

Audit Guide – Clause 8.5-8.6	
<p>8.5. The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.</p> <p>8.6. The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered.</p>	
<p>What is this clause about: This clause (8.5) requires the RTO to ensure that it is complying with the Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations. It is quite rare for the regulator to audit compliance with legislation other than the one that it is responsible for being the <i>National Vocational Education and Training Regulator Act 2011</i>. In fact, it's not just a rare, they just don't do it. This is a mutual support clause that ties the conduct of the RTO in with other relevant legislation that applies to it. Typically, if an auditor identifies something at an audit that they feel is non-compliance with other legislation (such as a breach of privacy legislation) then this is recorded within the audit notes and report and then referred via ASQA to the relevant statutory authority who oversees the regulation of the relevant legislation. Noting all of this, the RTO does need to do an analysis of the legislation and regulatory requirements that is applicable to its operation. Legislation that applies to work health and safety, discrimination, privacy, unique student identifier and consumer protection are all obvious and generally applicable to every RTO.</p> <p>The clause 8.6 is more frequently audited and requires the RTO to demonstrate that it not only has suitable arrangements in place to comply with relevant legislation but has established arrangements to inform staff and clients about this legislation. This might occur during a staff induction where they are provided information about legislative compliance requirements and then provided with updates as they are required. In respect of learners, the RTO might generally provide learners with information about relevant legislative compliance obligations within the learner handbook. This might be as simple as a section that informs the prospective learner about how their personal information will be handled and what rights they have in respect of their privacy protection or how to contribute to maintaining a safe environment whilst engaging with the RTO. For audit purposes, it is desirable that the RTO obtain an acknowledgement from these stakeholders that they have been informed about their legislative obligations. For learners, this may be incorporated into their enrolment agreement and for staff may be incorporated into their employment agreement. You can subscribe to updates to legislation at the Federal Register of Legislation (click)</p>	
<p>Evidence to prepare:</p> <ul style="list-style-type: none"> – Policies relating to compliance with legislation such as training safety, equity, discrimination, privacy, copyright, fair trading, etc 	<p>You must be able to demonstrate that:</p> <ul style="list-style-type: none"> – You have established arrangements to comply with relevant Commonwealth, State and Territory legislation and regulatory requirements. – You have established and apply arrangements to ensure that staff and learners are informed of any changes to legislative and regulatory requirements that affect the services delivered.

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<ul style="list-style-type: none"> – Information sources that inform staff of their legal obligations such as relevant policy, employment agreements all public information available from relevant statutory authorities. – Staff induction records where staff have signed to acknowledge their duties and responsibilities relevant to legislative obligations. – Learner handbook or other information source that informs learners of their rights and obligations. – Enrollment record that confirms learners are provided information about their responsibilities and obligations with legislation. – Arrangements (and examples) to educate staff of their legislative responsibilities such as an agenda item in a staff meeting specifically relating to legislative compliance. 	<p>You should prepare for these types of questions:</p> <ul style="list-style-type: none"> – Can you talk me through the arrangements you have established to comply with relevant Commonwealth, State and Territory legislation and regulatory requirements? – You mentioned that you have established arrangements to comply with privacy legislation, can you show me this and talk me through how it works? – You mention here in your work health and safety policy that you maintain a near miss register. Can I see this register please? – What is your process to inform staff and contractors working on your behalf of their responsibilities and obligations with legislation relevant to your operation? – Can I see a completed example of a staff induction record? – Can you talk me through what steps you take to ensure that learners commencing a course with you are informed about their responsibilities and obligations with relevant legislation? – Can I see a signed acknowledgement from a learner relating to their legislative responsibilities and obligations? – How do you monitor or get informed of any relevant changes to legislation? – How do you update staff and learners about any relevant changes to legislation? Can I see an example of this?

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