



**AUSTRALIAN INSTITUTE OF COMPLIANCE PROFESSIONALS**

# **Australian Institute of Compliance Professionals**

## **Learner Handbook**

Australian Institute of Compliance Professionals (AICP) is not an RTO and delivers nationally accredited training through RTO partnerships as indicated on our website [www.complianceinstitute.edu.au](http://www.complianceinstitute.edu.au). Within this Learner Handbook, where reference is made to AICP's rights, obligations, responsibilities and activities, these references will generally include that of our partner RTOs, as applicable. Please contact us at [info@complianceinstitute.edu.au](mailto:info@complianceinstitute.edu.au) if any clarification is required.

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## Introduction

This information booklet is designed to provide you with information about the services provided by the Australian Institute of Compliance Professionals (AICP) and our approach to providing you a safe, fair and supported environment to participate in training and assessment. This handbook does not provide you with specific information about a particular course offered by AICP. This information is contained in the Course Brochure which is supplied separately.

## About AICP

AICP is committed to providing high-quality training to learners in Australia.

We deliver accredited training and assessment services through our partner RTOs, as identified on our website [www.complianceinstitute.edu.au](http://www.complianceinstitute.edu.au)

## Our mission

AICP's mission is to deliver quality training assessment that meets the needs of learners and industry.

## Our objectives

In recognition of this mission, our objectives are:

- **People.** We strive to attract, recruit and retain talented, competent and committed trainers. We promote excellent performance through leadership and professional development.
- **Safety & equality.** We are committed to providing an environment which is safe, equitable and which promotes a confident and productive training and assessment environment.
- **Integrity & ethics.** We conduct ourselves in accordance with shared and agreed standards of behaviour which holds ethical conduct and integrity as our highest priorities.
- **Quality committed.** We aspire to deliver consistent, high quality services and apply quality systems which support training and assessment excellence.
- **Learner Focused.** We thrive on providing training and assessment that is learner focused and which supports lifelong learning. We respect our learners and strive to attract them time after time through high quality training and assessment experiences.

- **Industry engagement.** We recognise the value of industry engagement as the driving force in shaping our training and assessment strategies. We deliver training and assessment services which are founded on industry needs and expectations.

## Our Trainers

Our Trainers and Assessors are qualified, dedicated professionals who have current industry experience and qualifications in a range of industries. Their industry experience is continually kept up to date by participating in professional development activities, therefore giving our learners the best practical industry experience.

AICP delivers nationally accredited qualifications in practical formats suitable to our learners. This may be via distance, online, face-to-face training or blended learning options. We offer structured course programs to ensure you receive optimal benefit from your course progression. When you study with AICP, the AICP Student Support team and your Trainer Assessor will be there to assist you throughout your course, be it in person, or via telephone and/or electronic contact.

AICP trainers and assessors are all professionally qualified and have substantial industry experience. Our trainers deliver their training in a way that learners will enjoy.

## Our expectation of you

AICP expects you:

- To contribute to learning in a harmonious and positive manner irrespective of gender, race, sexual preference, political affiliation, marital status, disability or religious belief.
- To comply with the rules and regulations of our organisation and relevant partner RTO(s).
- To be honest and respectful, which includes not falsifying work or information and not conducting yourself in any way that may cause injury or offence to others?
- To be responsible for your own learning and development by participating actively and positively and by ensuring that you maintain progress with learning modules.

- To monitor your own progress by ensuring that assessment deadlines are observed.
- To utilise facilities and AICP publications with respect and to honour our copyrights and prevent our publication from being distributed to unauthorised persons.
- To respect other learners and AICP staff members and their right to privacy and confidentiality.

### **Your safety**

AICP is committed to providing you a safe environment in which to participate in training and assessment. We are aware under the Work Health and Safety Act 2011 of our responsibilities to maintain a safe environment.

The following guidelines are provided as a basis for safe practice in a face-to-face training environment and applicable to any face-to-face workshops that AICP may run:

- Know and observe details of emergency response and evacuation plans;
- Do not undertake activities which may cause injury to self or others;
- Be responsible for your own actions;
- No smoking at the training and assessment facilities or offices;
- Report all potential hazards, accidents and near misses to the RTO staff;
- No consumption of alcohol within training and assessment facilities or during the conduct of training and assessment;
- Keep training and assessment areas neat and tidy at all times;
- Seek assistance if you volunteer to lift items e.g. move furniture in a training area; and
- Observe hygiene standards particularly in eating and bathroom areas.

### **Electrical equipment**

- Electrical equipment that is not working should be reported to AICP staff.
- Electrical work should only be performed by appropriately licensed or trained personnel. Learners, trainers and assessors should not undertake any task related to fixing electrical

equipment such as lighting or electrical training aids.

### **Fire safety**

- AICP will undertake to communicate the procedures involved in evacuation and the location of fire equipment to learners at each facility for each training and assessment event; and to users of the office at least twice each year.
- All users of a training and assessment facility need to be familiar with the location of all EXITS and fire extinguishers. Users will consult available maps to determine location.
- It is the user's responsibility to understand fire drill procedures displayed around the premises.
- Users are asked to attend any sessions on fire safety procedures and the use of fire safety devices.

### **First aid**

- Provision for first aid facilities are available where training is delivered.
- All accidents must be reported to staff.
- The accident and any aid administered must be recorded by staff involved, in the injury register.

### **Lifting**

- Learners, trainers and assessors are encouraged not to lift anything related to the training and assessment provided by AICP unless they do so voluntarily and taking all responsibility for any injury caused.
- Never attempt to lift anything that is beyond your capacity.
- Always bend the knees and keep the back straight when picking up items.
- If you have experienced back problems in the past do not attempt to lift heavy objects at all. Ask someone else to do it for you.

### **Work & study areas**

- Always ensure that all work areas are clean and clear of clutter to avoid the danger of accident by tripping or falling over.

- Place all rubbish in the bins provided.
- Ensure that bench spaces are left clean and tidy.
- Do not sit or climb on any desks or tables.

### Your equity

AICP is committed to ensuring that the training and assessment environment is free from discrimination and harassment. All AICP staff members (including contractors) are aware that discrimination and harassment will not be tolerated under any circumstances. In the event that discrimination and harassment is found to have occurred disciplinary action will be taken against any staff member who breaches this policy. Suspected criminal behaviour will be reported to police authorities immediately. Learners should expect fair and friendly behaviour from AICP staff members and we apply complaint handling procedures advocated by the Australian Human Rights and Equal Opportunity Commission (HREOC).

Learners who feel that they have been discriminated against or harassed should report this information to a staff member of AICP that they feel they can trust. This will initiate a complaints handling procedure which will be fair and transparent and will protect your rights as a complainant. Alternatively, if a learner wishes to report an instance of discrimination or harassment to an agency external to AICP, they are advised to contact the HREOC Complaints Info-line on 1300 656 419.

### Your privacy

AICP takes the privacy of learners very seriously and complies with all legislative requirements. These include the Privacy Act 1988 and Australian Privacy Principles (effective from 12<sup>th</sup> March 2014).

Here's what you need to know:

- AICP will retain personal information about you relating to your enrolment with us. This includes your personal details, your ethnicity, individual needs and your education background. We will also retain records of you training activities and are required to do this in accordance with the National Vocational Education and Training Regulator Act 2011.
- Your personal information is retained within our computer systems. Your information is collected

via the enrolment form, through your completion of administrative related forms and based on your training outcomes. Electronic data retained on our computer systems is protected via virus protection software and firewall protection. Our data is backed up continuously to our server which is secure.

- AICP is required by the National Vocational Education and Training Regulator Act 2011 to securely retain your personal details for a period of 30 years from the date your enrolment has completed. The purpose of this is to enable your participation in accredited training to be recorded for future reference and to allow you to obtain a record of your outcome if required.
- In some cases we are required by law to make learner information available to Government agencies such as the National Centre for Vocational Education and Research or the Australian Skills Quality Authority. In all other cases AICP will seek the written permission of the learner for such disclosure. AICP will not disclose your information to any person or organisation unless we have written instructions from you to do so. If you require your records to be accessed by persons such as your family, friends, co-workers or employer, you need to authorise this access otherwise this access will be denied.
- You have the right to access information that AICP is retaining that relates to you. Further instructions are provided on how to access records within the section titled "Access to your records".
- If you have concerns about how AICP is managing your personal information, we encourage you to inform our staff and discuss your concerns. You are also encouraged to make a complaint directly to us using our internal complaint handling arrangements outlined in this handbook. Under the Privacy Act 1988 (Privacy Act) you also have the right to make a complaint to the Office of the Australian Information Commissioner (OAIC) about the handling of your personal information. You can find more information about making a privacy complaint at the website of the OAIC located at: <http://www.oaic.gov.au/privacy/privacy-complaints>.

## **Fees and Refunds**

AICP is entitled to charge fees for items or services provided to learners undertaking a course of study. These charges are generally for items such as course materials or text books, learner services and training and assessment services.

### **Fees payable**

Fees are payable when a learner has received a confirmation of enrolment. The initial fee payment must be paid prior to commencing training or within 10 days of receiving an invoice from AICP. We may discontinue training if fees are not paid as required. For a full list of current fees and charges please request a copy of AICP's schedule of fees and charges.

### **Learner cancellation**

Learners who cancel their enrolment part way through a training program must notify AICP in writing via email or letter at the soonest opportunity. Learners who cancel their enrolment after a training program has commenced will not be entitled to a refund of fees. Learners are advised to consider alternative options such as requesting to suspend their enrolment and re-commencing in another scheduled training program.

### **Refunds**

AICP is committed to the fair and transparent application of fees and charges, including the processing of refunds. Learners are provided with details of all fees and charges and copies of the relevant refund policy prior to enrolment. This policy outlines the circumstances in which a learner or client may receive a full or partial refund of their course fees. Should a learner wish to withdraw prior to course commencement the following conditions shall apply:

- An application for refund of course fees must be made in writing using AICP's refund request form. A refund of eighty percent (80%) will be made if the written request is received more than five (5) working days prior to course commencement.
- A 20% refund is available for requests received less than five (5) working days prior to course commencement.
- As a rule, no refund is available after the course commencement date. However, AICP will consider each application on a case by case basis. Refunds will be considered on a pro-rata basis for participants who fall ill, are injured to the

extent that they can no longer undertake the course or experience other extenuating circumstances, providing a supporting medical certificate or other relevant supporting documentation is supplied to Australian Institute of Compliance Professionals Pty Ltd. Should participants wish to finalise incomplete units of competency in a future course, the original fee can be used as a credit towards that course within six months of initial payment. In all other cases, refunds are at the discretion of management and may be negotiated on an individual case-by-case basis.

### **Refunds and Administrative Withdrawals**

AICP will undertake an Administrative Withdrawal of a learner only in exceptional circumstances, which may include where the learner:

- i. has been proven to have breached AICP's Plagiarism Policy and has been advised as such;
- ii. has not progressed with their course work for a period of three months without obtaining an academic extension from AICP; and/or
- iii. has not responded to AICP's attempts to contact them about their lack of progress; and/or
- iv. is uncontactable by the AICP team.

Except for circumstances involving plagiarism, AICP will attempt to contact a learner at least five (5) times over a three-month period and advising the learner on at least two (2) of the five (5) occasions of an impending Administrative Withdrawal, before affecting an Administrative Withdrawal.

Except for circumstances involving plagiarism, an Administrative Withdrawal will only be reconsidered at the sole discretion of the CEO. No reconsideration will be given where an Administrative Withdrawal occurred because of proven plagiarism.

AICP will not consider any requests for refunds where an Administrative Withdrawal has occurred due to proven plagiarism and learners will not be given any opportunities of finalising any outstanding or incomplete units of competency at a later date. No part of the original course fee can be used as a credit towards that course, or any other, at a later date.

Where an employer-funded learner is subject to a plagiarism-related Administrative Withdrawal, the employer will be notified as such.

### **Outstanding course fees liability**

Where an individual has withdrawn from a course or where AICP has withdrawn a learner from a course (also referred to as an Administrative Withdrawal) the individual remains liable for the full course fee. Where an individual's course fees are payable on a payment plan and by direct debit from a credit card account, AICP will debit the nominated credit card with the balance of the course fees at the time of course withdrawal. Where an individual's course fees are invoiced to their employer for payment, a final invoice for the full amount of the outstanding fees will be issued at the time of course withdrawal.

### **Payment method**

AICP accepts payment for fees using:

- Credit Card
- Direct Debit
- Electronic Funds Transfer (account details available on request)

### **Substitutions**

Requests for substitutions are to be made in writing and can be made at any time up to 2 working days before the program commencement date.

### **Transfers**

Requests for transfers to alternate programs can be arranged if AICP is advised in writing more than 10 working days prior to the program commencement date and there is availability on the selected program. One transfer will be accepted without charge where AICP has been notified in writing at least 10 working days prior to the scheduled commencement date. All subsequent transfers will attract an administration charge of \$155.00 (incl. GST).

### **Our Guarantee to Clients**

If for any reason AICP is unable to fulfil its service agreement with a learner, AICP must issue a full refund for any services not provided. The basis for determining "services not provided" is to be based

on the units of competency completed by the learner and which can be issued in a statement of attainment at the time the service is terminated.

### **Access to your records**

You are entitled to have access to your learner file and learning and assessment records on request. You may require these to monitor your progress with training or simply to go back and confirm something in a previous training module. Whilst these records will be retained by AICP and our relevant partner RTO, you are welcome to have access anytime, just ask your trainer and it will be organised immediately.

You can access hard copy records and reports from our learner management system, but only relating to you personally. You can request this access using the Learner Records Request Form. Access to requested records during a work day will be arranged as soon as possible and within 24 hours.

### **Continuous improvement**

AICP is committed to the continuous improvement of our training and assessment services, learner services and management systems. Central to this commitment is our approach to continuous improvement and the procedures we apply to achieve systematic and sustained improvement.

### **Suggesting improvements**

The primary method of reporting opportunities for improvement by learners is via the continuous improvement reporting procedure. This procedure allows any person to raise a Continuous Improvement Report for consideration by the Continuous Improvement Committee. Often these reports will be generated after an opportunity for improvement has been identified by a staff member or learner. The Continuous Improvement Report template is available on request. Learners are encouraged to provide feedback to AICP so we can improve our services in the future.

### **Learner satisfaction survey**

At various stages of your learning program and also at the completion of your training program, you will be issued with a Learner Satisfaction Survey. The latter is a nationally consistent survey tool which is designed to collect feedback from learners about their experience with an RTO and in undertaking nationally recognised training. Your completion and

return of this survey is important to AICP for our ongoing improvement of services and to enable us to report this information to our registering authority. Your assistance in gathering this survey data is greatly appreciated.

### **Assessment**

At AICP assessment is conducted using a combination of assessment methods, which may include activities such as written knowledge assessment, research tasks, case studies etc. as needed to assess our learners' competence.

The following provides a brief explanation of the primary assessment methods:

- **Written Knowledge Assessment:** The learner is required to provide a written response to a range of questions relating to required knowledge of the units of competency. These would generally be short answer response activities and may include other questioning methods including multiple-choice.
- **Research Tasks:** The learner is required to undertake research within their own workplace and the available reference material and provide a written response to each question. These assessment activities are usually short to medium answer response activities. The responses provided by the learner will largely be specific to their workplace.
- **Case Study Response:** The learner is required to provide a written response to a situation presented in a case study scenario. This will usually require the learner to consider carefully the situation presented, undertake some research to inform their response and then to propose their recommended actions.

### **Plagiarism**

Unauthorised collusion and plagiarism or cheating in assessments will not be tolerated at any time. Learners who are proven to be involved in such activities will not be permitted to continue with their learning program and no refund of any tuition fees will be provided.

### **Re-assessment**

Learners who are assessed as not competent are to be provided with detailed verbal and written feedback to assist them to identify the gaps in their knowledge and skills to be addressed through further training. These learners are to be provided with additional training and learning support to target their specific gaps in knowledge and/or skills and prepare them for additional assessment.

Learners are allowed one resubmission opportunity for an assessment which has previously been deemed Not Competent. Fees will apply for a second resubmission; the current reassessment fee for 2018 is \$185 per assessment resubmission.

Third and subsequent re-submissions are not allowed. Learners must undertake further learning and possibly re-enrol in the relevant unit of competency, therefore paying a further course fee for that unit.

### **Language, literacy & numeracy skills**

Language, literacy and numeracy skills are critical to almost all areas of work. This is particularly true in many vocations where language, literacy and numeracy skills influence the performance of workplace tasks such as measuring, weighing and comprehending written work instructions.

To support this approach AICP will:

- Assess a learner's language, literacy and numeracy skills during their enrolment to ensure they have adequate skills to complete the training;
- Support learners during their study with training and assessment materials and strategies that are easily understood and suitable to the level of the workplace skills being delivered;
- Provide clear information to learners about the details of the language, literacy and numeracy assistance available. AICP generally recommend the LLN training courses provided by TAFE. These institutes have specialist teachers to support the learner's development.
- Refer learners to external language, literacy and numeracy support services that are beyond the support available within AICP and where this level of support is assessed as necessary; and
- Negotiate an extension of time to complete training programs if necessary.



## **Making complaints & appeals**

AICP is committed to providing a fair and transparent complaints and appeals process that includes access to an independent external body if necessary.

### **What is a complaint?**

A complaint is negative feedback about services or staff which has not been resolved locally. A complaint may be received by AICP in any form and does not need to be formally documented by the complainant to be acted upon. Complaints may be made by any person but are generally made by learners and/or employers.

### **What is an appeal?**

An appeal is an application by a learner for reconsideration of an unfavourable decision or finding during training and/or assessment. An appeal must be made in writing and specify the particulars of the decision or finding in dispute. Appeals must be submitted to AICP within 7 days of the learner being informed of the assessment decision or finding.

Appeals must be submitted to the Student Support Manager by email to [support@complianceinstitute.edu.au](mailto:support@complianceinstitute.edu.au) with "Appeal Lodgement" and the learner's name in the subject line. Appeal lodgements that are not lodged as prescribed will not be considered to have been lodged or received.

### **Early resolution of complaints & appeals**

In all cases, issues that arise during training and assessment that are the source of frustration or are in dispute should be resolved at the time, as they occur between the persons involved, where possible. Sometimes, it will not be possible and in these cases you are encouraged to come forward and inform us of your concerns with the confidence that you will be treated fairly.

### **Complaints and appeals handling**

AICP applies the following principles to its complaints and appeals handling:

- Appeals Lodgment forms must be submitted to the AICP Student Support Manager via email at [support@complianceinstitute.edu.au](mailto:support@complianceinstitute.edu.au) with the subject line "Appeal Lodgment" and include the learner's full name.

- Complaint Lodgment forms must be submitted to the AICP Student Support Manager via email at [support@complianceinstitute.edu.au](mailto:support@complianceinstitute.edu.au) with the subject line "Complaint Lodgment" and include the learner's full name.
- Appeals and/or Complaints that are not lodged in the manner prescribed above will not be considered to have been lodged and will not be considered until lodged in the prescribed manner.
- A written record of all complaints and appeals is to be kept by AICP including all details of lodgement, response and resolution.
- A complainant or person lodging an appeal is to be provided an opportunity to formally present his or her case at minimal or no cost.
- Each complainant or person lodging an appeal may be accompanied and/or assisted by a support person at any relevant meeting.
- Where an appeal necessitates the reassessment of an applicant's assessment submission, and the appeal fails, the applicant will incur a reassessment fee as per AICP's reassessment policy.
- The handling of a complaint or appeal is to commence within 10 working days of the lodgement of the complaint / appeal and all reasonable measures are taken to finalise the process as soon as practicable. AICP will always endeavour to resolve any complaints and/or appeals within 30 days of the matter being reported.
- The complainant or person lodging an appeal is to be provided a written statement of the outcome, including details of the reasons for the outcome.
- AICP shall maintain the enrolment of the complainant or person lodging an appeal during the complaint or appeals process.
- Decisions or outcomes of the complaint or appeals process that find in the favour of the learner or otherwise shall be implemented immediately.
- Complaints and appeals are to be handled in the strictest of confidence. No AICP representative is to disclose information to any person without the permission of AICP's Chief Executive Officer.

Decisions to release information to third parties are only to be done after the complainant or person lodging the appeal has given permission for this to occur.

- Complaints and appeals are to be considered based on procedural fairness and lead to opportunities for improvement as a Continuous Improvement Report.

### Review by external agency

- Where the complainant or person lodging an appeal is not satisfied with the handling of the matter by AICP, they are to have the opportunity for a body that is independent of AICP to review his or her complaint or appeal following the internal completion of complaint or appeals process.
- Learners who are not satisfied with the process applied by AICP may refer their grievance to the following external agencies:
- **Unresolved complaints** may be referred to the Australian Skills Quality Authority. Learners are to be advised that ASQA will require the individual to have exhausted all avenues through AICP's internal complaints handling procedure before taking this option.
- **Unresolved Appeals** in relation to consumer related issues may be referred to the Office of Fair Trading.

### Recognition of your existing skills & knowledge

In accordance with the requirements of the Standards for NVR Registered Training Organisations, AICP provides the opportunity for learners to apply to have prior learning recognised toward a qualification or units of competence for which they are enrolled.

### What is recognition?

Recognition involves the assessment of previously unrecognised skills and knowledge that an individual has achieved outside the formal education and training system. Recognition assesses this unrecognised learning against the requirements of a unit of competence, in respect of both entry requirements and outcomes to be achieved. By removing the need for duplication of learning, recognition encourages an individual to continue upgrading their skills and knowledge through

structured education and training towards formal qualifications and improved employment outcomes. This has benefits for the individual and industry. Most importantly, it should be noted that recognition is just another form of assessment.

### Recognition guidelines

The following guidelines are to be followed when an application for recognition is received:

- Any learner is entitled to apply for recognition in a course or qualification in which they are currently enrolled.
- Learners may not apply for recognition for units of competence or a qualification which are not included in our partner RTOs' scope(s) of registration.
- Whilst learners may apply for recognition at any time, they are encouraged to apply before commencing a training program. This will reduce unnecessary training and guide the learner down a more efficient path to competence.
- Learners who are currently enrolled in a training program are eligible to apply for recognition in that program at no additional charge.
- Assessment via recognition will apply the principles of assessment and the rules of evidence.
- Recognition may only be awarded for whole units of competence.

### Forms of evidence for recognition

Recognition acknowledges that workplace skills and knowledge may be gained through a variety of ways including both formal and informal learning or through work-based or life experience.

Like assessment, recognition is a process whereby evidence is collected, and a judgement is made by an assessor or assessment team. The judgement is made on evidence provided by candidates of the skills and knowledge that they have previously learnt through work, study, life and other experiences, and that they are currently using. It also includes evidence to confirm a candidate's ability to adapt prior learning or current competence to the context of the intended workplace or industry.

Forms of evidence toward recognition may include:

- Work records;
- Records of workplace training;

- Assessments of current skills;
- Assessments of current knowledge;
- Third party reports from current and previous supervisors or managers;
- Evidence of relevant unpaid or volunteer experience;
- Examples of work products;
- Observation by an assessor in the workplace;
- Performance appraisal; or
- Duty statements.

Many of these forms of evidence would not be sufficient on their own. When combined together, with a number of evidence items, the candidate will start to provide a strong case for competence. AICP reserves the right to require candidates to undertake practical assessment activities of skills and knowledge in order to satisfy itself of a candidate's current competence.

### **What is national recognition?**

National recognition is the recognition of learning achieved through formal education and training. Under the Standards for NVR Registered Training Organisations, AICP and its relevant partner RTO will accept verified and authenticated AQF certification documentation issued by any other RTO or AQF authorised issuing organisation, or authenticated VET transcripts issued by the Registrar.

National recognition allows a learner to be awarded a unit of competency/module based on successful completion of the unit which has been previously awarded.

### **Evidence requirements**

If you are seeking national recognition you are required to present your statement of attainment or qualification for examination to AICP. These documents will provide the detail of what units of competence you have been previously issued. You must provide satisfactory evidence that the statement of attainment or qualification is authentic, is yours and that it has been issued by an Australian RTO. Statements of attainment or qualifications should be in the correct format as outlined in the Australian Qualifications Framework. You are required to submit copies only which are certified as a true copies of the original.

### **National recognition guidelines**

The following guidelines are to be followed in relation to national recognition:

- Any learner is entitled to apply for national recognition in a course or qualification in which they are currently enrolled.
- Learners may not apply for national recognition for units of competence or qualification which are not included in AICP's partner RTOs' scope(s) of registration.
- Whilst learners may apply for national recognition at any time, they are encouraged to apply before commencing a training program. This will reduce unnecessary training and guide the learner down a more efficient path to competence.
- The learner does not incur any tuition or course fees for national recognition and AICP does not receive any funding when national recognition is granted. AICP may charge an administration fee to cover any costs incurred in the verification of AQF certification issued by another RTO, AQF authorised issuing organization or authenticated VET transcripts issued by the Registrar.
- National recognition may only be awarded for whole units of competence. Where a mapping guide identifies a partial credit, this will not be considered for national recognition and applicants will be advised to seek recognition.

### **Legislative and Regulatory Responsibilities**

AICP is required to operate in accordance with the law. This means we comply with the requirements of legislative and regulatory requirements. The following legislation is indicative of the Acts that AICP has recognised it has compliance responsibilities to. They also represent obligations to you as a learner whilst training with AICP.

During your day-to-day work and when participating in training, you will need to be aware of the relevant legislation that may impact on your conduct and behaviour.

Copies of State and Federal legislation can be found on the Internet at [www.australia.gov.au/state-legislation](http://www.australia.gov.au/state-legislation) (State) and [www.comlaw.gov.au](http://www.comlaw.gov.au) (Federal).

The following is a summary of the legislation that will generally apply to your day-to-day work and training.

## Work Health and Safety Act 2011

The main object of this Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. The WHS Act protects workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from particular types of substances or plant.

The WHS Act covers workers by providing a nationally uniform work health and safety laws. This includes employees, contractors, sub-contractors, outworkers, trainees, work experience learners, volunteers and employers who perform work.

The WHS Act also provides protection for the general public so that their health and safety is not placed at risk by work activities.

Section 29 of the WHS Act requires that any person at a workplace, including customers and visitors, must take reasonable care of their own health and safety and that of others who may be affected by their actions or omissions.

They must also cooperate with any actions taken by the person conducting business or undertaking to comply with the WHS Act and WHS Regulation.

## Privacy Act 1988

The Privacy Act is supported by the Australian Privacy Principles which came into effect on 12<sup>th</sup> March 2014. The object of Australian Privacy Principles is to ensure businesses and government agencies manage personal information in an open and transparent way.

Review the section within this handbook that relates to privacy protection. It provides you with information about:

- the kinds of personal information that the entity collects and holds;
- how the entity collects and holds personal information;
- the purposes for which the entity collects, holds, uses and discloses personal information;
- how an individual may access personal information about the individual that is held by

the entity and seek the correction of such information;

- how an individual may complain about a breach of the Australian Privacy Principles and how the entity will deal with such a complaint; and
- whether the entity is likely to disclose personal information to overseas recipients.

## Disability Discrimination Act 1992

### Sect 5 - Disability Discrimination

(1) For the purposes of this Act, a person (discriminator) discriminates against another person (aggrieved person) on the grounds of a disability of the aggrieved person if, because of the aggrieved person's disability, the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person without the disability.

For the purposes of subsection (1), circumstances in which a person treats or would treat another person with a disability are not materially different because of the fact that different accommodation or services may be required by the person with a disability.

## Sex Discrimination Act 1984

Objects The objects of this Act are:

- to give effect to certain provisions of the Convention on the Elimination of All Forms of Discrimination Against Women; and
- to eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status, pregnancy or potential pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs; and
- to eliminate, so far as possible, discrimination involving dismissal of employees on the ground of family responsibilities; and
- to eliminate, so far as is possible, discrimination involving sexual harassment in the workplace, in educational institutions and in other areas of public activity; and

- to promote recognition and acceptance within the community of the principle of the equality of men and women.

#### **Age Discrimination Act 2004**

The objects of this Act are:

- to eliminate, as far as possible, discrimination against persons on the ground of age in the areas of work, education, access to premises, the provision of goods, services and facilities, accommodation, the disposal of land, the administration of Commonwealth laws and programs and requests for information; and
- to ensure, as far as practicable, that everyone has the same rights to equality before the law, regardless of age, as the rest of the community; and
- to allow appropriate benefits and other assistance to be given to people of a certain age, particularly younger and older persons, in recognition of their particular circumstances; and
- to promote recognition and acceptance within the community of the principle that people of all ages have the same fundamental rights; and
- to respond to demographic change by:
  - removing barriers to older people participating in society, particularly in the workforce; and
  - changing negative stereotypes about older people.

#### **Racial Discrimination Act 1975**

This Act 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.

#### **Copyright Act 1968**

Copyright is a type of property that is founded on a person's creative skill and labour. It is designed to prevent the unauthorised use by others of a work, that is, the original form in which an idea or information has been expressed by the creator.

Copyright is not a tangible thing. It is made up of a bundle of exclusive economic rights to do certain acts with an original work or other copyright subject-matter. These rights include the right to copy, publish, communicate (eg. broadcast, make available online) and publicly perform the copyright material.

There is no general exception that allows a work to be reproduced without infringing copyright. Where a part of a work is copied, the issue is whether a substantial part of that work has been reproduced and thus an infringement has occurred. However, there is a 10% rule which applies in relation to fair dealing copying for the purposes of research or study. A reasonable portion of a work may be copied for that purpose, and a reasonable portion is deemed to be 10% of a book of more than 10 pages or 10% of the words of a work in electronic form.

#### **Fair Work Act 2009**

The main objectives of this Act are to provide a balanced framework for cooperative and productive workplace relations that promote national economic prosperity and social inclusion for all Australians by:

Providing workplace relations laws that are fair to working Australians, are flexible for businesses, promote productivity and economic growth for Australia's future economic prosperity and take into account Australia's international labour obligations;

Ensuring a guaranteed safety net of fair, relevant and enforceable minimum terms and conditions through the National Employment Standards, modern awards and national minimum wage orders;

Enabling fairness and representation at work and the prevention of discrimination by recognising the right to freedom of association and the right to be represented, protecting against unfair treatment and discrimination, providing accessible and effective procedures to resolve grievances and disputes and providing effective compliance mechanisms.

#### **National Vocational Education and Training Regulator Act 2011**

This legislation provides that basis for the regulation of Registered Training Organisations in Australia. The legislation provides the basis for the establishment of the National VET Regulator who are the registration authority for RTOs. A core component of this legislation is that it defines the condition for the registration of an RTO which include:

- compliance with the VET Quality Framework
- satisfying Fit and Proper Person Requirements
- satisfying the Financial Viability Risk Assessment Requirements
- notifying National VET Regulator of important changes
- cooperating with National VET Regulator
- compliance with directions given by the National VET Regulator.