Explanatory Statement

Standards for NVR Registered Training Organisations 2012 made under the National Vocational Education and Training Regulator Act 2011

Issued by the authority of the Minister for Tertiary Education, Skills, Science and Research

Subject: National Vocational Education and Training Regulator Act 2011 Standards for NVR Registered Training Organisations 2012

Authority

Subsection 185(1) of the National Vocational Education and Training Regulator Act 2011 (the Act) provides that the Minister may make standards for NVR registered training organisations with the agreement of the Ministerial Council. Subsection 185(2) of the Act provides that the agreed standards are to be known as the Standards for NVR Registered Training Organisations.

In accordance with subsections 44(1) and 54(1) of the Legislative Instruments Act 2003, the Standards for NVR Registered Training Organisations 2012 (the Standards) are not subject to disallowance or sunsetting.

Purpose and Operation

The purpose of the Standards is to revoke the Standards for NVR Registered Training Organisations 2011 (F2011L01356) and to remake the Standards to be complied with by persons seeking registration under the Act.

The objectives of the Standards are to ensure nationally consistent, high-quality training and assessment services for the clients of Australia’s vocational education and training (VET) system.

The Standards form part of the VET Quality Framework. As defined in section 3 of the Act, the VET Quality Framework is comprised of the Standards for NVR Registered Training Organisations, the Australian Qualifications Framework, the Fit and Proper Person Requirements, the Financial Viability Risk Assessment Requirements and the Data Provision Requirements.

The Standards are based on the existing Australian Quality Training Framework (AQTF) standards used by training organisations for initial and continuing registration and have adopted parts of the existing AQTF standards for initial and continuing registration for training organisations.

Paragraph 191A(1)(a) of the Act enables the Standards to incorporate the following documents as they exist from time to time:

- Australian Qualifications Framework, as published on http://www.aqf.edu.au
- Training Packages, as published on http://training.gov.au
- Nationally Recognised Training (NRT) Logo Specifications, as published on http://www.asqa.gov.au

Compliance with the Standards is a condition for all NVR registered training organisations and for applicants seeking registration under the Act.
In accordance with subsections 15(b) and 15(c) of the Legislative Instruments Act 2003 the repeal of the Standards for NVR Registered Training Organisations 2011 (F2011L01356) does not effect the previous operation of the former instrument or provision or anything duly done or suffered under the former instrument or provision or any right, privilege, obligation or liability acquired, accrued or incurred under the instrument or provision.

Consultation

The Standards were first consulted upon with stakeholders (unions, training provider peak bodies, employer groups, industry bodies and State and Territory representatives) at a consultation meeting held on 20 and 21 April 2011.

The need for the Standards to require compliance with key documents as and when they are updated was consulted upon with stakeholders (unions, training provider peak bodies, employer groups, industry bodies and State and Territory representatives) as part of the broader consultation process for the National Vocational Education and Training Regulator Amendment Act 2012 on 9 and 10 August 2011.

Before the Minister made the Standards, they were circulated to the Ministerial Council for endorsement which was received on 27 August 2012.

Description of the provisions of the Standards

Part 1—Preliminary

Division 1—Arrangements on commencement

SNR 1: Name of Standards
SNR 1 names the Standards for NVR Registered Training Organisation 2012.

SNR 2: Commencement
SNR 2 provides that the Standards commence on the day after registration on the Federal Register of Legislative Instruments.

SNR 3: Definitions
SNR 3 defines terms used throughout the Standards and clarifies the application of the Standards.

Part 2—Essential standards for initial registration

SNR 4: The applicant must have strategies in place to provide quality training and assessment across all of its operations.
SNR 4 sets out the requirements for strategies and procedures that ensure that an applicant provides quality training and assessment.

SNR 5: The application must have strategies in place to adhere to the principles of access and equity and to maximise outcomes for its clients.
SNR 5 sets out the requirement for strategies and processes to engage with and act on information provided by industry and clients. It also sets out requirements to provide information to clients to ensure access and equity.

SNR 6: The applicant must have in place management systems that will be responsive to the needs of clients, staff and stakeholders, and the environment in which the RTO will operate.
SNR 6 sets out requirements that an applicant’s management system must take into account.

SNR 7: The application has adequate governance arrangements
SNR 7 identifies the requirements of the applicant’s governance arrangements.

SNR 7.1 requires the applicant to demonstrate to the National VET Regulator what its intended objectives as an registered training organisation (RTO) are, that it has undertaken
business planning, and demonstrate the continuing viability including financial viability, of its proposed operations.

SNR 7.2 requires the applicant to also demonstrate how it will ensure the decision making of senior management is informed by the experiences of its trainers and assessors.

SNR 7.3 requires the applicant to identify how it will comply with the VET Quality Framework. This applies to all of the operations within the applicant’s intended scope of registration.

SNR 8: Interactions with the National VET Regulator
SNR 8 sets out requirements that the applicant’s Chief Executive must ensure are in place to ensure appropriate information is shared with the National VET Regulator.

SNR 9: Compliance with legislation
SNR 9.1 sets out the requirement that the applicant must clearly identify any legislation and regulatory requirements that will relate to its operations and provide information about how it will comply with these.

SNR 9.2 requires the applicant to ensure that when staff commence working for the applicant (and on an ongoing basis as required) they must be informed of the impact the legislation and regulations have on the way in which they carry out their duties. Clients must also be provided with information about relevant legislation and regulations, and their related rights and responsibilities.

SNR 10: Insurance
SNR 10 makes holding public liability insurance a requirement of registration. The applicant must have made arrangements for public liability insurance to be in place on registration that is at a level suitable for the planned size and scope of its operations.

SNR 11: Financial Management for initial registration
SNR 11 identifies the requirement that an applicant must be able to demonstrate to the National VET Regulator, on request, that it will be financially viable at all times during the period of its registration.

SNR 11.2 requires the applicant to make information available to clients about fees. Information about fees must be clearly expressed and in a language that clients understand.

SNR 11.3 requires the applicant to have suitable arrangements in place when collecting fees in advance.

SNR 12: Strategy for certification, issuing and recognition of qualifications and statements of attainment
SNR 12.1 identifies a requirement for the applicant to have a system in place for the issuing of VET qualifications and VET statements of attainment.

SNR 12.2 makes it a requirement of registration that an applicant must confirm it will recognise Australian Qualification Framework (AQF) and VET qualifications and VET statement of attainments issued by another RTO.

SNR 12.3 requires the applicant to hold client records of attainment of units of competency and qualifications for a period of 30 years.

SNR 12.4 require the applicant to identify how it will provide returns of its client records of attainment of units of competence and qualifications to the National VET Regulator on a regular basis.

SNR 12.5 requires the applicant to meet the requirements for implementation of a national unique student identifier.

SNR 13: Strategy for accuracy and integrity of marketing.
SNR 13.1 identifies a requirement of an applicant to demonstrate that its proposed marketing
and advertising of AQF and VET qualifications to prospective clients is ethical, accurate and consistent with its scope of registration.

SNR 13.2 requires the applicant to use the NRT logo only in accordance with its conditions of use.

**SNR 14: Strategy for transition to Training Packages**

SNR 14 makes it a requirement of registration for the applicant to identify how it will manage the transition from superseded Training Packages and superseded VET accredited courses so that it will deliver only currently endorsed Training Packages or current VET accredited courses.

**Part 3 – Essential standards for continuing registration**

**SNR 15: The NVR registered training organisation provides quality training and assessment across all of its operations.**

SNR 15 sets out a requirement for a continuous improvement strategy that ensures that an applicant provides quality training and assessment.

**SNR 16: The NVR registered training organisation adheres to principles of access and equity and maximises outcome for its clients.**

SNR 16 sets out a requirement for a strategy to engage with and act on information provided by industry and clients. It also sets out requirements to provide information to clients to ensure access and equity.

**SNR 17: Management systems are responsive to the needs of clients, staff and stakeholders, and in the environment in which the NVR registered training organisation operates.**

SNR 17 sets out requirements that an NVR registered training organisation’s management system must take into account.

**SNR 18: The applicant has in place governance arrangements**

SNR 18.1 requires the NVR registered training organisation to comply with the VET Quality Framework. This applies to all of the operations within the NVR registered training organisation’s scope of registration, as listed on the National Register.

SNR 18.2 requires the applicant to also demonstrate how it will ensure the decision making of senior management is informed by the experiences of its trainers and assessors.

**SNR 19: Interactions with the National VET Regulator**

SNR 19 identifies sets out requirements that the NVR registered training organisation must ensure are in place to ensure appropriate information is shared with the National VET Regulator.

**SNR 20: Compliance with legislation**

SNR 20.1 requires the NVR registered training organisation to comply with relevant legislation and regulatory requirements that are relevant to its operations

SNR 20.2 requires the NVR registered training organisation to ensure that when staff commence working for the organisation (and on an ongoing basis as required) they must be informed of the impact the legislation and regulations have on the way in which they carry out their duties. Clients must also be provided with information about relevant legislation and regulations, and their related rights and responsibilities.

**SNR 21: Insurance**

SNR 21 requires a NVR registered training organisation to hold public liability insurance. The NVR registered training organisation must have public liability insurance that is at a level suitable for the planned size and scope of its operations.

**SNR 22: Financial Management**

SNR 22.1 requires the NVR registered training organisation to demonstrate to the National
VET Regulator, on request, that it will be financially viable at all times during the period of its registration.

SNR 22.2 requires the NVR registered training organisation to make information available to clients about fees. Information about fees must be clearly expressed and in a language that clients understand.

SNR 22.3 requires the NVR registered training organisation to have suitable arrangements in place when collecting fees in advance.

**SNR 23: Certification, issuing and recognition of qualifications and statements of attainment**

SNR 23.1 identifies a requirement for the NVR registered training organisation to have a system in place for the issuing of qualifications and statements of attainment as appropriate within a reasonable timeframe after they have been assessed as competent.

SNR 23.2 requires an NVR registered training organisation to recognise AQF qualifications and VET statement of attainments issued by any other RTO.

SNR 23.3 requires the NVR registered training organisation to hold client records of attainment of units of competency and qualifications for a period of 30 years.

SNR 23.4 requires the NVR registered training organisation to provide returns of its client records of attainment of units of competence and VET qualifications to the National VET Regulator on a regular basis, as determined by the National VET Regulator.

SNR 23.5 requires the applicant to meet the requirements for implementation of a national unique student identifier.

**SNR 24: Accuracy and integrity of marketing**

SNR 24.1 requires the NVR registered training organisation to ensure that its marketing and advertising of AQF qualifications to prospective clients is ethical, accurate and consistent with its scope of registration.

SNR 24.2 requires the NVR registered training organisation to use the NRT logo only in accordance with their conditions of use.

**SNR 25: Transition to Training Packages/Expiry of VET accredited Course**

SNR 25 requires the NVR registered training organisation to manage the transition from superseded Training Packages and superseded VET accredited courses so that it will deliver only currently endorsed Training Packages or current VET accredited courses.