

Bendigo Kangan Institute

Academic and Regulatory Compliance Policy

1.0 Purpose

This policy outlines the ways in which the Bendigo Kangan Institute (BKI) and VETASSESS are committed to ensuring full compliance with all applicable Commonwealth and State legislation, as well as regulatory requirements relevant to their scope of registration and operations as Registered Training Organisations (RTOs).

This policy provides guidance and support to all BKI and VETASSESS staff and personnel engaged in training and assessment activities. It ensures that staff are appropriately informed of current legislative and regulatory requirements, as well as any amendments that may impact their roles and responsibilities.

2.0 Scope

This policy applies to all BKI and VETASSESS staff, including governing body members, management, trainers and assessors, administrative personnel, service and business operations staff, sessional and contractual employees, and third-party service providers who are engaged in, support, or deliver training and assessment activities. It also applies to all students and applicants who participate in, apply for, or are otherwise involved in BKI's educational and training programs, including domestic, international, and offshore students, as well as all VETASSESS Skills Recognition Training (SRT) applicants, regardless of their enrolment status or fee category.

3.0 Legislative and Regulatory Context

- *Child Safety Standards*
- *Child Wellbeing and Safety Act 2005*
- *Disability Act 2006 (Vic)*
- ESOS Framework
 - *Education Services for Overseas Students (ESOS) Act 2000 (Cth)*
 - *The Education Services for Overseas Students Regulations 2019 (Cth)*
 - *The Education Services for Overseas Students (Registration Charges) Act 1997 (Cth)*
 - *The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (Cth) (National Code 2018)*
 - *Education Services for Overseas Students (TPS Levies) Act 2012 (Cth)*
 - *ELICOS Standards 2018 (Cth)*
 - *Migration Act 1958 (Cth)*
 - *Migration Regulations 1994 (Cth)*
- *Education and Training Reform Act 2006 (Vic)*
- *Australian Consumer Law (Schedule 2, Competition and Consumer Act 2010) (Cth)*
- *Competition and Consumer Act 2010 (Cth)*
- *Public Administration Act 2004 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- *National Vocational Education and Training Regulator Act 2011 (Cth)*

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- *Occupational Health and Safety Act 2004 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- Skills First Quality Charter
- VET Quality Framework
 - *National Vocational Education and Training Regulator (Outcome Standards for Registered Training Organisations) Instrument 2025 (Cth) (2025 Standards for RTOs)*
 - Outcome Standards
 - Compliance requirements
 - Credential Policy
 - Australian Qualifications Framework
 - Financial Viability Risk Assessment Requirements 2021
 - Fit and Proper Person Requirements
 - Data Provisions Requirements 2020
 - *Education and Training Reform Amendment (Skills) Act 2010 (VIC)*
- VRQA – Non-school Senior Secondary and Foundation Secondary Providers
 - *Education and Training Reform Regulations 2017 (Vic)*
 - Guidelines For Non-School Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary or Foundation Secondary Course
- VET Student Loans (VSL)
 - *VET Student Loans (VSL Tuition Protection Levy) Act 2020 (Cth)*
 - *Vocational Education and Training (VET) Student Loans Act 2016 (Cth)*

4.0 Policy Statement

BKI and VETASSESS are committed to upholding high standards of legislative and regulatory compliance through robust governance, transparent procedures, and ongoing monitoring.

BKI and VETASSESS ensure accurate and honest communication with regulators and government authorities and maintain compliant recordkeeping practices aligned with statutory obligations. Internal audits and operational reviews are conducted regularly to support continuous improvement.

As per Clause 16 of the Compliance Requirements, BKI will notify the National VET Regulator of the occurrence of an event that would significantly affect the organisation's ability to comply with any of its obligations under the NVETR Act, within 10 business days after the event occurs, including any prospective changes to the ownership or in relation to a governing person of the BKI. Prospective changes to ownership will be reported as soon as practicable before the change takes effect.

Performance data is submitted as required, with the latest reports published on the BKI and VETASSESS websites to promote transparency.



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Staff and students are kept informed of relevant legislative and regulatory requirements, including updates that may affect service delivery. Policies and procedures are maintained, reviewed, and made accessible online to support consistent practice.

Additionally, BKI's Governance, Risk, and Compliance (GRC) team maintains a register of licenses and accreditations.

An annual declaration of compliance is submitted to the national regulator, and all board and management personnel meet Fit and Proper Person requirements. Student tuition fees are safeguarded through appropriate financial protections and insurance.

Training and education programs are delivered in alignment with approved training packages and curricula. BKI also ensures full compliance with the Skills First VET Funding Contract, including Free TAFE and related initiatives.

4.1 VET Quality Framework

BKI and VETASSESS are both registered as RTOs under the *National Vocational Education and Training Regulator Act 2011* (Cth).

BKI delivers nationally recognised training programs, while VETASSESS provides skills assessment services. As RTOs, both organisations are committed to complying with the VET Quality Framework, which includes:

- The Standards for Registered Training Organisations (2025 Standards for RTOs), including:
 - Outcome Standards
 - Compliance Requirements
 - Credential Policy
- The Australian Qualifications Framework (AQF)
- The Fit and Proper Person Requirements
- The Financial Viability Risk Assessment Requirements, and
- The Data Provision Requirements

BKI and VETASSESS are audited by ASQA against these requirements. As the Commonwealth Government established regulator, ASQA has the authority to manage, audit and deregister RTOs.

In addition to the VET Quality Framework, BKI and VETASSESS maintain compliance with all other national policy requirements, including ASQA Regulatory Guidance and NCVET Guidelines.

Both BKI and VETASSESS are committed to supporting personnel in understanding and applying the components of the 2025 Standards for RTOs, as well as all other applicable regulatory requirements. This support is tailored to ensure that each team member is aware of and equipped to meet the compliance obligations relevant to their specific role within the organisation, as those requirements evolve over time.

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4.2 Annual Declaration on Compliance

BKI and VETASSESS submit an Annual Declaration on Compliance (ADC) to the Australian Skills Quality Authority (ASQA) each year, within the designated reporting period specified by the National VET Regulator.

This declaration helps maintain quality VET training in Australia. BKI's declaration is a statement confirming we have complied with all obligations under the National Vocational Education and Training Regulator Act 2011, including the Outcome Standards and Compliance Requirements.

BKI and VETASSESS also commit to notifying ASQA of any circumstances where a governing individual may no longer meet the Fit and Proper Person Requirements, ensuring transparency and regulatory integrity.

4.3 Australian Qualifications Framework (AQF)

The AQF is the national policy for regulated qualifications in the Australian education and training system. It provides a unified framework that ensures consistency, quality assurance, and national recognition across all education sectors.

As registered training organisations (RTOs), BKI and VETASSESS comply with the AQF as a condition of registration and are authorised to issue AQF qualifications and statements of attainment to students who meet the required competency standards.

BKI and VETASSESS ensure that all AQF requirements relating to the authentication, verification, and issuance of qualifications, certificates, statements, and credit arrangements are met. They also maintain comprehensive records of the validation, production, and distribution of all testamurs, records of results and statements of attainment, ensuring transparency, accountability, and alignment with national standards.

4.4 Fit and Proper Person Requirements

BKI and VETASSESS comply with the *Fit and Proper Person Requirements* as a condition of registration with the Australian Skills Quality Authority (ASQA). BKI also meets these requirements under its registration with the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) and the Victorian Registration and Qualifications Authority (VRQA) as a non-school senior secondary education provider.

These requirements ensure that individuals in key leadership roles—such as executive officers, high managerial agents, and others who influence the organisation's direction—demonstrate integrity, professionalism, and accountability in the delivery of education and training services.

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Fit and Proper Person Declarations are completed in accordance with ASQA's requirements when:

- Renewing RTO registration
- Appointing new executive officers or high managerial agents
- Conducting annual reassessments of governing personnel suitability

BKI and VETASSESS also notify ASQA (and VRQA, for BKI only) of any event where a relevant individual may no longer meet the Fit and Proper Person criteria. Declarations are also submitted when notifying VRQA of changes to personnel responsible for senior secondary programs.

All declarations, including Statutory Declarations, are recorded and managed in a central register maintained by BKI to ensure transparency, accountability, and ongoing compliance.

4.5 Financial Viability and Risk Assessment Requirements

BKI and VETASSESS maintain robust financial management policies and practices to ensure operational stability, business continuity, and the capacity to deliver high-quality education and training outcomes.

As RTOs, both entities comply with the *Financial Viability Risk Assessment Requirements* under the *VET Quality Framework*. BKI, as a publicly funded provider, acknowledges that its financial viability is subject to ongoing scrutiny by both the national regulator—ASQA—and the Victorian regulator—VRQA.

In accordance with regulatory expectations, BKI will provide evidence of financial viability upon request during audits, initial registration, or renewal processes. This may include:

- Audited financial statements and tax records
- Business plans and financial projections
- ASIC reports and dependency statements
- Independent financial assessments and audit opinions
- Copies of relevant government contracts

These practices reflect BKI's and VETASSESS's commitment to financial accountability and regulatory compliance.

4.6 Public Liability and Insurance

BKI and VETASSESS maintain comprehensive insurance coverage through reputable insurers at levels sufficient to mitigate risks associated with their operations and service delivery. The following classes of insurance are held:

- Public and Products Liability
- Workers' Compensation Insurance
- Professional Indemnity Insurance
- Property Insurance

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- Group Personal Accident Insurance
- Directors and Officers Liability Insurance
- Domestic Business Travel Insurance
- International Business Travel Insurance
- Comprehensive Motor Vehicle Insurance
- Cyber Insurance

4.7 Academic Marketing and Information Accuracy

BKI and VETASSESS are committed to ensuring that all information—whether communicated directly or through third parties—is accurate, up-to-date, and clearly presented at the point of publication. This includes information about the organisations themselves, the training and assessment services they offer, and their organisational performance.

All academic marketing and promotional activities must uphold high ethical standards to support prospective students in making well-informed decisions about their education.

BKI and VETASSESS will not provide any guarantees that:

- A student will successfully complete a course on its scope of registration;
- A student will obtain a particular employment outcome where this is outside the control of either organisation.

This requirement applies to all BKI and VETASSESS staff, contractors, agents, and any third parties involved in the development, approval, or dissemination of academic advertising and marketing materials on behalf of either organisation.

4.8 BKI Only Requirements

Some requirements apply solely to BKI as opposed to both BKI and VETASSESS. These requirements include strict adherence to legislative and contractual obligations, particularly those related to the Skills First Charter and the Skills First TAFE VET Funding Contract. In accordance with these requirements, BKI staff must comply with dedicated policies and procedures that ensure transparent reporting, conduct regular internal audits, and promptly rectify any identified non-compliance.

4.8.1 Skills First Charter and TAFE VET Funding Contract

BKI complies with all components of the Skills First Quality Charter and the objectives of the Skills First VET Funding Contract, including the preamble, schedules, guidelines, departmental notifications, and any amendments issued over time.

BKI is always accountable to the Department of Jobs, Skills, Industry and Regions (DJSIR) for its performance under the VET Funding Contract. To support this, BKI maintains robust compliance,

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reporting, and auditing frameworks, with appropriate controls and systems in place. The organisation cooperates fully with the Department to verify compliance.

BKI conducts an internal audit of its compliance with each Skills First VET Funding Contract annually. The initial internal audit is completed within six (6) months of the Contract Commencement Date.

Each internal audit is:

- Signed by the Chief Executive Officer (CEO), and
- Provided to the Department of Education and Training (VIC DET) upon request.

If an internal audit identifies any non-compliance with the Contract, BKI:

- Develops a rectification plan within a reasonable timeframe to address and resolve the non-compliance; and
- Provide a copy of the rectification plan to VIC DET upon request

4.8.2 Education Services for Overseas Students (ESOS) Framework

BKI is registered on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) under the *Education Services for Overseas Students (ESOS) Act 2000* (Cth), authorising the delivery of education and training to overseas students. BKI complies with the ESOS Framework, supported by the *Migration Act 1958* (Cth), *Migration Regulations 1994* (Cth), and relevant state legislation.

BKI adheres to the *National Code 2018*, meeting all 15 standards to ensure high-quality education and support for international students. Ongoing compliance is monitored through audits conducted by the Australian Skills Quality Authority (ASQA), which holds regulatory authority to manage, audit, and, if necessary, deregister providers.

4.8.3 Victorian Registration and Qualifications Authority (VRQA)

BKI complies with the *Education and Training Reform Act 2006* (Vic) and associated regulations, including the VRQA's minimum standards for registration as a non-school senior secondary education provider.

BKI adheres to the Victorian Curriculum and Assessment Authority (VCAA) requirements for delivering the VCE Vocational Major (VCE VM) and Victorian Pathways Certificate (VPC), ensuring alignment with curriculum, assessment, and student support standards.

To demonstrate compliance, BKI manages and retains all documentation related to VCE VM and VPC delivery, ensuring availability for audit by VRQA and VCAA.

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BKI will notify VRQA within 10 business days of changes to executive or governance personnel and will provide advance notice of any proposed relocation or new delivery site, in accordance with Standard 5 and 6 of the VRQA Guidelines.

5.0 Roles and Responsibilities

Role	Responsibilities
Chief Executive Officer	<ul style="list-style-type: none"> Provide strategic leadership to ensure full organisational compliance with all applicable Commonwealth and State legislation and regulatory requirements. Endorse and promote a culture of compliance and accountability across BKI and VETASSESS. Ensure adequate resources are allocated to support compliance activities, including staff training, systems, and internal audits.
Head of Governance Risk and Compliance	<ul style="list-style-type: none"> Lead the development, implementation, and continuous improvement of the organisation's compliance framework. Provide guidance and support to managers and staff on compliance matters.
Manager, Academic Compliance	<ul style="list-style-type: none"> Monitor legislative and regulatory changes and assess their impact on BKI and VETASSESS operations. Oversee internal audits and ensure findings are addressed through appropriate rectification plans. Coordinate responses to regulatory inquiries, audits, and reporting obligations. Ensure policies and procedures are current, accessible, and aligned with regulatory requirements. Ensure timely reporting and communication with regulatory bodies as required.
All Staff	<ul style="list-style-type: none"> Understand and comply with all relevant legislation, regulations, and organisational policies applicable to their role. Participate in training and professional development activities to remain informed of compliance obligations. Maintain accurate records and documentation in accordance with policy and regulatory requirements. Report any compliance concerns or breaches to their manager or the compliance team promptly. Cooperate with internal audits and external regulatory reviews.

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6.0 Definitions

Word/Term	Definition
Australian Qualifications Framework (AQF)	<p>The AQF is the national policy for regulated qualifications in Australia's education and training system. Established in 1995, the AQF provides a unified framework that encompasses qualifications across the higher education, vocational education and training (VET), and school sectors.</p> <p>It represents a nationally agreed policy endorsed by Commonwealth, State, and Territory education ministers and is administered by the Australian Government Department of Education. The AQF ensures consistency, quality, and recognition of qualifications across all education and training sectors in Australia.</p>
Australian Skills Quality Authority (ASQA)	<p>ASQA is the national regulator for vocational education and training (VET) is responsible for overseeing the quality and integrity of education and training across the sector. Its core purpose is to ensure that students, industry, governments, and the broader community can trust the qualifications issued by registered training providers.</p> <p>The regulator operates in alignment with the principles of collaboration, consistency, and continuous improvement, working in partnership with the VET sector to support and achieve high-quality outcomes for learners.</p>
Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS)	<p>CRICOS is an official Australian government register that lists all education providers and courses approved to offer education to international students on student visas. CRICOS ensures that these institutions and courses meet specific quality standards set by the Australian government.</p>
ESOS Framework	<p>The ESOS Framework is the legislative foundation governing the delivery of education services to overseas students in Australia. It establishes the requirements for registration as an ESOS provider and outlines the standards that must be met by institutions offering courses to international students.</p> <p>The framework ensures a nationally consistent approach to the regulation of international education, promoting high-quality training and strong standards of care and support for overseas students.</p>

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Word/Term	Definition
National Centre for Vocational Education Research (NCVER)	NCVER is the national professional body responsible for collecting, managing, analysing and communicating research and statistics on the Australian vocational education and training (VET) sector.
Scope of Registration	In the context of RTOs in Australia, the scope of registration refers to the specific qualifications, accredited courses, and units of competency that an RTO is authorised to deliver. It essentially defines the boundaries of an RTO's training offerings.
Significant Changes	<p>The Australian Skills Quality Authority (ASQA) defines significant changes (often referred to as material changes) as events that affect a Registered Training Organisation's (RTO) ability to comply with the VET Quality Framework, the Financial Viability Risk Assessment Requirements, or Fit and Proper Person Requirements e.g.</p> <p>Changes to Ownership/Management:</p> <ul style="list-style-type: none"> Any change of ownership. Changes to company shareholdings of 50 per cent or more. Changes to high managerial agents, executive officers, or directors. <p>Operational and Legal Entity Changes:</p> <ul style="list-style-type: none"> Changes to the legal entity (change of ABN/ACN). Mergers with another training provider. Substantial changes to operations. 12 consecutive months of no training or assessment delivery (which may lead to a lapse in registration). <p>Compliance and Financial Status:</p> <ul style="list-style-type: none"> Any event that affects the RTO's ability to comply with the VET Quality Framework. Changes resulting in non-compliance with Financial Viability Risk Assessment Requirements. Changes to the status of a "Fit and Proper Person" for the RTO. <p>Training Product Changes (Major Changes):</p> <ul style="list-style-type: none"> Release of a new unit of competency or qualification. Revising, adding, or removing core units. Changes to qualification packaging rules
Skills First Quality Charter	The Skills First Charter is a document that outlines the expectations for training providers delivering services under the Victorian Government's Skills First program. It clarifies how providers should deliver key aspects of training, ensuring high-quality training that aligns with industry needs and leads to employment outcomes. The charter is a key component of the VET Funding Contract and must be read in conjunction with it.

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Word/Term	Definition
Vocational Education and Training (VET)	VET provides practical skills and knowledge relevant to specific industries, preparing individuals for direct employment or further vocational training. It's a pathway that combines classroom learning with hands-on experience, often including work placements or apprenticeships, to equip individuals with the skills needed for today's job market.
VET Quality Framework (VQF)	VQF is a set of standards and requirements that ensures consistency and quality in the Australian vocational education and training (VET) sector. It's essentially a national system for regulating RTOs and their operations.
Victorian Registration and Qualifications Authority (VRQA)	VRQA regulates both schools and non-school providers in Victoria that deliver senior and foundation secondary courses. For non-school providers, the VRQA registers them to offer courses like the Victorian Certificate of Education (VCE), Victorian Pathways Certificate (VPC), and the International Baccalaureate Diploma. These providers must comply with minimum standards set by the VRQA, including those related to child safety.

7.0 Supporting Policy Documents and Forms

Document Name
Child Safety Policy
Course Accreditation and Management Policy
Data Provisions Requirements Policy
Delegations Policy
ESOS Framework and CRICOS Registration Compliance Policy
Non-School Foundation and Senior Secondary Provider Policy
Subcontracting of Training and Assessment Services Policy

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8.0 Version Control and Change History

Ver.	Issue Date	Document Custodian	Description of Change	Approval Authority
1.0	20/05/2019	Chief Academic Officer	Initial Policy	Board of Studies
1.1	16/02/2021	Chief Governance and Quality Officer	Minor changes, spelling and abbreviation corrected	Chief Governance and Quality Officer
1.2	14/06/2024	Head of Governance, Risk and Compliance	Minor grammatical errors, formatting, and updates to role titles. Purpose of policy reviewed and reworded to provide clarity of purpose. Regulatory references updated to incorporate the latest legislation, and the final paragraph on regulations updated to incorporate government department naming conventions.	Chief Operating Officer
2.0	11/03/2026	Manager, Academic Compliance	The policy has been updated to align BKI and VETASSESS, clarify organisational commitments through more formal language, and ensure all legislative references are current.	Head of Governance, Risk and Compliance

9.0 Document Owner and Approval Body

Document Custodian	Approval Authority	Approval Date	Next Scheduled Review Date
Manager, Academic Compliance	Head of Governance, Risk and Compliance	11/03/2026	11/03/2028

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