list-style-type: none"> - Fit and Proper Persons or their contact details including the Chief Executive Officer, Principal Executive Officer, Executive Officers or High Managerial Agents - Principal place of business - Financial Administration Status - Legal name or type of legal entity - Organisation type - Ownership, directorship and/or control (including if the RTO is sold or undergoes a merger) - Third party agreements – commencing or ending - Significant or unexpected turnover of staff - Significant changes to the Provider’s funding revenue source (e.g. Government funding contract), or - Another change not specified elsewhere ● The need to report material changes and significant events will be monitored during management meetings. ● Ensure Fit and Proper Persons are routinely advised and reminded that they must notify the management team if their phone number, email address or home address are changed. ● Submit the relevant change notification via ASQAnet as soon as practicable after the change occurs. 	<p>CEO</p>

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> ● Refer to the following links as applicable: <ul style="list-style-type: none"> - Detailed information about each type of change: https://www.asqa.gov.au/rto/responsibilities/complying-asqa-requirements#detail-changes-including-address-updates - ASQAnet guide on how to perform these changes: https://www.asqa.gov.au/sites/default/files/2021-09/User%20guide%20-%20updating%20your%20delivery%20location%20PDF.pdf ● Ensure the CEO declaration is signed and uploaded to ASQAnet along with the notification of change. ● Keep a record of the notification and confirmation/s received from ASQAnet or via email in a folder for ASQA correspondence 	
<p>B. Changes to the Provider’s details</p> <ul style="list-style-type: none"> ● If there is a change to any of following details of the Provider, advise ASQA as soon as practicable and within 90 days after the change occurs. <ul style="list-style-type: none"> - Registered trading names - Web address - Head office details - Contact details for the Chief Executive - Contact people to be listed on training.gov.au <ul style="list-style-type: none"> - Delivery locations including delivery sites or states/jurisdictions of delivery for each scope item (including where online delivery is occurring). Check the ASQA FAQs about reporting delivery locations: https://www.asqa.gov.au/resources/faqs/reporting-locations-asqa - Offshore delivery ● The need to report changes to RTO details will be monitored during management meetings. ● Submit the relevant change notification via ASQAnet as soon as practicable after the change occurs. ● Where the change is in relation to relocation, the Change of Provider Details Form must be submitted to ASQA at least 20 working days before the location. The application to change CRICOS registration must also be completed and submitted with the required documentation at the same time or preferably before in order to allow time for a site visit by ASQA to approve the new site. ● Ensure the CEO declaration is signed and uploaded to ASQAnet along with the notification of change. 	CEO

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**

Procedure	Responsibility
<ul style="list-style-type: none"> ● Keep a record of the notification and confirmation/s received from ASQAnet or via email in a folder for ASQA correspondence 	
<p>C. If an event occurs that compromises compliance with the Fit and Proper Persons Requirements or the Financial Viability Risk Assessment Requirements</p> <ul style="list-style-type: none"> ● Where an event occurs that causes Australian Management College to be become non-compliant with either of the following legislation, notify ASQA in writing of the details as soon as practicable: <ul style="list-style-type: none"> – Fit and Proper Person Requirements https://www.legislation.gov.au/Details/F2011L01341 – Financial Viability Risk Assessment Requirements https://www.legislation.gov.au/Details/F2011L01405 	CEO
<p>D. Change to CRICOS Scope of registration</p> <ul style="list-style-type: none"> ● If there is a change to any of the following details for a course that appears on Australian Management College’s CRICOS register, notify ASQA at least 30 days prior to the change taking effect. <ul style="list-style-type: none"> – the location/s at which the course is delivered – the course duration, including holiday breaks – modes of study (e.g online, distance or work-based training) – an increase to capacity (maximum number of approved students at each location) – arrangements with other education providers, including partners, in delivering a course or courses to overseas students ● Ensure you have developed the course and information about proposed delivery in accordance with the Course Development & Review P&P and National Code 11.2. 	CEO
<p>E. Notify students where relevant</p> <ul style="list-style-type: none"> ● Where changes to any of the following impact the delivery of services including educational and support services to students, notify the students of the changes and potential impacts on services as soon as possible: <ul style="list-style-type: none"> – changes in ownership of the RTO – changes in third party agreements or the arrangements those pertain to 	CEO

2. Agreements with third parties

Relevant to SRTOs: Clause 8.2 and 5.4

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<p>A. Commencing or ending agreements with third parties</p> <ul style="list-style-type: none"> ● If the Provider either: <ul style="list-style-type: none"> – enters into an agreement with a third party to deliver Services on its behalf; – ends an existing agreement with a third party to deliver Services on its behalf. ● Clarify whether this type of agreement constitutes a third-party arrangement, by referring to the ASQA Fact Sheet if required (provided in Links section below). ● Ensure a written agreement is established or cancelled with the third party in accordance with the <i>Third-Party Agreements P&P</i>. ● Where the third party is an Education Agent, ensure a written agreement is established or cancelled in accordance with the <i>Education Agents P&P</i>. ● Notify ASQA within either of the following timelines, whichever is first and as relevant: <ul style="list-style-type: none"> – within 30 calendar days of the agreement being entered into – within 30 calendar days of the agreement ending – or prior to the obligations under the agreement taking effect ● Ensure the Third-Party Service Arrangement Notification has been completed by the CEO and submitted to ASQA. Use <i>Third Party Service Arrangement notification form</i> (provided in the Links section below). ● Keep a copy of the declaration and form on file. ● If the provision of agreed services with students will be affected by any changes to third party arrangements, notify them in writing as soon as practicable. <p>Links:</p> <ul style="list-style-type: none"> ● ASQA Fact Sheet: https://www.asqa.gov.au/sites/g/files/net2166/f/publications/201701/fact_sheet_-_third_party_arrangements.pdf?v=148489163 ● Declaration for Third Party Service Arrangement Notification Printed Form: https://www.asqa.gov.au/sites/g/files/net2166/f/Declaration_for_Third_Party_Service_Arrangement_notification.pdf ● Third Party Service Arrangement Notification – Online Form: http://www.vision6.com.au/em/forms/subscribe.php?db=541766&s=217120&a=41710&k=c5d8cc0 	<p>CEO</p>

CG1-IE: VET, CRICOS and ELICOS Regulation and Legislation Policy & Procedures



3. Responding to requests from ASQA

- Relevant to
- SRTO's: Clause 8.1
- *National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020* – Section 8

Procedure	Responsibility
<p>A. Respond to requests from ASQA</p> <ul style="list-style-type: none"> ● ASQA may contact the Provider to request information about any of its operations. A due date for the information to be provided may be given by ASQA. ● ASQA may also request specific details as per the <i>National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020</i> – in accordance with Section 8 (as follows): <ul style="list-style-type: none"> - information about the kind of legal entity the Australian Management College is (for example, corporation, sole trader, incorporated association, partnership or government entity); - a copy of the organisation's certificate of incorporation (which displays all current and historical owners and directors), or a copy of the organisation's constitution or articles of association; - any information required to assess compliance with the Financial Viability Risk Assessment Requirements; - business name registration certificate; - ACN; - ABN; - information about the type of training organisation the Australian Management College is (for example, school, university, community-based adult education, other training provider); - the following address details for the Australian Management College: <ul style="list-style-type: none"> - the physical address and postal address for the head office; - the physical address of the organisation's principal place of business; - the physical address of the sites or campuses from which VET courses are delivered on a permanent basis (whether in Australia or offshore); and - website address; - names of executive officers and high managerial agents; - contact details for: 	<p>CEO/ Compliance Manager</p>

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> - public enquiries; - registration enquiries; and - the chief executive or other head manager; - any previous identifier code as displayed on the National Register (including any such code that relates to registration with a VET Regulator in a non-referring State); - whether or not the applicant, the Australian Management College, an executive officer or high managerial agent hold a similar role with respect to any other application for registration currently lodged (including where it is still being considered or where it was granted) under the Education Services for Overseas Students Act 2000, the Tertiary Education Quality and Standards Agency Act 2011, the Australian Education Act 2013 or for registration with a VET Regulator in a non-referring State; - any information required to assess compliance with the Fit and Proper Person Requirements; - a list of the national code and title of the Training Packages, VET qualifications, VET accredited courses, modules or units of competency that the applicant/Australian Management College delivers, or intends to deliver, including: - a training and assessment strategy for each VET qualification, VET accredited course, module and unit of competency; - evidence to demonstrate that each trainer and assessor has the necessary training and assessment credentials (as required under the Standards for Australian Management Colleges), the relevant vocational competency and current industry skills for each VET qualification, VET accredited course, module and unit of competency that they deliver or assess; - evidence of the supervisory arrangements for trainers who do not possess the required training and assessment competencies (as required under the Standards for Australian Management Colleges); and - evidence of ongoing access to staff, facilities, equipment and training and assessment materials, that are consistent with the requirements of the Training Package or VET accredited course and the RTO's own training and assessment strategy; - where another licensing or authorising body is responsible for licensing or otherwise authorising in relation to a VET course offered by the Australian Management College, evidence of whether a licence or other relevant authorisation has been, or is to be, granted; - whether or not the Australian Management College delivers, or intends to deliver, any training online or by distance; 	

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> - whether or not the Australian Management College delivers, or intends to deliver, any training overseas; - whether or not the Australian Management College offers, or intends to offer, or has otherwise applied to offer any training to overseas students, and if so, details of approval held under the Education Services for Overseas Students Act 2000 (in relation to applications that are pending, have been granted or rejected); - whether or not the Australian Management College intends to apply for, or already receives, Commonwealth, State or Territory government funding for training; - whether or not the Australian Management College delivers, or intends to deliver, training or assessment through a contract with another organisation (other than employment contracts, lease agreements or hire arrangements); - where training is delivered through a contract: <ul style="list-style-type: none"> o details of the other organisation’s ABN, o contact details of the other organisation; o details about the term of the contract and the services to be provided, including the VET courses it relates to; o details about where the training services will be provided; and o details about which organisation is to retain VET records associated with the training services provided under the contract; - whether or not the Australian Management College collects, or intends to collect, \$1,500 or more in fees, including enrolment fees, tuition fees, administrative fees, fees for materials required for a course or any other amount that a learner is (or may be) required to pay to enrol, learn, train or undertake assessment with the Australian Management College, and which are (or may be) paid before any relevant goods or services for which those fees have been paid are delivered by the Australian Management College; - whether or not the Australian Management College delivers, or intends to deliver, training to students under the age of 18, and if so: <ul style="list-style-type: none"> - details about working with children checks for any trainer, assessor or other staff member of the Australian Management College who is required to hold one under a law of a state or territory; and - policies and procedures for managing these students; - evidence of appropriate financial records management systems; 	

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> - evidence of systems that allow the Australian Management College to comply with the requirement to provide AVETMISS data as required under the National VET Provider Collection Data Requirements Policy; - information about the ability of the Australian Management College to be able to provide student records to the regulator within 30 days of ceasing operations or cancellation of registration should this occur. - copy of documentation demonstrating public liability insurance coverage. - details of any changes to this information that occurs ● Cooperate with ASQA in providing this information and respond truthfully and on time. ● Keep a copy of the information provided. 	
<p>B. Participating in ASQA audits</p> <ul style="list-style-type: none"> ● ASQA will audit the Provider’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 the RTO/Provider presents a risk, or because new courses have been requested to be added to scope. ● 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. 	All relevant staff.

4. Internal audits

Refer SRTOs: Clause 8.4 and 8.5

Procedure	Responsibility
<p>A. Schedule audits</p> <ul style="list-style-type: none"> ● Schedule audits annually, by adding them to the <i>Compliance Management Schedule</i> and setting dates. The auditing schedule should include audits against: <ul style="list-style-type: none"> - The Standards for RTOs 2015 - Legislation impacting on the Provider - Staff files - Student files to ensure students receive the Services detailed in their agreement - Financial Viability Risk Assessment Requirements - Fit & Proper Persons Requirements 	CEO

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**

Procedure	Responsibility
<ul style="list-style-type: none"> - The National Code 2018 - The Data Provision Requirements - ELICOS Standards 2018 - ESOS Act • 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. • Assign the responsibility of each internal audit and advise the person accordingly. 	
<p>B. Conduct and record audits</p> <ul style="list-style-type: none"> • Conduct internal audits as scheduled on the Compliance Management Schedule. A qualified external consultant may conduct audits if required. • Complete the relevant internal audit report template. • Summarise findings and actions required to maintain compliance. • Ensure opportunities for improvement have been identified. • Ensure all internal audit reports are signed and dated by the person conducting the audit and kept on file. • Report findings to the CEO. 	Compliance Manager or other staff as assigned.
<p>C. Act on outcomes of audits</p> <ul style="list-style-type: none"> • Identify and agree on the rectifications and continuous improvement actions to be taken as an outcome of the audit. • Record all recommendations for improvement on the <i>Continuous Improvement Register</i>. • Assign responsibilities for implementing changes and improvements and ensure rectifications are implemented as soon as practicable. • Monitor action plans to ensure implementation in agreed timeframes and report outcomes at the management meetings. 	Compliance Manager

5. Annual declaration on compliance

Relevant to SRTOs: Clause 8.4

Procedure	Responsibility
<p>A. Prepare and submit declaration on compliance</p> <ul style="list-style-type: none"> • Refer to ASQA's website to find out the due date for the Annual Declaration on Compliance each year. Mark these dates in your calendar. 	CEO

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> Ensure your CEO's email address as listed on www.training.gov.au is current and accurate prior to the declaration period. Review internal audit reports to determine whether the Provider is compliant. Follow the unique URL provided by ASQA to the online form provided in the email. Ensure all answers are complete and finalised before clicking submit. From the thank you page, download the completed declaration and save. 	
<p>B. Finalising your declaration</p> <ul style="list-style-type: none"> ASQA will respond to your declaration at the end of the declaration period. If your declaration has not been successfully completed and any follow-up steps are required ensure you follow all instructions or clarify using contact details provided if anything is unclear. 	CEO

6. Compliance with legislation & VET regulations

Refer SRTOs: Clause 8.5 and 8.6

Procedure	Responsibility
<p>A. Identify legislation and VET regulations</p> <ul style="list-style-type: none"> Australian Management College maintains a <i>Legislation & Regulations Register</i> that outlines legislation and regulations applicable to its operations and scope of registration. 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 RTO operates within. The websites are as follows: <ul style="list-style-type: none"> Commonwealth: https://internationaleducation.gov.au/regulatory-information/Education-Services-for-Overseas-Students-ESOS-Legislative-Framework/ESOS-Regulations/Pages/default.aspx The Register is to be reviewed annually to identify any changes and updated accordingly. Regulation changes may be notified by ASQA or DET and these should also be recorded on the Register. 	Compliance Manager
<p>B. Comply with legislation and VET regulations</p> <ul style="list-style-type: none"> Review the <i>Legislation and Regulations Register</i> annually and record any changes and the impact of those changes on Australian Management College's students, staff or operations. 	Compliance Manager

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> Changes in regulations and legislation may lead to changes being required in various documents. Identify changes required, which may be in the Student Handbook, other student documents and forms, staff documents and induction plan, and in policies and procedures. Implement changes. 	
<p>C. Inform staff and students of legislative requirements and changes</p> <ul style="list-style-type: none"> Ensure staff are informed of the legislative requirements that impact on their role with Australian Management College during their induction. Where there are changes in legislative requirements, notify staff via email and at staff meetings. Inform students of the legislative requirements that impact their participation in their training/teaching and assessment activities during their course induction and in the Student Handbook. Where there are changes in legislative requirements, notify students through student newsletters or by written notice such as letter or email. 	Compliance Manager

7. Notifying TPS of provider default

Refer: ESOS Act 2000 Part 5, Division 1, Subdivision A of the ESOS Act

Procedure	Responsibility
<p>A. Notify TPS via PRISMS</p> <ul style="list-style-type: none"> Via PRISMS, notify the TPS Director and Secretary within 3 business days of the default occurring. Provide the details of the circumstances of the default, the details of the students in relation to whom Australian Management College has defaulted and advice as to how Australian Management College intends to meet its obligations to students. 	Compliance Manager
<p>B. Notify students</p> <ul style="list-style-type: none"> Notify affected students in writing within 3 business days of the default. In the notice, describe the circumstances of the default and information for students on the options that they have which include arranging for the student to be offered in an alternative course (this will be at Australian Management College expense) or providing a refund as set out in Australian Management College Fees and Refunds Policy and Procedures, as well as details of the process to follow depending on which option the student chooses. 	Compliance Manager
<p>C. Discharge obligations to students</p>	

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> Where a student notifies in writing of the acceptance of an offer in an alternative course, ensure that the student is placed into the course within 14 days of the default day. Where the student identifies in writing that they are seeking a refund, provide the refund within 14 days of the default day and in accordance with Australian Management College Fees and Refunds Policy and Procedures. 	
<p>D. Notify TPS via PRISMS of the outcome of discharge of obligations</p> <ul style="list-style-type: none"> Notify the Secretary and Director of the TPS via PRISMS within 7 days of either providing a refund to the student or offering an alternative place. Include: <ul style="list-style-type: none"> details of the students that Australian Management College provided alternative courses for, details of the courses arranged and evidence of each student’s acceptance of a place in an alternative course; or Details of the student, the provider provided refunds to and details of the amount of the refund. 	

8. Notifying TPS of student default

Refer: ESOS Act 2000 Part 5, Division 2, Subdivision B of the ESOS Act

Procedure	Responsibility
<p>A. Notify TPS via PRISMS</p> <ul style="list-style-type: none"> As per the legislative requirements, Australian Management College will notify the Secretary and the TPS Director on whether a refund has been provided in two cases of student default i.e. where a student’s visa is refused, even if there is a compliant written agreement in place and where there is no compliant written agreement in place. Search for CoE/Student and follow instructions in PRISMS user guide to record the default. Follow Fees and Refunds Policy and Procedures for refunds in the case of student default. 	Compliance Manager
<p>B. Discharge of obligations</p> <ul style="list-style-type: none"> Notify the Director and Secretary of the TPS via PRISMS within 7 days of responding to the student default. Provide details of whether a refund was provided, details of the student to whom the refund was provided and details of the amount of the refund. 	Compliance Manager

9. Quality Indicator and Total VET Activity Reporting

Refer SRTOs: Clause 7.5; 8.1

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<p>A. Learner Engagement and Employer Satisfaction data (Quality Indicators)</p> <ul style="list-style-type: none"> Collect Learner Engagement and Employer Satisfaction surveys in line with the RTO's Quality Management Procedures on Feedback. Collate surveys, analyse findings and prepare a summary report for ASQA using ASQA's <i>Quality Indicator Annual Summary Report</i> which can be 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. Keep a copy of the report/s and the date on which they were submitted to ASQA on file. For further information refer to ASQA's website http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/quality-indicator-reporting.html 	Compliance Manager
<p>B. Total VET Activity Data</p> <ul style="list-style-type: none"> AVETMISS-compliant records for all students are collected through the Enrolment Form. Competency enrolments and outcomes are recorded in the RTO's AVETMISS-compliant student management system. <i>Total VET Activity Data</i> will be reported to NCVET by 28 February each year. Keep a copy of the reports and the dates on which they were submitted on file. For further information refer to ASQA's website https://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/total-vet-activity-reporting 	Compliance Manager

10. Review PRISMS Data for ARC Collection

- Refer Section 19, 23 and 8 of the ESOS Act
- National Code Standard 11

Procedure	Responsibility
<p>A. Review ARC Enrolments</p> <ul style="list-style-type: none"> Perform the following before the end of each calendar year. Logon to PRISMS >> Go to the 'Available Reports' tab >> Click on 'List of Reports' >> Click on 'ARC Enrolment by Student by Course Export' option, enter required information and then generate the report. Review the list of students that studied or are still studying in each course for the current calendar year. 	CEO/Compliance Manager

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**



Procedure	Responsibility
<ul style="list-style-type: none"> Update enrolment data in PRISMS to ensure it accurately reflects actual study throughout the previous calendar year for example by updating the status of COEs, lodging SCV course variations or creating new COEs for any missing periods. Please check the detailed examples provided here: https://internationaleducation.gov.au/regulatory-information/provider-registration/fees-and-charges/pages/default.aspx 	
<p>B. Review Course Locations</p> <ul style="list-style-type: none"> From the 'List of Reports' >> Click on 'Course by Location Export' and generate the report on all courses and their current linked locations as they currently exist in PRISMS. Review the list of courses and locations at your organisation for the current calendar year and ensure that it is accurate and all students have been issued with correct COEs. Remedy any issues identified. 	CEO/Compliance Manager

11. Retention, archiving and transfer of records

Relevant to SRTOs: Clauses 8.1f), 3.4 and Schedule 5

Procedure	Responsibility
<p>A. Retention of student assessment items</p> <ul style="list-style-type: none"> 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 the assessment decision. Refer also to <i>TA2 Training and Assessment Policy & Procedures</i> and <i>TA2-E Teaching and Assessment Policy and Procedure</i>. 	Compliance Manager and Assessors
<p>B. If withdrawing registration</p> <ul style="list-style-type: none"> Apply to withdraw registration with ASQA. Once application to withdraw registration has been approved by ASQA: <ul style="list-style-type: none"> Return certificate of registration to ASQA within 10 days of the day of withdrawal Provide copies of student records to ASQA within 30 days of the day of withdrawal (refer below). Pay any outstanding ASQA fees within 30 days of invoice. 	CEO
<p>C. Transferring student records to ASQA upon cessation</p> <ul style="list-style-type: none"> Australian Management College will meet the following obligations if registration: <ul style="list-style-type: none"> Is voluntarily withdrawn 	CEO

**CG1-IE: VET, CRICOS and ELICOS
Regulation and Legislation
Policy & Procedures**

Procedure	Responsibility
<ul style="list-style-type: none"> - Has lapsed - Is not renewed - Is cancelled by ASQA • Within 30 days of expiry/cancellation/withdrawal, provide to ASQA an electronic copy of the records for each student who was enrolled in a Course during the period of registration. • As per the information at https://www.asqa.gov.au/vet-registration/withdraw-your-registration/provide-student-records-asqa student records must include the following for each student: <ul style="list-style-type: none"> - Family name, first name - Residential postcode - Date of birth - Student ID number (if applicable) - Enrolment and commencement dates - Code and title of qualification, course or program student enrolled in - Codes and titles of units of competency completed and results (if applicable) - Date the certificate or Statement of Attainment was issued (if applicable) • Send this information to studentenquiries@asqa.gov.au within 30 days of registration expiring/ceasing. 	
<p>D. Transferring records to another provider</p> <ul style="list-style-type: none"> • In the event of closure records can be transferred to a new provider with consent from the student. • If transferring a student's records to another provider, Australian Management College does not need to provide records to ASQA as per the point above. 	CEO
<p>E. Records of statements of attainment and AQF qualifications</p> <ul style="list-style-type: none"> • In line with ASQA's requirements, keep a register on the student management system of all AQF qualifications and statements of attainment Australian Management College is authorised to issue and those issued. • In line with requirements, retain AVETMISS data showing records of qualifications and statements of attainment issued for 30 years, such that a qualification or statement can be re-issued at any time during this 30-year period (while Australian Management College is still an RTO). 	CEO

CG1-IE: VET, CRICOS and ELICOS Regulation and Legislation Policy & Procedures



Procedure	Responsibility
<ul style="list-style-type: none"> • Ensure backup of AVETMISS data for each year by taking a copy of the AVETMISS data export from the student management system and storing it on the electronic filing system. • Report records of qualifications issued to ASQA in data reporting as required. • Ensure students can access their records according to our <i>Privacy Policy & Procedures</i>. 	

Document Control

Document No. & Name:	CG1-IE - VET CRICOS and ELICOS Regulation and Legislation P&P V1.4
Quality Area:	Corporate Governance
Author:	RTO Advice Group Pty Ltd
Status:	Approved
Approved By:	Linux Baturu
Approval Date:	1st May 2023
Review Date:	1st May 2024
Standards (SRTOs):	Clauses 3.4; 5.4; 7.5; 8.1; 8.2; 8.3; 8.4; 8.5; 8.6; Schedule 5.
ESOS Act 2000:	Part 5, Division 1, Subdivision A Part 5, Division 2, Subdivision B Section 19, 23 and 8
Standards (National Code):	Standard 11
Standards (ELICOS):	Standard P8