



## **PP-27 VET and CRICOS Regulation and Legislation Policy & Procedure**

### **Domestic and International Students**

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### **Purpose**

As an RTO and CRICOS provider registered with ASQA, Australian Institute of Science and Technology (AIST) is required to comply with the requirements of the RTO Standards from the VET Quality Framework, as well as the Education Services for Overseas Students Act 2000 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 and a range of other VET regulations and Commonwealth, State and Territory legislation. This policy and procedure outline Australian Institute of Science and Technology's approach to ensuring compliance.

This policy and procedure ensure compliance with Standard 8 of the RTO Standards and relates to Schedule 5. It also ensures compliance with ESOS Act requirements, as well as National Code 2018 Standard 11.



## Definitions

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

**ASQA** means Australian Skills Quality Authority, 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 Data Provision Requirements 2012 that set out the information an RTO is required to submit to ASQA. This falls into two categories: AVETMISS data and Quality Indicator Data. The requirements can be accessed here: <http://www.comlaw.gov.au/Details/F2013L00160>

**ESOS Act** means Education Services for Overseas Students Act 2000

**NCVER** means the National Council for Vocational Education Research

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

**National VET Data Requirements** means the National VET Provider Collection Data Requirements Policy issued by SCOTese and published at [http://www.nssc.natese.gov.au/\\_data/assets/pdf\\_file/0005/75713/National\\_VET\\_Provider\\_Collection\\_Data\\_Requirements\\_Policy.pdf](http://www.nssc.natese.gov.au/_data/assets/pdf_file/0005/75713/National_VET_Provider_Collection_Data_Requirements_Policy.pdf)

**PRISMS** mean Provider Registration and International Students Management System

**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

**SCOTese** means the Standing Council on Tertiary Education Skills & Employment

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

**Standards** means the Standards for Registered Training Organisations (RTOs) 2015 which can be accessed from [www.asqa.gov.au](http://www.asqa.gov.au)

**Student default** means where:

- 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. Australian Institute of Science and Technology (AIST) will:

- Ensure it cooperates with ASQA in line with Standard 8 by providing accurate and truthful information as required. This includes cooperating during an audit, providing quality and performance data and informing ASQA of substantial and significant changes to the RTO.
- Submit Total VET Activity Data in line with the National VET Data Requirements unless it is exempt to as stated in the national policy.
- Use PRISMS to manage student enrolments and comply with ESOS requirements.
- Ensure that it has a written agreement in place with any third parties delivering Services on its behalf, in line with its *Third-Party Agreements Policy and Procedure* and Standard 8.
- Inform ASQA within the timelines specified in Standard 8 when third party agreements commence or come to an end.
- Conduct regular internal audits in line with its *Internal Audit Schedule* to ensure ongoing compliance with the Standards.
- Provide an annual declaration of compliance to ASQA as required.
- Abide by ASQA's General Direction for Retention Requirements for completed student assessment items.
- Ensure it reports to the TPS Director and Secretary about provider and student defaults.
- Ensure it complies with Commonwealth, State and/or Territory legislation and regulatory requirements relevant to its operations and inform staff and clients of relevant changes.

### 2. Australian Institute of Science and Technology (AIST) maintains a *Legislation & Regulations Register* which outlines relevant legislation and regulations, their relevance to AIST and its impact on staff and clients.



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3. In accordance with Schedule 5 of the Standards, AIST will retain records of AQF qualifications and statements of attainment issued for a period of 30 years on its student management system, Wise.Net. Current and past students are able to access these records by contacting us.
4. Should AIST cease to operate or have its RTO registration expire or cancelled, AIST will forward to ASQA an electronic copy of the records for each student who was enrolled in a Course 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.



## Procedures

### 1. Quality Indicator and Total VET Activity Reporting

Refer Standard 7 – Clause 7.5; Standard 8 – Clause 8.1

Procedure	Responsibility
<p><b>Learner Engagement and Employer Satisfaction data (Quality Indicators)</b></p> <ul style="list-style-type: none"><li>Collect Learner Engagement and Employer Satisfaction surveys in line with the RTO's Quality Management Procedures on Feedback.</li><li>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 <a href="http://www.asqa.gov.au/forms.html">http://www.asqa.gov.au/forms.html</a>. Submit it to ASQA by 30 June each year by emailing <a href="mailto:qidata@asqa.gov.au">qidata@asqa.gov.au</a>.</li><li>Keep a copy of the report/s and the date on which they were submitted to ASQA on file.</li><li>For further information refer to ASQA's website <a href="http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/quality-indicator-reporting.html">http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/quality-indicator-reporting.html</a></li></ul>	Compliance Manager
<p><b>Total VET Activity Data</b></p> <ul style="list-style-type: none"><li>AVETMISS-compliant records for all students are collected through the Enrolment Application Form.</li><li>Competency enrolments and outcomes are recorded in the RTO's AVETMISS-compliant student management system, Wise.Net.</li><li>As the RTO reports AVETMISS-compliant data on a regular basis due to its government funding contract with Department of Education and Early Childhood Development, total VET Activity Data is reported through this and no additional actions are required.</li><li>For further information refer to ASQA's website <a href="http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/total-vet-activity-reporting.html">http://www.asqa.gov.au/vet-registration/meet-data-provision-requirements/total-vet-activity-reporting.html</a></li></ul>	Compliance Manager

### 2. Notifying ASQA of changes to the RTO

Refer Standard 5 – Clause 5.4, Standard 8 – Clause 8.1, 8.2 and 8.3.

Procedure	Responsibility
<p><b>Material changes or significant events</b></p> <ul style="list-style-type: none"><li>The need to report material changes and significant events will be monitored during management meetings.</li><li>If there is a material change or significant event that may significantly affect the RTO's ability to comply with the VET Quality Framework, advise ASQA as soon as practicable prior to the change taking effect. This may</li></ul>	CEO



Procedure	Responsibility
<p>be a change to one of the following:</p> <ul style="list-style-type: none"> <li>– Chief Executive Officer, Principal Executive Officer or High Managerial Agent</li> <li>– Fit and Proper Person Requirements</li> <li>– Financial Administration Status</li> <li>– Legal name or legal entity</li> <li>– Organisation type</li> <li>– Sale of business</li> <li>– Ownership and/or control</li> <li>– Significant or unexpected turnover of staff</li> <li>– Significant changes to the RTO's funding revenue source (e.g. Government funding contract), or</li> <li>– Another change not specified elsewhere</li> </ul> <ul style="list-style-type: none"> <li>• Use ASQA's Material Change or Event form to describe the changes. Additional attachments may be required as outlined on the form.</li> <li>• Send the completed form to ASQA as soon as practicable prior to the change taking effect.</li> <li>• For any change or prospective change of high managerial agents, the change should be as soon as practicable prior to the change taking effect or within 10 day of the change taking effect where the change cannot be determined until it takes effect.</li> <li>• Keep a record of the completed form on file.</li> <li>• Students should be advised in writing of any changes in ownership to the RTO.</li> </ul>	
<p><b>Commencing or ending agreements with third parties</b></p> <ul style="list-style-type: none"> <li>• The need to report changes to third party agreements will be monitored using the Third-Party Agreement Checklists and through management meetings.</li> <li>• If the RTO enters into an agreement with a third party to deliver Services on the RTO's behalf, notify ASQA within either of the following timelines, whichever is first: <ul style="list-style-type: none"> <li>– within 30 calendar days of the agreement being entered in</li> <li>– or prior to the obligations under the agreement taking effect</li> </ul> </li> <li>• Use ASQA's Material Change or Event Form to advise ASQA. Keep a copy of the completed form on file.</li> <li>• If the RTO's agreement with a third party to provide Services on its behalf comes to an end, advise ASQA within 30 calendar days using ASQA's Material Change or Event Form. Keep a copy of the completed form on file.</li> </ul>	Compliance Manager



Procedure	Responsibility
<ul style="list-style-type: none"> <li>Students should be notified in writing if there is any change to existing third parties that affect them.</li> </ul>	
<p><b>Changes to the RTO's details</b></p> <ul style="list-style-type: none"> <li>If there is a change to any of following details of the RTO: <ul style="list-style-type: none"> <li>Trading name</li> <li>Web address</li> <li>Head office details</li> <li>Contact details for the Chief Executive</li> <li>Contact people to be listed on training.gov.au</li> <li>Delivery sites</li> <li>Delivery locations</li> <li>Offshore delivery</li> </ul> </li> <li>Fill in ASQA's Notification of Change of Provider Details Form and sent it to ASQA within 90 calendar days of the change occurring.</li> <li>Where the change is in relation to a 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.</li> <li>Keep a copy of the completed form on file.</li> <li>Students should be notified in writing at least 20 working days before the relocation.</li> </ul>	CEO

### 3. Responding to requests from ASQA

Refer Standard 8 – Clause 8.1

Procedure	Responsibility
<p><b>Respond to requests from ASQA</b></p> <ul style="list-style-type: none"> <li>ASQA may contact the RTO to request information about any of its operations. A due date for the information to be provided may be given by ASQA.</li> <li>Cooperate with ASQA in providing this information and respond truthfully and on time.</li> <li>Keep a copy of the information provided.</li> </ul>	CEO/ Compliance Manager
<p><b>Participating in ASQA audits</b></p> <ul style="list-style-type: none"> <li>ASQA will audit the RTO'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</li> </ul>	CEO/ All relevant staff.





Procedure	Responsibility
<p>reasons such as in response to a complaint, because the RTO presents a risk, or because new courses have been requested to be added to scope.</p> <ul style="list-style-type: none"><li>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.</li></ul>	

#### 4. Internal audits

Refer standard 8 – Clause 8.4 and 8.5

Procedure	Responsibility
<p><b>Schedule audits</b></p> <ul style="list-style-type: none"><li>Schedule audits annually, by adding them to the Internal Audit Schedule and setting dates. The auditing schedule should include audits against:<ul style="list-style-type: none"><li>The Standards for RTOs</li><li>Legislation impacting on the RTO</li><li>Staff files</li><li>Student files to ensure students receive the Services detailed in their agreement</li><li>ESOS Act and the National Code</li><li>VET Funding Contract with DEECD</li></ul></li><li>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.</li><li>Assign the responsibility of each internal audit and advise person accordingly.</li></ul>	Compliance Manager
<p><b>Conduct and record audits</b></p> <ul style="list-style-type: none"><li>Conduct audits as scheduled with internal or external support. A qualified external consultant may conduct audits if required.</li><li>Complete the relevant internal audit report template.</li><li>Summarise findings and actions required to maintain compliance.</li><li>Internal audit reports should be signed and dated by the person conducting the audit and kept on file.</li><li>Identify opportunities for improvement.</li><li>Report findings to CEO/ Director.</li></ul>	Compliance Manager or other staff as assigned.





Procedure	Responsibility
<b>Act on outcomes of audits</b> <ul style="list-style-type: none"><li>Allocate tasks to be actioned as outcome of audit to relevant staff with set timeframes.</li><li>Monitor action plans and report outcomes at the management meetings.</li><li>Any recommendations for improvement made during the audit should be recorded on the Continuous Improvement Register and acted upon accordingly.</li></ul>	CEO

## 5. Annual declaration of compliance

Refer Standard 8 – Clause 8.4

Procedure	Responsibility
<b>Prepare declaration of compliance</b> <ul style="list-style-type: none"><li>Refer to ASQA's website to find out the due date for the annual declaration of compliance each year. Mark this date in calendar.</li><li>Review internal audit report to determine whether the RTO is compliant.</li><li>Download ASQA's Declaration of Compliance template and submission details which are available at <a href="http://www.asqa.gov.au">http://www.asqa.gov.au</a>.</li><li>Complete the form and provide to CEO for signing.</li><li>Submit on or before the due date. Keep a copy of the completed form on file.</li></ul>	CEO

## 6. Compliance with legislation & VET/CRICOS regulations

Refer Standard 8 – Clause 8.5 and 8.6

Procedure	Responsibility
<b>Identify legislation and VET regulations</b> <ul style="list-style-type: none"><li>AIST maintains a Legislation &amp; Regulations Register that outlines legislation and regulations applicable to its operations and scope of registration.</li><li>This register is developed, maintained and updated by using online resources such as the ComLaw website at <a href="http://www.comlaw.gov.au">www.comlaw.gov.au</a> and the legislation website relevant to each state and territory the RTO operates within, as well as the Department of Education's website. The websites are as follows:<ul style="list-style-type: none"><li>Commonwealth: <a href="https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx">https://internationaleducation.gov.au/regulatory-information/pages/regulatoryinformation.aspx</a></li><li>or <a href="https://internationaleducation.gov.au/regulatory-">https://internationaleducation.gov.au/regulatory-</a></li></ul></li></ul>	Compliance Manager



Procedure	Responsibility
<p><a href="#">information/pages/regulatoryinformation.aspx</a></p> <ul style="list-style-type: none"><li>– Vic: <a href="http://www.legislation.vic.gov.au">www.legislation.vic.gov.au</a></li><li>– SA: <a href="http://www.legislation.sa.gov.au">www.legislation.sa.gov.au</a></li><li>– Qld: <a href="http://www.legislation.qld.gov.au">www.legislation.qld.gov.au</a></li><li>– NSW: <a href="http://www.legislation.wa.gov.au">www.legislation.wa.gov.au</a></li><li>– NT: <a href="http://www.legislation.nt.gov.au">www.legislation.nt.gov.au</a></li><li>– WA: <a href="http://www.legislation.wa.gov.au">www.legislation.wa.gov.au</a></li><li>– ACT: <a href="http://www.legislation.act.gov.au">www.legislation.act.gov.au</a></li><li>– TAS: <a href="http://www.legislation.tas.gov.au">www.legislation.tas.gov.au</a></li></ul> <ul style="list-style-type: none"><li>• The Register is to be reviewed annually to identify any changes and updated accordingly.</li><li>• Regulation changes may be notified by ASQA or DET and these should also be recorded on the Register.</li></ul>	
<p><b>Comply with legislation and VET regulations</b></p> <ul style="list-style-type: none"><li>• AIST will monitor legislation by ensuring that at least annually it conducts a review of applicable legislation and regulations, identifies any changes in legislation and addresses how changes impact the business.</li><li>• The review will be recorded on the <i>Legislation &amp; Regulations Register</i>.</li><li>• Any required changes are to be made in the Student Handbook, other student documents as relevant, and relevant staff documents such as the induction plan.</li></ul>	Compliance Manager
<p><b>Inform staff and students of legislative requirements and changes</b></p> <ul style="list-style-type: none"><li>• All staff are informed of the legislative requirements that impact on their role with AIST during their induction.</li><li>• Where there are changes in legislative requirements, staff will be notified through staff updates, memos and at staff meetings.</li><li>• All students are informed of the legislative requirements that impact their participation in education and training with AIST during their course induction and in the Student Handbook.</li><li>• Where there are changes in legislative requirements, students will be notified through student newsletters or by written notice.</li></ul>	Compliance Manager



## 7. Notifying TPS of provider default

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

Procedure	Responsibility
<b>Notify TPS via PRISMS</b> <ul style="list-style-type: none"><li>• Via PRISMS, notify the TPS Director and Secretary within 3 business days of the default occurring.</li><li>• Provide the details of the circumstances of the default, the details of the students in relation to whom AIST has defaulted and advice as to how AIST intends to meet its obligations to students.</li></ul>	CEO
<b>Notify students</b> <ul style="list-style-type: none"><li>• Notify affected students in writing within 3 business days of the default.</li><li>• 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 AIST expense) or providing a refund as set out in AIST's Fees and Refunds Policy and Procedures, as well as details of the process to follow depending on which option the student chooses.</li></ul>	CEO
<b>Discharge obligations to students</b> <ul style="list-style-type: none"><li>• 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.</li><li>• 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 AIST's Fees and Refunds Policy and Procedures.</li></ul>	CEO
<b>Notify TPS via PRISMS of the outcome of discharge of obligations</b> <ul style="list-style-type: none"><li>• 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.</li><li>• Include:<ul style="list-style-type: none"><li>– details of the students that AIST provided alternative courses for, details of the courses arranged and evidence of each student's acceptance of a place in an alternative course; or</li><li>– details of the student, the provider provided refunds to and details of the amount of the refund.</li></ul></li></ul>	CEO



## 8. Notifying TPS of student default

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

Procedure	Responsibility
<b>Notify TPS via PRISMS</b> <ul style="list-style-type: none"><li>Where a student defaults as per the definition of student default as included in this Policy and Procedures document, AIST will notify the TPS Director and Secretary via PRISMS of the default within 5 business days of the default.</li><li>Search for Coe/Student and follow instructions in PRISMS user guide to record the default.</li><li>Follow Fees and Refunds Policy and Procedures for refunds in the case of student default.</li></ul>	CEO
<b>Discharge of obligations</b> <ul style="list-style-type: none"><li>Notify the Director and Secretary of the TPS via PRISMS within 7 days of responding to the student default.</li><li>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.</li></ul>	CEO

## 9. Student record retention and transfer of records

Refer to Standard 8 – Clause 8.1f)

Procedure	Responsibility
<b>Retention of student assessment items</b> <ul style="list-style-type: none"><li>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 decision of competence. Refer also to AIST's Training and Assessment Policy &amp; Procedures.</li></ul>	Compliance Manager and Educators
<b>If withdrawing registration as an RTO</b> <ul style="list-style-type: none"><li>Apply to withdraw registration with ASQA.</li><li>Once application to withdraw registration has been approved by ASQA:<ul style="list-style-type: none"><li>Return certificate of registration to ASQA within 10 days of the day of withdrawal</li><li>Provide copies of student records to ASQA within 30 days of the day of withdrawal (refer below).</li></ul></li></ul>	CEO



Procedure	Responsibility
<ul style="list-style-type: none"><li>– Pay any outstanding ASQA fees within 30 days of invoice.</li></ul>	
<p><b>Transferring student records to ASQA upon cessation</b></p> <ul style="list-style-type: none"><li>• AIST will meet the following obligations if the RTO's registration:<ul style="list-style-type: none"><li>– Is voluntarily withdrawn</li><li>– Has lapsed</li><li>– Is not renewed</li><li>– Is cancelled by ASQA</li></ul></li><li>• Within 30 days of the RTO's end of registration date, provide to ASQA an electronic copy of the records for each student who was enrolled in a course during the period of registration.</li><li>• As per the information at <a href="http://asqa.gov.au/vet-registration/withdraw-registration/provide-student-records-to-asqa.html">http://asqa.gov.au/vet-registration/withdraw-registration/provide-student-records-to-asqa.html</a> student records must include the following for each student:<ul style="list-style-type: none"><li>– Family name, first name</li><li>– Residential post code</li><li>– Date of birth</li><li>– Student ID number (if applicable)</li><li>– Enrolment and commencement dates</li><li>– Code and title of qualification, course or program student enrolled in</li><li>– Codes and titles of units of competency completed and results (if applicable)</li><li>– Date the certificate or Statement of Attainment was issued (if applicable)</li></ul></li><li>• Send this information to <a href="mailto:studentenquiries@asqa.gov.au">studentenquiries@asqa.gov.au</a>.</li></ul>	CEO
<p><b>Transferring records to another provider</b></p> <ul style="list-style-type: none"><li>• AIST does not need to provide records to ASQA as per point above if it is closing but is providing records to another provider that the student is transferring to. Records can be transferred to the new provider with consent from the student.</li></ul>	CEO

#### 10. Retention of records relating to the issuance of AQF qualifications and statements of attainment

Refer to Standard 3 – Clause 3.4, Schedule 5 and Standard 8 – Clause 8.1f

Procedure	Responsibility
<p><b>Records of statements of attainment and AQF qualifications</b></p> <ul style="list-style-type: none"><li>• In line with ASQA's requirements, a register is kept on the student management system of all AQF qualifications and statements of</li></ul>	Compliance Manager and CEO



Procedure	Responsibility
<p>attainment it is authorised to issue and those issued.</p> <ul style="list-style-type: none"><li>• In line with requirements, records of qualifications and statements of attainment issued will be retained in AVETMISS data for 30 years, such that a qualification or statement can be re-issued at any time during this 30-year period (while AIST is still an RTO).</li><li>• AVETMISS data for each year will be backed up and stored centrally so it can be retrieved as required.</li><li>• In line with requirements, records of qualifications issued will be reported to ASQA on a regular basis as required.</li><li>• Learners can access their records following our Privacy Policy and Procedures.</li></ul>	