

Legislative and Regulatory Requirements

When undertaking work experience, the student acknowledges that they must observe the employers Workplace Health and Safety (WHS) Policies and all workplace practices, as instructed by the employer, including Equal Rights, Equal Opportunity, and the Anti-Discrimination Acts. In consideration of all the RTO clients and students it is important that adherence to all legislative acts and regulations are observed while undertaking training.

The student acknowledges that they must observe the RTO's policies and procedures, according to State and Federal Government legislative and regulatory requirements, as set out in the Student Handbook.

1.1 Statutory Education License

Provisions under Part VB of *The Copyright Act 1968* allow all educational institutions to copy and communicate third party material to students, within the limitations of the Statutory Education licence. [The Copyright Agency Ltd \(CAL\)](#) administers the Statutory Education licence on behalf of the Attorney General's Department.

Any RTO electing to rely on this licence is legally allowed to introduce a wide variety of material into its training environment, both in hardcopy and digital format, without having to obtain direct permission from the owner. It facilitates compliance and good governance across the industry, while at the same time ensuring the freedom and flexibility of sharing information without infringing copyright legislation.

Without this licence an educational institution is generally not allowed to reproduce any third-party material from any source, other than where there is a direct licence/subscription in place, or permission has been granted by the creator of the work.

For further details about the Statutory Education licence and/or how to apply, call CAL's education team on 02 9394 7600 or email educationlicences@copyright.com.au.

1.2 Standards for Registered Training Organisations 2015

The [Standards for Registered Training Organisations 2015](#) form part of the VET Quality Framework, a system which ensures the integrity of nationally recognised qualifications. These Standards set out the requirements that College of College of Nursing Education & Training Australia are required to meet in order to be an RTO.

RTOs are required to comply with these Standards and with the:

- *National Vocational Education and Training Regulator Act 2011* or equivalent legislation covering VET regulation in a non-referring State as the case requires
- VET Quality Framework

Note – the *National Vocational Education and Training Regulator Act 2011*, or equivalent legislation covering VET regulation in a non-referring State, provides the VET Regulator with the powers necessary to carry out its functions. Nothing in these Standards may be read as limiting or diminishing those powers.

These Standards should be read in conjunction with the:

- Standards for Training Packages
- Standards for VET Accredited Courses
- Standards for VET Regulators

All employees, including contractors, of College of College of Nursing Education & Training Australia are required to comply with the regulatory requirements of these standards across the RTO's operations and scope of

registration. Compliance with the Standards includes ensuring that training products delivered by the RTO meets the requirements of training packages or VT accredited courses and have integrity for employment and further study and ensure that the RTO operates ethically with due consideration of learners' and enterprises' needs.

1.3 National Vocational Education and Training Regulator Act 2011

The [National Vocational Education and Training Regulator Act](#) establishes the regulatory requirements for registration of a RTO's. The objectives of this act are:

- a) to provide for national consistency in the regulation of vocational education and training (**VET**); and
- b) to regulate VET using:
 - i. a standards-based quality framework; and
 - ii. risk assessments, where appropriate; and
- c) to protect and enhance:
 - i. quality, flexibility and innovation in VET; and
 - ii. Australia's reputation for VET nationally and internationally; and
- d) to provide a regulatory framework that encourages and promotes a VET system that is appropriate to meet Australia's social and economic needs for a highly educated and skilled population; and
- e) to protect students undertaking, or proposing to undertake, Australian VET by ensuring the provision of quality VET; and
- f) to facilitate access to accurate information relating to the quality of VET.

Note 1: The standards-based quality framework mentioned in paragraph (b) consists of instruments made by the Ministerial Council, the Minister or the National VET Regulator.

Note 2: These objects are subject to the constitutional basis for this Act (see Division 3).

1.4 Australian Qualifications [Framework](#) (AQF)

Applicants and RTOs are required to comply with the [Australian Qualifications Framework](#) (AQF), in particular when developing materials or writing Training and Assessment Strategies. The AQF is the quality assured national framework of qualifications in the school, vocational education and training, and higher education sectors in Australia. The AQF Handbook outlines the requirements for setting up Certificates and Testamurs

1.5 Data Provision Requirements 2012 (T)

The [Data Provision Requirements 2012](#) outlines the requirements for applicants and registered training organisations (RTOs) to capture and provide data to the regulatory body.

The data required relates to registration and performance information, including [quality indicator data](#) and information derived from the Australian Vocational Education and Training Management of Information Statistical Standard (AVETMISS).

The Australian Vocational Education and Training Management Information Statistical Standard (AVETMISS) for VET providers is a national data standard for VET providers that ensures the consistent and accurate capture of VET information about students, their courses, units of activity, and qualifications completed. It provides the mechanism for national reporting of the VET system.

For a copy of the AVETMISS Standard go to <http://www.ncver.edu.au> and select Statistical Standards – VET Providers.

(Note: AVETMISS is revised from time to time to maintain relevance and appropriateness. The current version can be accessed from the NCVET website (above).

The Data Provision Requirements require relevant applicants and RTOs to show that they have adequate systems to capture and report on this data against the agreed quality indicators.

1.6 Privacy Protection Act 2012 & Privacy Act 1988

The RTO respects the importance of securing any form of personal information which is collected from the student (s) and/or other Stakeholders. The RTO promotes and conducts the following policy in accordance with the privacy Amendment (enhancing Privacy Protection) Act 2012, which amends the Privacy Act 1988.

Australian Privacy Principle 1 – Open and transparent management of personal information

Types of information which will be collected and where it is held

The RTO collects information for training purposes and compliance against NVR standards to ensure quality service is given to its students in an open and transparent way.

The information collected and stored in the RTO's AVETMISS database includes.

- Student Name
- Age, sex
- Contact information
- Record progress
- For more information, please refer to Clause 17.4 on page 90 for Records Management – paper-based Policy and Procedure

How information is gathered

This information is collected for statistical purposes by the Government & regulating bodies. How the RTO gathers such information through the AVETMISS data collected on the enrolment form and the Q1 AQTF feedback form.

Australian Privacy Principle 2 – Anonymity and Pseudonymity

Should the student and/or stakeholder choose to remain anonymous or use a pseudonym the individual has the right when it is lawful and practicable to do so.

In the case of enrolling into a nationally recognised qualification, all students must use the identity details on their photo ID which will be verified by the RTO.

Australian Privacy Principle 3 – Collection of solicited personal information

Personal information other than sensitive information

The RTO will only collect personal information that is reasonably necessary for one or more of their functions or activities.

Sensitive information

Sensitive information in which the RTO may collect and/or solicit, would be for lawful means as authorised by or under an Australian Law or a court/tribunal order. Should sensitive information related to students health and safety, the RTO may collect this information with the consent of the individual or authorised by or under Australian Law.

Australian Privacy Principle 4 – Dealing with unsolicited personal information

Should the RTO receive personal information although not solicited such information, they will determine as soon as practicable and lawful to do so, destroy the information or ensure the information is de-identified. The RTO will also, within a reasonable period after receiving the information, determine whether or not it could have been collected under APP 3.

Australian Privacy Principle 5 – Notification of the collection of personal information

At or before the time, or if that is not practicable as soon as practicable after, the RTO collects personal information about an individual, such steps will be taken to inform the individual:

- The identity of the RTO and contact details
- If the RTO collects or has collected person details from someone other than the individual
- If the collection of personal information is required or authorised by or under and Australian law or a court/tribunal order.
- The purpose for which the RTO has collected the information
- The consequences (if any) for the individual if all or some of the personal information is not collected by the RTO
- Whom the RTO discloses the personal information too
- How the individual may access the personal information and seek correction of such information
- Please refer to Clause 16.6 on page 72 for access to records Policies & Procedures
- How the individual may complain due to any form of breach
- Please refer to Clause 16.1 on page 74 for the Complaints and Appeals Policies & Procedures

Australian Privacy Principle 6 – Use or disclosure of personal information

The RTO will ensure and promote to its staff that disclosure of personal information for another purpose such as direct marketing, public relations and relationship building is not prohibited unless the individual has consented to the use of disclosing information.

Where State or Commonwealth funding supports training, we are obliged to submit personal and progress details for research, statistical analysis, program evaluation, post completion survey and internal management purposes.

Australian Privacy Principle 7 – Direct marketing

The RTO will not use or disclose personal information for the purpose of direct marketing as outlined in APP 6 unless consent is made by the individual.

This includes sharing your personal details with another organisation unless it is a government department.

Australian Privacy Principle 8 – Cross border disclosure of personal information

The RTO will only transfer personal information to an individual or someone overseas if;

- The receipt of the information is subject of law
- The RTO believes that the disclosure of the information is reasonably necessary for one or more enforcement activities.

Australian Privacy Principle 9 – Adoption, use or disclosure of government related identifiers

The RTO must not adopt a government related identifier of an individual as its own identifier of the individual unless required or authorised by or under an Australian law or a court/tribunal order; if:

- The identifier is prescribed by the regulations
- The organisation is prescribed by the regulations
- The adoption, use or disclosure occurs in the circumstances prescribed by the regulations

In this case of Traineeships and Apprenticeships, students will be issued with a Training Contract Identification Number (TCID), which will be used for identified with the relevant government department.

In the case of the Unique Student Identifier (USI) all students will be required to produce this number prior to enrolment.

Australian Privacy Principle 10 – Quality of personal information

All personal information collected by the RTO must be accurate, up to date, complete and relevant. Refer to Clause 16.6 on page 72 for the Policies & Procedures.

Australian Privacy Principle 11 – Security of personal information

The RTO must ensure that personal information is protected from misuse, interference and loss from unauthorised access, modification or disclosure. To ensure this, all data is collected and stored on the student management system with limited access to authorised personnel only.

Australian Privacy Principle 12 – Access to personal information

All students have the right to gain access to information on request that fall within the definition of personal information. Should the information be withheld from the individual, the RTO should provide reason why access will not be made available within lawful reasons.

1.7 Workplace Health and Safety Act 2011

The RTO is committed to providing and maintaining a safe and healthy environment for the benefit of all clients, visitors and employees.

The RTO monitors and maintains the appropriate Workplace Health and Safety levels and obligations under the Federal and State rules and regulations of the NSW Work Health and Safety Act 2011.

If students have any concerns or notice a condition or practice that seems unsafe, it is important that it is brought to the attention of the RTO management this generally occurs through the Trainer / Assessor.

According to Division 2, Section 19 - Primary duty of care:

- a) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:
 - workers engaged, or caused to be engaged by the person, and
 - workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.
- b) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.
- c) Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable:
 - the provision and maintenance of a work environment without risks to health and safety, and
 - the provision and maintenance of safe plant and structures, and
 - the provision and maintenance of safe systems of work, and
 - the safe use, handling, and storage of plant, structures and substances, and
 - the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
 - the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising

from work carried out as part of the conduct of the business or undertaking, and

- that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

According to Division 4 of the Act:

28 Duties of workers

While at work, a worker must:

- a) take reasonable care for his or her own health and safety, and
- b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act, and
- d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

29 Duties of other persons at the workplace

A person at a workplace (whether or not the person has another duty under this Part) must:

- a) take reasonable care for his or her own health and safety, and
- b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.

WHS Incident Report

The WHS Incident Report is utilised to record injuries and incidences that occur within the RTO/workplace and must be completed whenever an injury or incident is identified. The form collects data on the incident, personal details of the person who was injured and further action to be undertaken.

In the incident of a student injury, it is the responsibility of the Trainer/Assessor to complete the form with all the relevant details. In the incident of a staff member being injured, it is the responsibility of Administration Staff to complete the form with all the relevant details.

All staff and students are required to be safety aware and report all incidents, including an identified hazard or an injury that has occurred on the RTO premises or whilst on work placement. These should be either reported to your trainer or to the administration office at the RTO.

The following procedure should be followed when reporting an incident after the event and when the area/person has been declared safe:

1. Obtain a copy of the "WHS Incident Report" form from either a trainer or the administration office at the RTO.
2. Complete the form to the best of your abilities, by ensuring all fields are completed on pages 1, and 2, as indicated.

3. Submit completed copy to reception at the RTO office.
4. Reception are required to forward the form to the WHS Officer
5. Your supervisor will identify and implement any controls and forward to the WHS Coordinator.
6. WHS Coordinator to complete pages 3 and 4 of the report “Action Required/Taken”, including:
 - a. How was the risk managed
 - b. Whether the relevant safety authority and/or the insurance company was contacted
7. WHS Coordinator to identify whether a required WHS Risk Assessment is required.
8. WHS Officer to log the “WHS Incident Report” into the “WHS Register” and file.
9. All incidences to be discussed at the next Quality and Compliance Meeting.
10. In the case of minor incidences an “Opportunity for Improvement” form should be completed.

Hazard Identification

Everyone is responsible for identifying and reporting hazards, which includes students, sub-contractors and employees of the RTO. If you identify a hazard, please report it to either your RTO Manager or the administration office. You will be required to complete either a *WHS Injury Report Form* or a *Hazard Identification Report Form*.

It is important all staff report any injury immediately, by completing a *WHS Injury Report Form*, which located in the *Trainers Folder* or in the *Administration Office*. If any staff have any concerns or notice a condition or practice that seems unsafe, it is important it is brought to the attention of RTO Manager or an Administration staff member of the RTO.

1.8 Emergency Procedures

An emergency situation may be described as an incident that has the potential to cause loss of life or serious injury to personnel, or major damage to equipment or property. An emergency situation develops suddenly and unexpectedly and requires immediate action to bring under control.

In the event of an emergency, if practical, save human life or prevent the emergency from escalating eg. remove people from the area, fight the fire with appropriate firefighting equipment or turn off services.

Fire Emergency

If the emergency situation involves a fire the following points should be remembered if attempting to fight the fire:

1. When using a fire extinguisher do not aim the nozzle at the centre of the fire. Work from near edge and with a sweeping motion drive the fire to the far edge.
2. Do not stand-up wind or uphill of a fire.
3. If there is any chance of chemicals or explosives in the fire, evacuate the area.
4. If there is any doubt about it being an electrical fire, treat it as an electrical fire.
5. If unable to immediately control the situation it must be reported by available means such as, telephone, etc.
6. You must notify your name, type of emergency, location of the emergency and assistance required.
7. Never take any unnecessary risks in attempting to control the situation. Evacuate first.

You need to make yourself aware of Emergency Procedures, the location of fire extinguishers or hose reels and the location of the Evacuation Meeting Point.

Evacuation Procedure (T&S)

In the event of an emergency situation eg: a fire, bomb threat, gas leak etc... each employee/contractor is required to follow the Evacuation Procedures below.

1. Upon notification to evacuate, eg alarm or a warning from the Fire Warden, each employee/contractor is to await further instructions from the Fire Warden.
2. Once the Fire Warden has given instructions to evacuate each staff member should:
 - a. follow the Fire Warden to the Evacuation Meeting Point
 - b. leave the building in an orderly manner, and
 - c. meet at the Evacuation Meeting Point indicated on the signs located around the building.
3. Upon arriving at the Evacuation Meeting Point please await further instructions from the Fire Warden or the Emergency Services.
4. Please do not leave the Evacuation Meeting Point until you are instructed to do so, as a roll call will be initiated to ensure that there are no employees/contractors or students left behind in the building.

1.9 Anti-Discrimination Act 1977

The Anti-Discrimination Act 1977 aims to promote equality of opportunity for everyone by protecting them from unfair discrimination in certain areas of activity, including education and training. The services developed and offered by MIT, including their administrative practices and assessment processes, take into account the principles established by this legislation. For more information go to:

<http://www.legislation.nsw.gov.au/viewtop/inforce/act+48+1977+cd+0+N/>

The RTO is committed to ensuring that all of its representatives, clients and participants are treated fairly and equally in their employment and training.

1. All opportunities are determined on the basis of merit without regard to nationality, race, religion, sex, sexuality, marital status, pregnancy, politics or impairment.
2. Trainer/Assessors are accountable for the implementation of this policy.
3. The RTO and its representatives have a responsibility to provide an environment, which is free from any form of discrimination, harassment, insult, ridicule, and victimisation or bullying either directly or indirectly.

1.10 Sexual Harassment Act 1984

All representatives of the RTO are required to note and agree to comply fully with the regulations and legislation preventing Sexual Harassment and ensure that all training participants are made aware of and comply with such regulations and legislation requirements.

Sexual Harassment includes but is not limited to:

1. Making unsolicited and unwelcome written, verbal, physical or visual contact with sexual over tones (for example: jokes, slurs, assault, touch or posters)
2. Continuing to express sexual interest after being informed that the interest is unwelcome
3. Masking reprisals, threats of reprisal or implied threats of reprisals following a negative response. (for example, suggesting a poor performance report will be given)
4. Engaging in implicit or explicit coercive sexual behaviour which is used to control, influence or affect the career, salary or environment of another
5. Offering favours or benefits such as promotions, favourable reviews, favourable assigned tasks, etc in return for sexual favours

The RTO strives for an environment free of sexual harassment. These policies against harassment apply to both the training and work environments for participants, clients, staff and contractors.

Anyone found to be in violation of this policy will be subject to appropriate disciplinary action, which includes warnings, reprimand, suspension, dismissal or cancellation of contract.

1.11 Harassment Act 1997

Harassment, victimisation, bullying or any such conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or an offensive learning environment, will not be tolerated. This includes harassment, victimisation, bullying because of sex, race, national origin, religion, disability, sexual preference or age.

Harassment is unlawful under Commonwealth and State legislation and all harassment, bullying and victimisation are contrary to the duty of care to provide a safe environment for work and learning.

Harassment, victimisation, and bullying can take many forms. It can be overt or subtle, direct, or indirect.

Examples of Harassment may include:

- Unwelcome physical contact
- Repeated unwelcome invitations
- Insulting or threatening language or gestures
- Continual unjustified comments about a client's work or work capacity
- Jokes and comments about someone's ethnicity, colour, race
- Pictures, posters, graffiti, electronic images, which are offensive, obscene, or objectionable.

Examples of victimisation may include:

- Unfavourable treatment like aggression
- Refusing to provide information to someone
- Ignoring a person
- Mocking customs or cultures
- Lower assessment of client work

Examples of bullying may include:

- A person who uses strength or power to coerce others by fear
- Behaviour that intimidates, degrades or humiliates a person
- Aggression, verbal abuse and behaviour which is intended to punish
- Personality clashes and constant 'put-downs'
- Persistent, unreasonable criticism of client work performance
- Client violence both physical and threatened against teachers

Staff and students should be aware that differing social and cultural standards may mean behaviour that is acceptable to some may be perceived as offensive by others. Such conduct, when experienced or observed, should be reported to your trainer or the Chief Executive Officer. All complaints will be promptly investigated.

1.12 Anti-Bullying

Violence, harassment, and bullying are human rights issues that profoundly affect the lives of many people in Australia.

We all have a right to feel safe and respected. We all have a right to live our lives free from violence. Violence, harassment and bullying can violate these rights. They can also impact on other rights, such as the right to education and the right to health. Violence, harassment and bullying affect well-being and quality of life.

Victims can experience significant social isolation and feel unsafe. Bullying can lead to emotional and physical harm, loss of self-esteem, feelings of shame and anxiety, and concentration and learning difficulties. Tragically, violence, harassment and bullying can lead to suicide in extreme cases.

These are not issues that concern only children and young people. Violence, harassment, and bullying can occur in a number of different environments, including in workplaces, care facilities and in the community, and can affect people of all ages and backgrounds.

Bullying can also take place in cyberspace: over the internet and on mobile phones. New technologies enable the spread of information, ideas and images to large numbers of people very quickly. There are many challenges in protecting people from violence, harassment and bullying in cyberspace.

We all have a responsibility to create a safe environment by standing up against violence, harassment, and bullying. If bystanders take safe and appropriate action to stop bullying, we can all be a part of the solution. In the event of a situation that is considered by clients to be in violation of the RTO harassment, victimisation and bullying policy, report the situation to management.

Refer to your state regulatory body for more information.

1.13 AFP National Police Check

A number of industries require students and staff to complete a National Police Check before the students can commence Work Placement, these include Aged Care and Children's Services industries. In order to meet the requirements of these industries, the RTO may be required to undertake Police Record Checks of staff and students. Please refer to the following website for details: <http://www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx>

The following requirements **must** be met when submitting an AFP National Police Check (NPC) application. **Failure to meet the required standards will result in the application not being processed.**

1. All other names by which you are known or have previously been known (such as your maiden name), must be provided in full, including given names. Check that your date of birth is correctly entered.
2. **Full payment must accompany the application.** You can pay using either Visa, Mastercard or American Express. Alternatively, for a manually completed application you may pay by bank cheque, which must be in Australian dollars, or money order obtainable from Australia Post. **Personal and Company Cheques will not be accepted. Please do NOT send cash. Applications with incorrect amounts will not be processed.**
3. Copies of identification documents totalling 100 points must be provided. Details of the points attributed to identification documents are provided as part of the application process. **DO NOT SEND ORIGINAL IDENTIFICATION DOCUMENTS WITH YOUR APPLICATION.**
4. Ensure all the necessary details are submitted, including signed consent and copies of identification documents. Please note parental consent will be required if the applicant is under 18 years of age.
5. For manually completed applications:
 - You must submit the form no more than three months after signing it.
 - Mark the appropriate check boxes with a cross (X).
 - Ensure you secure all paperwork, forms, payment, and identification to your application.
 - Ensure all the necessary details have been completed and the form is **signed and dated**.
 - The application form must be completed using **block letters** (ie capital/uppercase)
 - Bank cheques and money orders are to be in Australian dollars (\$AUD) and are to be made payable to the **Australian Federal Police**.
 - If paying by bank cheque it must be from an Australian bank or financial institution affiliated with an Australian bank. **Personal and Company cheques will not be accepted.**
 - The correct payment must be included with **all** applications.
 - Do not include self-addressed/stamped envelopes for return of certificates. These will not be used or returned.

Applications can be completed online through the following portal:

<https://afpnationalpolicechecks.converga.com.au/>

First Aid: College of Nursing Education & Training Australia will provide adequate first aid services for the welfare of its staff and students and visitors in campus. This includes both physical and Mental health First aid. College of Nursing Education & Training Australia will ensure

- a. Records of staff qualified to provide first aid are up to date.
- b. Adequate staff are trained in first aid.
- c. A poster with first aider contacts details is displayed where it can be seen by all.
- d. First aid services are reviewed and monitored by the College of College of Nursing Education & Training Australia on a regular basis to ensure the kits are adequate and sufficient trained first aiders in place.

1.14 Copyright Act 1968

The copyright Act 1968 is an Act relating to copyright and the protection of certain performances, and for other purposes. For more information regarding the Copyright Act 1968 visit:

<https://www.legislation.gov.au/Series/C1968A00063>

Students and staff need to be aware that photocopying of textbooks and assessment tools may be in breach of the Copyright Act, please adhere to the copyright requirements listed within the relevant documents you wish to copy.

1.15 Working with Children Check

Who needs a Working with Children Check?

A Working with Children Check is a prerequisite for anyone in child-related work in NSW. All training and administration staff who may come into contact with students under the age of 18 years, this includes the delivery of training and assessment, are required to complete a Working with Children Check before they are able to work with students under the age of 18.

As a Registered Training Organisation, we have adopted child-safe policies and practices to help keep students under the age of 18 safe. For more information about creating child-safe organisations or to register for a workshop, go to [Office of the Childrens Guardian](#).

A Working with Children Check includes national police check and review of findings of misconduct involving children. The result is either a clearance or a bar.

If the outcome is a clearance, the Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subject to ongoing monitoring and relevant new records could lead to a bar and the clearance being revoked.

Before engaging a new, paid, child-related worker, an employer must ensure the worker has a clearance to work with children, or a completed Check application in progress. Existing workers and volunteers should be verified online as they are phased into the new Check.

The only way to accurately determine a person's clearance status is by verifying their Working with Children Check online; **paper evidence of a clearance should not be accepted.**

Child related work is defined as face-to-face contact with children in a child-related sector or work in a child-related role.

1.16 Child Protection (Working with Children) Regulation 2013

In accordance with the legislation for Child Protection under Child Related Work-Education, Trainers and staff need to be aware of their responsibilities as a Trainer to protect students under the age of 18, this includes staff who:

1. Work in schools or other educational institutions (other than universities) is child-related work.
2. Work providing private coaching or tuition to children is child-related work.

Please refer to the Child Safe Policy below

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+156+2013+cd+0+N>