



# Standards for Registered Training Organisations (RTOs) 2015

made under subsection 185(1) and subsection 186(1) of the *National Vocational Education and Training Regulator Act 2011* (the Act).

## Compilation No. 5

<b>Compilation date:</b>	1 March 2024
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## About this compilation

### This compilation

This is a compilation of the *Standards for Registered Training Organisations (RTOs) 2015* that shows the text of the law as amended and in force on 1 March 2024 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Commonwealth of Australia

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

***Standards for Registered Training Organisations (RTOs) 2015***

**PART 1 PRELIMINARY**

**1. Name of Instrument**

This legislative instrument may be cited as the *Standards for Registered Training Organisations (RTOs) 2015*.

**2. Authority**

This legislative instrument is made under:

- (a) Subsection 185(1) of the *National Vocational Education and Training Regulator Act 2011*; and
- (b) Subsection 186(1) of the *National Vocational Education and Training Regulator Act 2011*.

**3. Purpose**

3.1 The purpose of this instrument is to make:

- (a) *Standards for NVR Registered Training Organisations*, being those standards specified in Attachment A; and
- (b) *Fit and Proper Person Requirements*, being those requirements specified in schedule 3 of Attachment A.

3.2 For the purposes of subsection 185(2) of the *National Vocational Education and Training Regulator Act 2011*, the *Standards for NVR Registered Training Organisations* are at Attachment A.

3.3 For the purpose of subsection 186(2) of the *National Vocational Education and Training Regulator Act 2011*, the *Fit and Proper Person Requirements* are at schedule 3 of Attachment A.

**6. Transitional Arrangements**

6.1 The revocation of the *Standards for NVR Registered Training Organisations 2012* does not affect the validity of any action taken or decision made under that instrument. A decision made under the *Standards for NVR Registered Training Organisations 2012* is taken to continue to have effect as if it were made under the *Standards for Registered Training Organisations (RTOs) 2015*.

6.2 From 1 January 2015, whenever the term 'Unique Student Identifier' is used in the *Standards for NVR Registered Training Organisations 2012*, that term is taken to be replaced with the definition for Student Identifiers within Part 1 of Attachment A,

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until full revocation of the *Standards for NVR Registered Training Organisations 2012* takes effect on 1 April 2015.

6.3 The Victorian Registration and Qualifications Authority (VRQA) and those RTOs regulated by the VRQA are not bound to comply with this instrument until such time as the Victorian Parliament passes an Act to amend the *Education and Training Reform Act 2006* (Vic) to incorporate appropriate references to the Standards, and that Act has commenced.

6.4 The Western Australian Training Accreditation Council (WA TAC) and RTOs regulated by WA TAC will not be bound by this instrument until such time as the *Vocational Education and Training (General) Regulations 2009* (WA) have been amended to incorporate appropriate references to the Standards, and those amendments have commenced.

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## Attachment A

### Contents

<b>Part 1</b>	<b>Preliminary</b>	
	Name of Standards	4
	Purpose	4
	Structure	4
	Definitions	5
	Glossary	6
<b>Part 2</b>	<b>Training and assessment</b>	
	Standard 1	14
	Standard 2	20
	Standard 3	22
<b>Part 3</b>	<b>Obligations to learners and clients</b>	
	Standard 4	24
	Standard 5	25
	Standard 6	27
<b>Part 4</b>	<b>RTO governance and administration</b>	
	Standard 7	29
	Standard 8	30
<b>Schedules</b>		
	Schedule 1	32
	Schedule 2	35
	Schedule 3	36
	Schedule 4	39
	Schedule 5	40
	Schedule 6	42
<b>Endnotes</b>		
	Endnote 1	43
	Endnote 2	44
	Endnote 3	45
	Endnote 4	46

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## PART 1 – Preliminary

### Name of Standards

These Standards are the *Standards for Registered Training Organisations 2015*. These Standards form part of the VET Quality Framework, a system which ensures the integrity of nationally recognised qualifications.

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

### Purpose

The purpose of these Standards is to:

1. set out the requirements that an organisation must meet in order to be an RTO;
2. ensure that training products delivered by RTOs meet the requirements of training packages or VET accredited courses, and have integrity for employment and further study; and
3. ensure RTOs operate ethically with due consideration of learners' and enterprises' needs.

### Structure

These Standards consist of eight Standards. Under each Standard is a set of Clauses of the Standard.

To comply with a Standard, the RTO must meet each of the Clauses. A person applying to register as a new RTO must demonstrate the capacity to meet these Standards for all of the person's intended scope of registration.

For each Standard a context statement is also included. The context does not form part of the Standard itself, and has been included to provide background information to help readers understand the Standard.

The Standards and Clauses are collectively referred to as Standards.

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## **Definitions**

The glossary at the beginning of these Standards defines certain words and expressions which have specific meaning in these Standards.

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## Glossary

In these Standards, unless the contrary intention appears:

**Access and equity** means policies and approaches aimed at ensuring that VET is responsive to the individual needs of clients whose age, gender, cultural or ethnic background, disability, sexuality, language skills, literacy or numeracy level, unemployment, imprisonment or remote location may present a barrier to access, participation and the achievement of suitable outcomes.

**Accredited short course** means a course accredited by the VET Regulator in accordance with the Standards for VET Accredited Courses that leads to an AQF statement of attainment.

**Actively working towards** means an individual is enrolled in, has commenced, and is making satisfactory progress toward completing within two years of commencement, a specified training and assessment credential.

**AQF certification documentation** is the set of official documents that confirms that an AQF qualification or statement of attainment has been issued to an individual.

**AQF qualification** means an AQF qualification type endorsed in a training package or accredited in a VET accredited course.

**Assessment** means the process of collecting evidence and making judgements on whether competency has been achieved, to confirm that an individual can perform to the standard required in the workplace, as specified in a training package or VET accredited course.

**Assessment system** is a coordinated set of documented policies and procedures (including assessment materials and tools) that ensure assessments are consistent and are based on the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.

**Assessors** are persons who assess a learner's competence in accordance with Clauses 1.13 to 1.16.

**Audit** means an audit or compliance audit undertaken by the VET Regulator.

**Australian Qualifications Framework (AQF)** means the framework for regulated qualifications in the Australian education and training system, as agreed by the Commonwealth, State and Territory ministerial council with responsibility for higher education.

**Authenticated VET transcript** has the meaning given in the *Student Identifiers Act 2014*.

**Client** means a learner, enterprise or organisation that uses or purchases the services provided by an RTO.

**Code** means the unique identifier for units of competency, skill sets, VET accredited courses, modules, AQF qualifications or training packages as required by the Standards for Training Packages and Standards for VET Accredited Courses.



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**Competency** means the consistent application of knowledge and skill to the standard of performance required in the workplace. It embodies the ability to transfer and apply skills and knowledge to new situations and environments.

**Current industry skills** are the knowledge, skills and experience required by VET trainers and assessors and those who provide training and assessment under supervision to ensure that their training and assessment is based on current industry practices and meets the needs of industry.

Current industry skills may be informed by consultations with industry and may include, but is not limited to:

- a) having knowledge of and/or experience using the latest techniques and processes;
- b) possessing a high level of product knowledge;
- c) understanding and knowledge of legislation relevant to the industry and to employment and workplaces;
- d) being customer/client-oriented;
- e) possessing formal industry and training qualifications; and
- f) training content that reflects current industry practice.

**Data Provision Requirements** are the requirements for data provision as agreed by the Industry and Skills Council and implemented by the VET Regulator as required by its governing legislation.

**Educational and support services** may include, but are not limited to:

- a) pre-enrolment materials;
- b) study support and study skills programs;
- c) language, literacy and numeracy (LLN) programs or referrals to these programs;
- d) equipment, resources and/or programs to increase access for learners with disabilities and other learners in accordance with access and equity;
- e) learning resource centres;
- f) mediation services or referrals to these services;
- g) flexible scheduling and delivery of training and assessment;
- h) counselling services or referrals to these services;
- i) information and communications technology (ICT) support;
- j) learning materials in alternative formats, for example, in large print;
- (ja) wellbeing services;
- k) learning and assessment programs contextualised to the workplace; and
- l) any other services that the RTO considers necessary to support learners to achieve competency.

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**Executive officer** means:

- a) a person, by whatever name called and whether or not a director of the organisation, who is concerned in or takes part in the management of the RTO; or
- b) an administrator, receiver and manager, or liquidator of the organisation (other than a receiver and manager, or liquidator, appointed by a court); or
- c) if the RTO is a body corporate:
  - i. a person who, at any time during a period for which the organisation is registered, owns 15% or more of the organisation; or
  - ii. a person who, at any time during a period for which the organisation is registered, is entitled to receive 15% or more of dividends paid by the organisation; or
  - iii. the administrator of a deed of company arrangement executed by an organisation; or
  - iv. a trustee or other person administering a compromise or arrangement made between the organisation and another person or other persons.

**Financial Viability Risk Assessment Requirements** means the requirements made under section 158 of the *National Vocational Education and Training Regulator Act 2011* or equivalent requirements made or adopted by the VET Regulator of a non-referring State as the case requires.

**Government entity** means:

- a) a Department of State of the Commonwealth; or
- b) a Department of the Parliament established under the *Parliamentary Service Act 1999* of the Commonwealth;
- c) an Executive Agency, or Statutory Agency, within the meaning of the *Public Service Act 1999* of the Commonwealth;
- d) a Department of State of a State or Territory; or
- e) an organisation that:
  - (i) is not an entity; and
  - (ii) is either established by the Commonwealth, a State or a Territory (whether under a law or not) to carry on an enterprise or established for a public purpose by an Australian law; and
  - (iii) can be separately identified by reference to the nature of the activities carried on through the organisation or the location of the organisation whether or not the organisation is part of a department or branch described in paragraph (a), (b), (c) or (d) or of another organisation of the kind described in this paragraph.

**government training contract** means a contract that a registered training organisation has with the Commonwealth or a state or territory (or a statutory authority of a state or territory) under which it receives funding in relation to the

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provision by the registered training organisation of vocational education and training.

**High managerial agent** means an employee or agent of the organisation with duties of such responsibility that his or her conduct may fairly be assumed to represent the organisation in relation to the business of providing courses.

**Independent validation** means, for the purposes of Clause 1.25, that the validation is carried out by a validator or validators who:

- a) are not employed or subcontracted by the RTO to provide training and assessment; and
- b) have no other involvement or interest in the operations of the RTO.

**Industry** means the bodies that have a stake in the services provided by RTOs. These can include, but are not limited to:

- a) enterprise/industry clients, e.g. employers;
- b) group training organisations;
- c) industry organisations;
- d) industry regulators;
- e) industry skills councils or similar bodies;
- f) industry training advisory bodies; and
- g) unions.

**Industry and Skills Council** means the Commonwealth, State and Territory ministerial council established by the Council of Australian Governments (COAG), or its successor.

**Industry engagement**, for the purposes of Clauses 1.5 & 1.6, may include, but is not limited to, strategies such as:

- a) partnering with local employers, regional/national businesses, relevant industry bodies and/or enterprise RTOs;
- b) involving employer nominees in industry advisory committees and/or reference groups;
- c) embedding staff within enterprises;
- d) networking in an ongoing way with industry networks, peak bodies and/or employers;
- e) developing networks of relevant employers and industry representatives to participate in assessment validation; and
- f) exchanging knowledge, staff, and/or resources with employers, networks and industry bodies.

**Industry expert** means an individual who has relevant specialised industry or subject matter expertise who is engaged by the RTO on the basis of that expertise. Industry experts must have relevant vocational competencies and have current industry skills directly relevant to the training and assessment being provided.

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**Industry regulator** means a body or organisation responsible for the regulation and/or licensing arrangements within a specific industry or occupation.

**Learner** means a person being trained and/or assessed by the RTO for the purpose of issuing AQF certification documentation.

**Licensed or regulated outcome** means compliance with an eligibility requirement for an occupational licence or a legislative requirement to hold a particular training product in order to carry out an activity.

**Mode of delivery** means the method adopted to deliver training and assessment, including online, distance, or blended methods.

**Module** means a group of learning outcomes in a VET accredited course where it can be established that it is not possible to develop an appropriate unit of competency.

**National Register** means the register maintained by the Commonwealth Department responsible for VET and referred to in section 216 of the *National Vocational Education and Training Regulator Act 2011*.

**Nationally Recognised Training (NRT) Logo** means the logo used nationally to signify training packages and VET accredited courses.

**Operations** of an RTO include training, assessment and administration and support services related to its registration, including those delivered across jurisdictions and offshore.

**Person** includes a body politic or corporate as well as an individual.

**Professional development** means activities that develop and/or maintain an individual's skills, knowledge, expertise and other characteristics as a trainer or assessor. This includes both formal and informal activities that encompass vocational competencies, currency of industry skills and knowledge and practice of vocational training, learning and assessment, including competency based training and assessment. Examples of professional development activities include:

- a) participation in courses, workshops, seminars, conferences, or formal learning programs;
- b) participation in mentoring, professional associations or other learning networks;
- c) personal development through individual research or reading of publications or other relevant information;
- d) participation in moderation or validation activities; and
- e) participation in industry release schemes.

**Recognition of Prior Learning (RPL)** means an assessment process that assesses the competency/s of an individual that may have been acquired through formal, non-formal and informal learning to determine the extent to which that individual meets the requirements specified in the training package or VET accredited courses.

- a) formal learning refers to learning that takes place through a structured program of instruction and is linked to the attainment of an AQF

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qualification or statement of attainment (for example, a certificate, diploma or university degree);

- b) non-formal learning refers to learning that takes place through a structured program of instruction, but does not lead to the attainment of an AQF qualification or statement of attainment (for example, in-house professional development programs conducted by a business); and
- c) informal learning refers to learning that results through experience of work-related, social, family, hobby or leisure activities (for example the acquisition of interpersonal skills developed through several years as a sales representative).

**Record** means a written, printed, or electronic document providing evidence that activities have been performed.

**Registrar** has the meaning given in the *Student Identifiers Act 2014*.

**Registration** means registration as an RTO by the VET Regulator, where that registration is then entered on the National Register.

**RTO** means a Registered Training Organisation.

**RTO code** means the registration identifier given to the RTO on the National Register.

**Scope of registration** means the training products for which an RTO is registered to issue AQF certification documentation. It allows the RTO to:

- a) both provide training delivery and assessment resulting in the issuance of AQF certification documentation by the RTO; or
- b) provide assessment resulting in the issuance of AQF certification documentation by the RTO.

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

**Skill set** means a single unit of competency or a combination of units of competency from a training package which link to a licensing or regulatory requirement, or a defined industry need.

**Standards for VET Accredited Courses** are the standards made under subsection 188(1) of the *National Vocational Education and Training Regulator Act 2011* or the equivalent requirements adopted by a non-referring State.

**Statement of attainment** means a statement issued to a person confirming that the person has satisfied the requirements of the unit/s of competency or accredited short course specified in the statement.

**Statistically valid** means for the purposes of these Standards, a random sample of appropriate size is selected to enable confidence that the result is sufficiently accurate to be accepted as representative of the total population of assessments being validated.

**Student Identifier** has the meaning given in the *Student Identifiers Act 2014*.

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**Teacher Enhancement Skill Set** means *TAESS00024 VET Delivered to School Students Teacher Enhancement Skill Set* and includes any successors to this skill set.

**Third party** means any party that provides services on behalf of the RTO but does not include a contract of employment between an RTO and its employee.

**Trainers** are persons who provide training in accordance with Clause 1.13, 1.14 and 1.16.

**Training** is the process used by an RTO or a third party delivering services on its behalf, to facilitate learning and the acquisition of competencies in relation to the training product on the RTO's scope of registration.

**training and assessment credential** are those qualifications, skill sets and units of competency, or relevant combination of those qualifications, skill sets and units of competency, specified in the table at Schedule 1.

**Training and assessment strategies and practices** are the approach of, and method adopted by, an RTO with respect to training and assessment designed to enable learners to meet the requirements of the training package or accredited course.

**Training Package** means the components of a training package endorsed by the Industry and Skills Council or its delegate in accordance with the Standards for Training Packages. The endorsed components of a Training Package are: units of competency; assessment requirements (associated with each unit of competency); qualifications; and credit arrangements. The endorsed components form part of the requirements that an RTO must meet under these Standards. A training package also consists of a non-endorsed, quality assured companion volume/s which contains industry advice to RTOs on different aspects of implementation.

**Training Product** means AQF qualification, skill set, unit of competency, accredited short course and module.

**Unit of competency** means the specification of the standards of performance required in the workplace as defined in a training package.

**Validation** is the quality review of the assessment process. Validation involves checking that the assessment tool/s produce/s valid, reliable, sufficient, current and authentic evidence to enable reasonable judgements to be made as to whether the requirements of the training package or VET accredited courses are met. It includes reviewing a statistically valid sample of the assessments and making recommendations for future improvements to the assessment tool, process and/or outcomes and acting upon such recommendations.

**VET** means vocational education and training.

**VET accredited course** means a course accredited by the VET regulator in accordance with the Standards for VET Accredited Courses.

**VET Quality Framework** comprises:

- a) the Standards for Registered Training Organisations
- b) the Australian Qualifications Framework

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- c) the Fit and Proper Person Requirements
  - d) the Financial Viability Risk Assessment Requirements
  - e) the Data Provision Requirements

**VET Regulator** means:

- a) the National VET Regulator; and
- b) a body of a non-referring State that is responsible for the kinds of matters dealt with under the VET legislation for that State.

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## PART 2 – Training and assessment

### Standard 1. The RTO's training and assessment strategies and practices are responsive to industry and learner needs and meet the requirements of training packages and VET accredited courses

#### **Context:**

*Learners, employers and industry must have confidence in the integrity, currency and value of certification documents issued by RTOs, through high quality training and assessment practices that:*

- *meet the requirements of training packages and VET accredited courses;*
- *is responsive to industry and learner needs; and*
- *is delivered by appropriately qualified trainers and assessors with the right support services, facilities and equipment.*

*The RTO's training and assessment strategies and practices must have regard to the amount of training required for the learner to gain the competencies as specified in the relevant training package or VET accredited course. The amount of training will vary depending on the existing skills and knowledge of the learner, the mode of delivery and include any work placement arrangements.*

*To ensure thorough and rigorous assessment practices and results, RTOs must implement a comprehensive plan of systematic validation. RTOs must use a risk-based approach to developing the plan considering risk indicators such as the potential safety concerns to clients from an assessment outcome that is not valid, the mode of delivery, changes to training packages and/or licensing requirements.*

*Trainers and assessors who are involved in training and assessment delivery being considered as part of the validation process may also participate in the validation process.*

*There are differences in the operating characteristics and business objectives of RTOs and the evidence RTOs use to demonstrate compliance with this Standard will reflect those differences.*

To be compliant with Standard 1 the RTO must meet the following:

- 1.1. The RTO's training and assessment strategies and practices, including the amount of training they provide, are consistent with the requirements of training packages and VET accredited courses and enable each learner to meet the requirements for each unit of competency or module in which they are enrolled.
- 1.2. For the purposes of Clause 1.1, the RTO determines the amount of training they provide to each learner with regard to:
  - a) the existing skills, knowledge and the experience of the learner;
  - b) the mode of delivery; and
  - c) where a full qualification is not being delivered, the number of units and/or modules being delivered as a proportion of the full qualification.



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- 1.3. The RTO has, for all of its scope of registration, and consistent with its training and assessment strategies, sufficient:
- a) trainers and assessors to deliver the training and assessment;
  - b) educational and support services to meet the needs of the learner cohort/s undertaking the training and assessment;
  - c) learning resources to enable learners to meet the requirements for each unit of competency, and which are accessible to the learner regardless of location or mode of delivery; and
  - d) facilities, whether physical or virtual, and equipment to accommodate and support the number of learners undertaking the training and assessment.
- 1.4. The RTO meets all requirements specified in the relevant training package or VET accredited course.

Industry relevance

- 1.5. The RTO's training and assessment practices are relevant to the needs of industry and informed by industry engagement.
- 1.6. The RTO implements a range of strategies for industry engagement and systematically uses the outcome of that industry engagement to ensure the industry relevance of:
- a) its training and assessment strategies, practices and resources; and
  - b) the current industry skills of its trainers and assessors.

Learner support

- 1.7. The RTO determines the support needs of individual learners and provides access to the educational and support services necessary for the individual learner to meet the requirements of the training product as specified in training packages or VET accredited courses.

Assessment

- 1.8. The RTO implements an assessment system that ensures that assessment (including recognition of prior learning):
- a) complies with the assessment requirements of the relevant training package or VET accredited course; and
  - b) is conducted in accordance with the Principles of Assessment contained in Table 1.8-1 and the Rules of Evidence contained in Table 1.8-2.

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**Table 1.8-1: Principles of Assessment**

Fairness	<p>The individual learner's needs are considered in the assessment process.</p> <p>Where appropriate, reasonable adjustments are applied by the RTO to take into account the individual learner's needs.</p> <p>The RTO informs the learner about the assessment process, and provides the learner with the opportunity to challenge the result of the assessment and be reassessed if necessary.</p>
Flexibility	<p>Assessment is flexible to the individual learner by:</p> <ul style="list-style-type: none"><li>• reflecting the learner's needs;</li><li>• assessing competencies held by the learner no matter how or where they have been acquired; and</li><li>• drawing from a range of assessment methods and using those that are appropriate to the context, the unit of competency and associated assessment requirements, and the individual.</li></ul>
Validity	<p>Any assessment decision of the RTO is justified, based on the evidence of performance of the individual learner.</p> <p>Validity requires:</p> <ul style="list-style-type: none"><li>• assessment against the unit/s of competency and the associated assessment requirements covers the broad range of skills and knowledge that are essential to competent performance;</li><li>• assessment of knowledge and skills is integrated with their practical application;</li><li>• assessment to be based on evidence that demonstrates that a learner could demonstrate these skills and knowledge in other similar situations; and</li><li>• judgement of competence is based on evidence of learner performance that is aligned to the unit/s of competency and associated assessment requirements.</li></ul>
Reliability	<p>Evidence presented for assessment is consistently interpreted and assessment results are comparable irrespective of the assessor conducting the assessment.</p>

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**Table 1.8-2: Rules of Evidence**

Validity	The assessor is assured that the learner has the skills, knowledge and attributes as described in the module or unit of competency and associated assessment requirements.
Sufficiency	The assessor is assured that the quality, quantity and relevance of the assessment evidence enables a judgement to be made of a learner's competency.
Authenticity	The assessor is assured that the evidence presented for assessment is the learner's own work.
Currency	The assessor is assured that the assessment evidence demonstrates current competency. This requires the assessment evidence to be from the present or the very recent past.

1.9. The RTO implements a plan for ongoing systematic validation of assessment practices and judgements that includes for each training product on the RTO's scope of registration:

- a) when assessment validation will occur;
- b) which training products will be the focus of the validation;
- c) who will lead and participate in validation activities; and
- d) how the outcomes of these activities will be documented and acted upon.

1.10. For the purposes of Clause 1.9, each training product is validated at least once every five years, with at least 50% of products validated within the first three years of each five year cycle, taking into account the relative risks of all of the training products on the RTO's scope of registration, including those risks identified by the VET Regulator.

1.11 For the purposes of clause 1.9, systematic validation of an RTO's assessment practices and judgements:

- a) must be undertaken by one or more persons who collectively have:
  - i) vocational competencies and current industry skills relevant to the assessment being validated;
  - ii) current knowledge and skills in vocational teaching and learning; and
  - iii) the training and assessment credential specified in Item 2 or Item 5 of Schedule 1; and
- b) may be undertaken by persons involved in the delivery and assessment of the training product being validated provided they are not solely responsible for determining the outcomes of validation.

1.12. The RTO offers recognition of prior learning to individual learners.

**Trainers and assessors**

1.13. In addition to the requirements specified in Clause 1.14 and Clause 1.15, the RTO's training and assessment is delivered only by persons who have:

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- a) vocational competencies at least to the level being delivered and assessed;
  - b) current industry skills directly relevant to the training and assessment being provided; and
  - c) current knowledge and skills in vocational training and learning that informs their training and assessment.

Industry experts may also assist in training delivery and/or the assessment judgement, working alongside the trainer and/or assessor to conduct the training and/or assessment.

- 1.14. The RTO's training and assessment is delivered only by persons who have the training and assessment credential specified in Item 2 or Item 3 of Schedule 1.
- 1.15. Where a person conducts assessments only, the RTO ensures that the person has the training and assessment credential specified in Item 2, or Item 3, or Item 5 of Schedule 1.
- 1.16. The RTO ensures that all trainers and assessors undertake professional development in the fields of the knowledge and practice of vocational training, learning and assessment including competency based training and assessment.

Individuals working under the supervision of a trainer

- 1.17. Where the RTO, in delivering training and assessment, engages an individual who is not a trainer or assessor, the individual works under the supervision of a trainer and does not determine assessment outcomes.
- 1.18. The RTO ensures that any individual working under the supervision of a trainer under Clause 1.17:
  - a) holds a training and assessment credential specified in Item 6 of Schedule 1, that is relevant to the learner cohort which the individual is involved in training and assessing, or is actively working towards a training and assessment credential specified in Item 8 of Schedule 1;
  - b) has vocational competencies at least to the level being delivered and assessed; and
  - c) has current industry skills directly relevant to the training and assessment being provided.
- 1.19. Where the RTO engages an individual under Clause 1.17, it ensures that the training and assessment complies with Standard 1.
- 1.20. Without limiting Clauses 1.17 - 1.19, the RTO:
  - a) determines and puts in place:
    - i) the level of the supervision required; and
    - ii) any requirements, conditions or restrictions considered necessary on the individual's involvement in the provision of training and collection of assessment evidence; and

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- b) ensures that trainers providing supervision monitor and are accountable for all training provision and collection of assessment evidence by the individual under their supervision.

Delivery of the training and assessment qualifications for trainers and assessors

- 1.21. Deleted.
- 1.22. to deliver any AQF qualification or skill set from the Training and Education Training Package (or its successor) the RTO must ensure all trainers and assessors delivering the training and assessment hold the training and assessment qualification at least to the level being delivered.
- 1.23. To deliver the training and assessment credential specified in Item 2 of Schedule 1, the Assessor Skill Set or the Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor), the RTO must ensure all trainers and assessors delivering the training and assessment:
  - a) hold the training and assessment credential specified in Item 7 of Schedule 1; or
  - b) work under the supervision of a trainer that meets the requirement set out in a) above.
- 1.24. The RTO must ensure that any person working under supervision for the purposes of Standard 1.23 b):
  - a) does not determine assessment outcomes; and
  - b) holds the training and assessment credential specified in Item 2 of Schedule 1.

Independent validation of training and assessment qualifications

- 1.25. to deliver any AQF qualification the Assessor Skill Set or the Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor), the RTO must have undergone an independent validation of its assessment system, tools, processes and outcomes in accordance with the requirements contained in Schedule 2 (and the definitions of **independent validation** and **validation**).

Transition of training products

- 1.26. Subject to Clause 1.27 and unless otherwise approved by the VET Regulator, the RTO ensures that:
  - a) where a training product on its scope of registration is superseded, all learners' training and assessment is completed and the relevant AQF certification documentation is issued or learners are transferred into its replacement, within a period of one year from the date the replacement training product was released on the National Register;
  - b) where an AQF qualification is no longer current and has not been superseded, all learners' training and assessment is completed and the relevant AQF certification documentation issued within a period of two years from the date the AQF qualification was removed or deleted from the National Register;

- 
- c) where a skill set, unit of competency, accredited short course or module is no longer current and has not been superseded, all learners' training and assessment is completed and the relevant AQF certification documentation issued within a period of one year from the date the skill set, unit of competency, accredited short course or module was removed or deleted from the National Register; and
  - d) a new learner does not commence training and assessment in a training product that has been removed or deleted from the National Register.

1.27. The requirements specified in Clause 1.26 (a) do not apply where a training product requires the delivery of a superseded unit of competency.

## **Standard 2. The operations of the RTO are quality assured.**

### **Context:**

*The RTO is ultimately responsible for ensuring quality training and assessment within their organisation and scope of registration, regardless of any third party arrangements where training and/or assessment is delivered on their behalf. This includes where the RTO subcontracts the delivery of services to a third party and the third party further subcontracts the delivery of services, but the AQF certification documentation will be issued by the RTO. The RTO must have a written agreement with any party that delivers services on its behalf.*

*The RTO is responsible for developing, implementing, monitoring and evaluating quality training and assessment strategies and practices that meet training package and VET accredited course requirements.*

*Evaluating information about performance and using such information to inform quality assurance of services and improve training and assessment is sound business and educational practice. The information used to evaluate RTO performance must be relevant to the operating characteristics and business objectives of the RTO and will vary from one RTO to another.*

To be compliant with Standard 2 the RTO must meet the following:

- 2.1. The RTO ensures it complies with these Standards at all times, including where services are being delivered on its behalf. This applies to all operations of an RTO within its scope of registration.
- 2.2. The RTO:
  - a) systematically monitors the RTO's training and assessment strategies and practices to ensure ongoing compliance with Standard 1; and
  - b) systematically evaluates and uses the outcomes of the evaluations to continually improve the RTO's training and assessment strategies and practices. Evaluation information includes but is not limited to quality/performance indicator data collected under Clause 7.5, validation outcomes, client, trainer and assessor feedback and complaints and appeals.
- 2.3. The RTO ensures that where services are provided on its behalf by a third party the provision of those services is the subject of a written agreement.

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2.4. The RTO has sufficient strategies and resources to systematically monitor any services delivered on its behalf, and uses these to ensure that the services delivered comply with these Standards at all times.

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**Standard 3. The RTO issues, maintains and accepts AQF certification documentation in accordance with these Standards and provides access to learner records.**

**Context:**

*To maintain the integrity and national recognition of training products, AQF certification must be consistent in presentation and RTOs must accept the certification issued by other RTOs. This is the purpose of nationally agreed requirements about the nature of certification content and presentation and maintenance. Learner needs should be met through timely issuance of AQF certification documentation and access to their records.*

*RTOs are not obliged to issue any certification that would be entirely comprised of units or modules completed at another RTO or RTOs.*

To be compliant with Standard 3 the RTO must meet the following:

- 3.1. The RTO issues AQF certification documentation only to a learner whom it has assessed as meeting the requirements of the training product as specified in the relevant training package or VET accredited course.
- 3.2. All AQF certification documentation issued by an RTO meets the requirements of Schedule 5.
- 3.3. AQF certification documentation is issued to a learner within 30 calendar days of the learner being assessed as meeting the requirements of the training product if the training program in which the learner is enrolled is complete, and providing all agreed fees the learner owes to the RTO have been paid.
- 3.4. Records of learner AQF certification documentation are maintained by the RTO in accordance with the requirements of Schedule 5 and are accessible to current and past learners.
- 3.5. The RTO accepts and provides credit to learners for units of competency and/or modules (unless licensing or regulatory requirements prevent this) where these are evidenced by:
  - a) AQF certification documentation issued by any other RTO or AQF authorised issuing organisation; or
  - b) authenticated VET transcripts issued by the Registrar.
- 3.6. The RTO meets the requirements of the Student Identifier scheme, including:
  - a) verifying with the Registrar, a Student Identifier provided to it by an individual before using that Student Identifier for any purpose;
  - b) ensuring that it will not issue AQF certification documentation to an individual without being in receipt of a verified Student Identifier for that individual, unless an exemption applies under the *Student Identifiers Act 2014*;
  - c) ensuring that where an exemption described in Clause 3.6 (b) applies, it will inform the student prior to either the completion of the enrolment or commencement of training and assessment, whichever occurs first, that the results of the training will not be accessible through the



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Commonwealth and will not appear on any authenticated VET transcript prepared by the Registrar; and

- d) ensuring the security of Student Identifiers and all related documentation under its control, including information stored in its student management systems.

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## Part 3: Obligations to learners and clients

### Standard 4. Accurate and accessible information about an RTO, its services and performance is available to inform prospective and current learners and clients.

#### **Context:**

*The RTO is ultimately responsible for ensuring transparent and accurate information about RTO services and performance is accessible to prospective and current learners and clients of the RTO, regardless of any arrangements to have this information distributed on behalf of the RTO.*

*Transparent and accurate information about RTO services and performance enables prospective and current learners and clients to make informed decisions regarding their training and/or assessment needs.*

*The information about RTO services and performance provided by the RTO must be relevant to and reflect the needs of the client which will vary from RTO to RTO.*

To be compliant with Standard 4 the RTO must meet the following:

- 4.1 Information, whether disseminated directly by the RTO or on its behalf, is both accurate and factual, and:
- a) accurately represents the services it provides and the training products on its scope of registration;
  - b) includes its RTO Code;
  - c) refers to another person or organisation in its marketing material only if the consent of that person or organisation has been obtained;
  - d) uses the NRT Logo only in accordance with the conditions of use specified in Schedule 4;
  - e) makes clear where a third party is recruiting prospective learners for the RTO on its behalf;
  - f) distinguishes where it is delivering training and assessment on behalf of another RTO or where training and assessment is being delivered on its behalf by a third party;
  - g) distinguishes between nationally recognised training and assessment leading to the issuance of AQF certification documentation from any other training or assessment delivered by the RTO;
  - h) includes the code and title of any training product, as published on the National Register, referred to in that information;
  - i) only advertises or markets a non-current training product while it remains on the RTO's scope of registration;
  - j) only advertises or markets that a training product it delivers will enable learners to obtain a licensed or regulated outcome where this has been confirmed by the industry regulator in the jurisdiction in which it is being advertised;

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- k) includes details about any VET FEE-HELP, government funded subsidy or other financial support arrangements associated with the RTO's provision of training and assessment; and
  - l) does not guarantee that:
    - i) a learner will successfully complete a training product on its scope of registration; or
    - ii) a training product can be completed in a manner which does not meet the requirements of Clause 1.1 and 1.2; or
    - iii) a learner will obtain a particular employment outcome where this is outside the control of the RTO.

**Standard 5. Each learner is properly informed and protected.**

**Context:**

*In order to ensure that learners are adequately informed about the services they are to receive, their rights and obligations, and the RTO's responsibilities under these Standards, the RTO must provide learners with information prior to commencement of services including any third party arrangements affecting the delivery of training and/or assessment. This is to occur regardless of the manner in which the learner has been engaged, and whether the learner was initially engaged by the RTO itself or a third party.*

*The RTO is to provide or make readily available information to the learner that outlines the services the RTO will provide the learner, along with the rights and obligations of the learner and the RTO.*

*The RTO may provide information to the learner through one or more documents, for example an enrolment form, policy, employment contract or agreement, induction handbook or documented practice, training plan or training contract.*

To be compliant with Standard 5 the RTO must meet the following:

- 5.1. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides advice to the prospective learner about the training product appropriate to meeting the learner's needs, taking into account the individual's existing skills and competencies.
- 5.2. Prior to enrolment or the commencement of training and assessment, whichever comes first, the RTO provides, in print or through referral to an electronic copy, current and accurate information that enables the learner to make informed decisions about undertaking training with the RTO and at a minimum includes the following content:
  - a) the code, title and currency of the training product to which the learner is to be enrolled, as published on the National Register;
  - b) the training and assessment, and related educational and support services the RTO will provide to the learner including the:
    - i) estimated duration;

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- ii) expected locations at which it will be provided;
  - iii) expected modes of delivery;
  - iv) name and contact details of any third party that will provide training and/or assessment, and related educational and support services to the learner on the RTO's behalf; and
  - v) any work placement arrangements.
- c) the RTO's obligations to the learner, including that the RTO is responsible for the quality of the training and assessment in compliance with these Standards, and for the issuance of the AQF certification documentation.
- d) the learner's rights, including:
- i) details of the RTO's complaints and appeals process required by Standard 6; and
  - ii) if the RTO, or a third party delivering training and assessment on its behalf, closes or ceases to deliver any part of the training product that the learner is enrolled in;
- e) the learner's obligations:
- i) in relation to the repayment of any debt to be incurred under the VET FEE-HELP scheme arising from the provision of services;
  - ii) any requirements the RTO requires the learner to meet to enter and successfully complete their chosen training product; and
  - iii) any materials and equipment that the learner must provide; and
- f) information on the implications for the learner of government training entitlements and subsidy arrangements in relation to the delivery of the services.

5.3. Where the RTO collects fees from the individual learner, either directly or through a third party, the RTO provides or directs the learner to information prior to enrolment or the commencement of training and assessment, whichever comes first, specifying:

- a) all relevant fee information including:
  - i) fees that must be paid to the RTO; and
  - ii) payment terms and conditions including deposits and refunds;
- b) the learner's rights as a consumer, including but not limited to any statutory cooling-off period, if one applies;
- c) the learner's right to obtain a refund for services not provided by the RTO in the event the:
  - i) arrangement is terminated early; or
  - ii) the RTO fails to provide the agreed services.

5.4. Where there are any changes to agreed services, the RTO advises the learner as soon as practicable, including in relation to any new third party arrangements or a change in ownership or changes to existing third party arrangements.

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**Standard 6. Complaints and appeals are recorded, acknowledged and dealt with fairly, efficiently and effectively.**

**Context:**

*RTOs must implement a transparent complaints and appeals policy that enables learners and clients to be informed of and to understand their rights and the RTO's responsibilities under the Standards.*

*Enterprise RTOs and volunteer associations that do not charge fees for the training and/or assessment and only provide training to employees or members are not required to maintain a separate complaints and appeals policy in relation to their training and assessment. These organisations must ensure, however, that their organisation's complaints policy is sufficiently broad to cover the activities as an RTO.*

Subject to Clause 6.6, to be compliant with Standard 6 the RTO must meet the following:

- 6.1. The RTO has a complaints policy to manage and respond to allegations involving the conduct of:
  - a) the RTO, its trainers, assessors or other staff;
  - b) a third party providing services on the RTO's behalf, its trainers, assessors or other staff; or
  - c) a learner of the RTO.
- 6.2. The RTO has an appeals policy to manage requests for a review of decisions, including assessment decisions, made by the RTO or a third party providing services on the RTO's behalf.
- 6.3. The RTO's complaints policy and appeals policy:
  - a) ensure the principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process;
  - b) are publicly available;
  - c) set out the procedure for making a complaint or requesting an appeal;
  - d) ensure complaints and requests for an appeal are acknowledged in writing and finalised as soon as practicable; and
  - e) provide for review by an appropriate party independent of the RTO and the complainant or appellant, at the request of the individual making the complaint or appeal, if the processes fail to resolve the complaint or appeal.
- 6.4. Where the RTO considers more than 60 calendar days are required to process and finalise the complaint or appeal, the RTO:
  - a) informs the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
  - b) regularly updates the complainant or appellant on the progress of the matter.

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6.5. The RTO:

- a) securely maintains records of all complaints and appeals and their outcomes; and
- b) identifies potential causes of complaints and appeals and takes appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

6.6. Where the RTO is an employer or a volunteer organisation whose learners solely consist of its employees or members, does not charge fees for the training and/or assessment, and does not have in place a specific complaints and appeals policy in accordance with Clauses 6.1 & 6.2, the organisation has a complaints and appeals policy which is sufficiently broad to cover the services provided by the RTO.

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## PART 4 – RTO governance and administration

### Standard 7. The RTO has effective governance and administration arrangements in place.

#### **Context:**

*Business viability is critical to the ongoing sustainability of an RTO and the investment it makes in its services. If RTOs are not viable, then this negatively impacts on the quality of its training and assessment outcomes and on learners.*

*Operational and financial business standards therefore provide important protective measures for the learner and RTOs, as well as acting as a disincentive for underprepared organisations to enter the market.*

*The factors determining the viability of an RTO are dependent upon the business objectives and operating characteristics of the RTO. For example, the factors determining the business viability of an enterprise RTO embedded within a major Australian business may be different to those impacting upon a private provider or a publically-owned TAFE Institute.*

To be compliant with Standard 7 the RTO must meet the following:

The RTO ensures that its executive officers, high managerial agents and any persons who exercise a degree of control or influence over the management or direction of the RTO:

- a) are vested with sufficient authority to ensure the RTO complies with the RTO Standards at all times; and
- b) are assessed by the RTO as being fit and proper persons, having regard to the Fit and Proper Person Requirements, prior to being appointed to the relevant positions; and
- c) remain, in the opinion of the RTO, throughout their time occupying relevant positions, fit and proper persons, having regard to the Fit and Proper Person Requirements.

7.2. The RTO satisfies the *Financial Viability Risk Assessment Requirements*.

7.3. Where the RTO requires, either directly or through a third party, a prospective or current learner to prepay fees in excess of a total of \$1500 (being the threshold prepaid fee amount), the RTO must meet the requirements set out in the Requirements for Fee Protection in Schedule 6.

7.4. The RTO holds public liability insurance that covers the scope of its operations throughout its registration period.

7.5. The RTO provides accurate and current information as required by the *Data Provision Requirements* as updated from time to time.

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**Standard 8. The RTO cooperates with the VET Regulator and is legally compliant at all times.**

**Context:**

*RTOs need to comply with the requirements of the RTO Standards as well as other relevant Commonwealth, State and Territory legislation. This is critical if RTOs are to deliver training products that have integrity and which fulfil their obligations to their clients.*

*It is important that third party arrangements are documented and transparent to facilitate the Regulator's knowledge that such arrangements exist. This will enable them to factor this into the risk profile they apply when enforcing compliance with the Standards and to review, in the context of RTO audits, the terms of the third party arrangements and the effectiveness of the arrangements in facilitating compliance with these Standards.*

To be compliant with Standard 8 the RTO must meet the following:

8.1. The RTO cooperates with the VET Regulator:

- a) by providing accurate and truthful responses to information requests from the VET Regulator relevant to the RTO's registration;
- b) in the conduct of audits and the monitoring of its operations;
- c) by providing quality/performance indicator data;
- d) by providing information about substantial changes to its operations or any event that would significantly affect the RTO's ability to comply with these standards within 90 calendar days of the change occurring;
- e) by providing information about significant changes to its ownership within 90 calendar days of the change occurring; and
- f) in the retention, archiving, retrieval and transfer of records.

8.2. The RTO ensures that any third party delivering services on its behalf is required under written agreement to cooperate with the VET Regulator:

- a) by providing accurate and factual responses to information requests from the VET Regulator relevant to the delivery of services; and
- b) in the conduct of audits and the monitoring of its operations.

8.3. The RTO notifies the Regulator:

- a) of any written agreement entered into under Clause 2.3 for the delivery of services on its behalf within 30 calendar days of that agreement being entered into or prior to the obligations under the agreement taking effect, whichever occurs first; and
- b) within 30 calendar days of the agreement coming to an end.



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- 8.4. The RTO provides an annual declaration on compliance with these Standards to the VET Regulator and in particular whether it:
- a) currently meets the requirements of the Standards across all its scope of registration and has met the requirements of the Standards for all AQF certification documentation it has issued in the previous 12 months; and
  - b) has training and assessment strategies and practices in place that ensure that all current and prospective learners will be trained and assessed in accordance with the requirements of the Standards.
- 8.5. The RTO complies with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations.
- 8.6. The RTO ensures its staff and clients are informed of any changes to legislative and regulatory requirements that affect the services delivered.

## Schedule 1

Item	Standard	Training and assessment credentials
1	Not applicable	Not applicable
2	1.11 1.14 1.15 1.24	<p>One of the following credentials:</p> <p>Credential: <i>TAE40122 Certificate IV in Training and Assessment <u>or</u> its successor</i></p> <p><u>or</u></p> <p>Credential: <i>TAE40116 Certificate IV in Training and Assessment <u>or</u> its successor</i></p> <p><u>or</u></p> <p>Credential: <i>TAE40110 Certificate IV in Training and Assessment, <u>and</u> one of the following:</i></p> <p>(i) <i>TAE LLN411 Address adult language, literacy and numeracy skills <u>or</u> its successor <u>or</u></i></p> <p>(ii) <i>TAE LLN401A Address adult language, literacy and numeracy skills</i></p> <p><u>and one of the following:</u></p> <p>(iii) <i>TAE ASS502 Design and develop assessment tools <u>or</u> its successor <u>or</u></i></p> <p>(iv) <i>TAE ASS502A Design and develop assessment tools <u>or</u></i></p> <p>(v) <i>TAE ASS502B Design and develop assessment tools.</i></p>
3	1.14 1.15	<p>A diploma or higher level qualification in adult education;</p> <p><u>or</u></p> <p>A credential issued by a higher education provider (as defined in section 16-1 of the <i>Higher Education Support Act 2003</i>) which would enable the individual to satisfy the academic requirements for registration as a secondary school teacher in accordance with the registration requirements in at least one State or Territory, <u>and</u> one of the</p>

Item	Standard	Training and assessment credentials
		<p>following credentials, or the successor to one of the following credentials:</p> <ul style="list-style-type: none"> <li>(i) <i>TAESS00011/TAESS00019 - Assessor Skill Set;</i></li> <li style="text-align: center;"><u>or</u></li> <li>(ii) <i>TAESS00024 - VET Delivered to School Students Teacher Enhancement Skill Set.</i></li> </ul>
4	Not applicable	Not applicable
5	1.11 1.15	<p>One of the following credentials:</p> <p>Credential: <i>TAESS00011 Assessor Skill Set <u>or</u> its successor</i></p> <p><u>or</u></p> <p>Credential: <i>TAESS00001 Assessor Skill Set,</i> <u>and one of the following:</u></p> <ul style="list-style-type: none"> <li>(i) <i>TAEASS502 Design and develop assessment tools <u>or</u> its successor <u>or</u></i></li> <li>(ii) <i>TAEASS502A Design and develop assessment tools <u>or</u></i></li> <li>(iii) <i>TAESS502B Design and develop assessment tools.</i></li> </ul>
6	1.18	<p>One of the following credentials, <u>or</u> the successor to one of the following credentials:</p> <ul style="list-style-type: none"> <li>(i) <i>TAESS00003/TAESS00015 Enterprise Trainer and Assessor Skill Set;</i></li> <li>(ii) <i>TAESS00007/TAESS00014 Enterprise Trainer - Presenting Skill Set;</i></li> <li>(iii) <i>TAESS00008/TAESS00013 Enterprise Trainer - Mentoring Skill Set;</i></li> <li>(iv) <i>TAESS00021 Facilitation Skill Set;</i></li> <li>(v) <i>TAESS00029 Volunteer Trainer Delivery Skill Set;</i></li> <li>(vi) <i>TAESS00030 Volunteer Trainer Delivery and Assessment Contribution Skill Set;</i></li> <li>(vii) <i>TAESS00020 Workplace Trainer Skill Set;</i></li> <li>(viii) <i>TAESS00028 Work Skill Instructor Skill Set;</i> or</li> <li>(ix) <i>TAESS00022 Young Learner Delivery Skill Set;</i></li> </ul> <p><u>or</u></p>

Item	Standard	Training and assessment credentials
		A credential issued by a higher education provider (as defined in section 16-1 of the <i>Higher Education Support Act 2003</i> ); which would enable the individual to satisfy the academic requirements for registration as a secondary school teacher in accordance with the registration requirements in at least one State or Territory.
7	1.23	<p>One of the following credentials, or the successor to one of the following credentials:</p> <ul style="list-style-type: none"> <li>(i) <i>TAE50111/TAE50116/TAE50122 - Diploma of Vocational Education and Training;</i> or</li> <li>(ii) <i>TAE50211/TAE50216 - Diploma of Training Design and Development;</i></li> </ul> <p><u>or</u></p> <p>A higher level qualification in adult education.</p>
8	1.18(a)	<p>One of the following credentials, or the successor to one of the following credentials:</p> <ul style="list-style-type: none"> <li>(i) <i>TAE40116/TAE40122 - Certificate IV in Training and Assessment;</i></li> <li>(ii) <i>TAE50116/TAE50122 - Diploma of Vocational Education and Training;</i> or</li> <li>(iii) <i>TAE50216 - Diploma of Training Design and Development.</i></li> </ul>

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## Schedule 2

### ***Independent validation requirements for RTOs delivering training and assessment qualifications, the Assessor Skill Set, or the Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor)***

For the purposes of Clause 1.25, the requirements for independent validation will apply as follows:

- a) For an RTO applying to extend its scope of registration to include the delivery and assessment of an AQF qualification, the Assessor Skill Set, or Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor), validation is of:
  - i) the RTO's assessment tools, processes and outcomes in relation to other AQF qualifications and/or units of competency on its scope of registration, as directed by the VET Regulator; and
  - ii) the assessment system to be adopted in the delivery of the training and assessment qualification, the Assessor Skill Set, or Teacher Enhancement Skill Set.
- b) For an RTO where its scope of registration includes the delivery and assessment of an AQF qualification, the Assessor Skill Set, or Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor), validation is of:
  - i) the assessment system for delivery of the training and assessment qualification, the Assessor Skill Set, or Teacher Enhancement Skill Set; and
  - ii) the RTO's assessment tools, processes and outcomes in relation to the training and assessment qualification, the Assessor Skill Set, or Teacher Enhancement Skill Set.

For the purposes of Clause 1.25, independent validation of AQF qualifications, the Assessor Skill Set, or the Teacher Enhancement Skill Set from the Training and Education Training Package (or its successor) must be conducted by one or more persons who collectively have:

- a) current knowledge and skills in vocational teaching and learning; and
- b) the training and assessment qualification, the Assessor Skill Set, or the Teacher Enhancement Skill Set, at least to the level being validated.

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## Schedule 3 - Fit and Proper Person Requirements

### 1 Application of Fit and Proper Person Requirements

- (1) The VET Regulator must have regard to all matters it considers relevant that are specified in this Schedule when determining whether a person specified in subsection (2) is a fit and proper person for the purposes of registration, renewing registration, or maintaining registration as a registered training organisation.
- (2) A person will not be a fit and proper person, if the VET Regulator is satisfied that, having regard to all matters it considers relevant in this Schedule, one or more of the following persons are not a fit and proper person:
  - (a) an executive officer of the registered training organisation;
  - (b) a high managerial agent of the registered training organisation; or
  - (c) any person which exercises a degree of control or influence over the management or direction of the registered training organisation.

Note: The definition of 'person' includes a body politic or corporate as well as an individual: see section 2C of the *Acts Interpretation Act 1901*.

Note 2: Subsection (2) does not limit the types of persons which the VET Regulator may have regard to when undertaking a fit and proper person assessment.

### 2 Compliance with law

- (1) Regardless of whether a conviction has been recorded, the VET Regulator may have regard to whether the person has been found guilty of an offence against, or ordered to pay a pecuniary penalty under, a law of the Commonwealth or a State or Territory.

Note: Part VIIC of the *Crimes Act 1914* includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them. Nothing in subsection (1) affects the operation of Part VIIC of the *Crimes Act 1914*.

- (2) The VET Regulator may have regard to the seriousness of, and the time elapsed since the offence, conviction, or matter to which the pecuniary penalty relates occurred.
- (3) The VET Regulator may have regard to whether the person is currently involved in proceedings before a court or tribunal.
- (4) The VET Regulator may have regard to whether the person has been found guilty of a foreign offence (within the meaning of section 85ZL of the *Crimes Act 1914*).

### 3 Management history

- (1) The VET Regulator may have regard to whether one or more of the following has been cancelled, revoked, suspended or rejected:
  - (a) the person's registration as a registered training organisation;

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- (b) the person's application for registration or renewal of registration as a registered training organisation;
  - (c) the person's approval as an approved course provider (within the meaning of the *VET Student Loans Act 2016*) or VET provider (within the meaning of the *Higher Education Support Act 2003*);
  - (d) subsidy funding arrangements with a State or Territory for the provision of education by the person.
- (2) The VET Regulator may have regard to whether the person has:
- (a) breached a condition of registration; or
  - (b) had a condition imposed by way of sanction on a registration, approval or arrangement mentioned in subsection (1) and has breached such a condition.
- (3) The VET Regulator may have regard to whether the person has ever been a manager or director of a registered higher education provider (within the meaning of the *Tertiary Education Quality and Standards Agency Act 2011*) or registered provider (within the meaning of the *Education Services for Overseas Students Act 2000*) at a time that the registered higher education provider or registered provider was determined to have breached a condition of its registration under the:
- (a) *Education Services for Overseas Students Act 2000*; or
  - (b) *Tertiary Education Quality and Standards Agency Act 2011*.
- (4) The VET Regulator may have regard to whether the person has ever been involved:
- (a) in the business of delivering courses or other services on behalf of a person that was the subject of regulatory action described in subsections (1), (2) or (3); or
  - (b) with an entity at the time that entity was found to have breached a government training contract.
- (5) The VET Regulator may have regard to whether the person has been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*.

#### 4 Financial record

The VET Regulator may have regard to whether the person:

- (a) has been insolvent or bankrupt; or
- (b) has taken steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
- (c) has compounded with one or more creditors; or
- (d) has assigned remuneration for the benefit of one or more creditors; or
- (e) has been under external administration (within the meaning of subsection 600H(2) of the *Corporations Act 2001*); or
- (f) has outstanding debts to the Commonwealth.

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## 5 Provision of information

The VET Regulator may have regard to whether the person has provided false or misleading information to any of the following in circumstances where it is reasonable to assume that the person knew that the information was false or misleading:

- (a) a VET Regulator;
- (b) the Tertiary Education Quality and Standards Agency;
- (c) the TPS Director (within the meaning of the *Education Services for Overseas Students Act 2000*), including in the TPS Director's capacity as the VSL Tuition Protection Director under the *VET Student Loans Act 2016* and the Higher Education Tuition Protection Director under the *Higher Education Support Act 2003*;
- (d) the Minister, the Department or the Secretary;
- (e) an authority of a State or Territory that deals with subsidy funding arrangements for education.

## 6 Previous conduct and involvements

- (1) The VET Regulator may have regard to whether the person has previously been found not to be a fit and proper person for the purposes of one or more of the following:
  - (a) the Act;
  - (b) the *Australian Education Act 2013*;
  - (c) the *Education Services for Overseas Students Act 2000*;
  - (d) the *Higher Education Support Act 2003*;
  - (e) the *Tertiary Education Quality and Standards Agency Act 2011*;
  - (f) the *VET Student Loans Act 2016*;
  - (g) subsidy funding arrangements with a State or Territory for the provision of education;
  - (h) any other law of the Commonwealth or of a State or Territory.
- (2) The VET Regulator may have regard to whether the person has engaged in conduct that reasonably suggests a deliberate pattern of unethical behaviour.
- (3) The VET Regulator may have regard to any other matter it considers relevant.

## 7 Additional considerations

The VET Regulator may have regard to whether the public is unlikely to have confidence in the person's suitability to be involved in an organisation that provides, assesses or issues nationally recognised qualifications.



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## Schedule 4

### **Conditions of Use of NRT Logo**

The Nationally Recognised Training (NRT) Logo is a distinguishable mark of quality for promoting and certifying national vocational education and training leading to AQF certification documentation. The NRT Logo is a registered trade mark.

The following describes a range of situations and conditions for using the NRT Logo.

### **Advertisements and promotional information in any medium (print, television, radio, banners, internet, etc.)**

1. RTOs registered by any VET Regulator may use the NRT Logo to promote nationally recognised training provided that training is within the RTO's scope of registration.
2. Impressions must not be created that may lead an observer to conclude the NRT Logo applies to all training provided by the RTO, if this is not the case. The NRT Logo cannot be used by an RTO where the training is accredited, but is outside the scope of registration of the RTO. Where training is being promoted and does not meet the requirements stipulated in the VET Quality Framework or is outside the RTO's scope of registration, it must be made clear the NRT Logo is not associated with that training.
3. Use of the NRT Logo is only permitted where there is a direct relationship to an AQF qualification and/or unit of competency as specified within training packages or VET accredited courses.

### **Student information (brochures, course handbooks, prospectuses, etc.)**

4. When an RTO is promoting the training it offers and wishes to use the NRT Logo, its promotional material such as brochures, handbooks and prospectuses must clearly distinguish between nationally recognised training within the scope of registration and that which is not nationally recognised.

### **Corporate stationery, business cards, buildings, training resources and marketing products**

5. The NRT Logo must not be used on products such as corporate stationery, business cards, building signage, mouse pads, pens, satchels, packaging around products nor learning resources supporting training.

### **Certificates, Statements of Attainment and other testamurs**

6. The NRT Logo must be depicted on all AQF certification documentation issued by the RTO. These can only be issued by an RTO when the qualification and/or unit of competency are within the RTO's scope of registration. The NRT Logo must not be depicted on other testamurs or transcripts of results.

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## Schedule 5

### **Application of the AQF Qualifications Issuance Policy within the VET Sector**

RTOs must meet the requirements of the AQF for issuing AQF qualifications and statements of attainment, in addition to the following requirements.

#### **Issuing AQF Qualifications**

1. RTOs must include the following information on the testamur, in addition to the requirements of the AQF Qualifications Issuance Policy:
  - a) the name, RTO code and logo of the issuing organisation;
  - b) the code and title of the awarded AQF qualification; and
  - c) the NRT Logo in accordance with the current conditions of use contained in Schedule 4.
2. The following elements are to be included on the testamur as applicable:
  - a) the State / Territory Training Authority logo (only where use of the logo is directed by State / Territory Training Authorities, e.g. within User Choice contracts);
  - b) the industry descriptor, e.g. Engineering;
  - c) the occupational or functional stream, in brackets, e.g. (Fabrication);
  - d) where relevant, the words, 'achieved through Australian Apprenticeship arrangements'; and
  - e) where relevant, the words, 'these units/modules have been delivered and assessed in <insert language> followed by a listing of the relevant units/modules.
3. RTOs must not include the learner's Student Identifier on the testamur consistent with the *Student Identifiers Act 2014*.
4. RTOs will:
  - f) retain registers of AQF qualifications they are authorised to issue and of all AQF qualifications issued;
  - g) retain records of AQF certification documentation issued for a period of 30 years; and
  - h) provide reports of Records of qualifications issued to its VET Regulator on a regular basis as determined by the VET Regulator.

#### **Issuing Statements of Attainment**

5. RTOs must include the following information on a statement of attainment:
  - a) the name, RTO Code and logo of the issuing organisation;
  - b) a list of units of competency (or modules where no units of competency exist) showing their full title and the national code for each unit of competency;
  - c) the authorised signatory;

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- d) the NRT Logo;
  - e) the issuing organisation's seal, corporate identifier or unique watermark;
  - f) the words 'A statement of attainment is issued by a Registered Training Organisation when an individual has completed one or more accredited units';
6. The following elements are to be included on the statement of attainment as applicable:
    - a) the State/Territory Training Authority logo (only where use of the logo is directed by State/ Territory Training Authorities);
    - b) the words 'These competencies form part of [code and title of qualification(s)/course(s)]';
    - c) the words, 'These competencies were attained in completion of [code] course in [full title]'; and
    - d) where relevant, the words, 'these units / modules have been delivered and assessed in <insert language>' followed by a listing of the relevant units/modules.
  7. RTOs must not include the learner's Student Identifier on the statement of attainment consistent with the *Student Identifiers Act 2014*.
  8. RTOs will:
    - a) maintain registers of all statements of attainments issued;
    - b) retain records of statements of attainment issued for a period of 30 years; and
    - c) provide reports of its records of statements of attainment issued to its VET Regulator on a regular basis, as determined by the VET Regulator.

## Schedule 6

### **Requirements for protecting fees prepaid by individual learners, or prospective learners, for services**

These requirements do not override obligations and requirements of the *Education Services for Overseas Students Act 2000* (Cth).

Type of RTO	Requirement
Government Entity or an Australian university	<p>The RTO implements a policy addressing learner fee protection arrangements. This policy details how, if the RTO is unable to provide services for which the learner has prepaid, the learner will:</p> <ul style="list-style-type: none"> <li>• be placed into an equivalent course such that:               <ul style="list-style-type: none"> <li>- the new location is suitable to the learner; and</li> <li>- the learner receives the full services for which they have prepaid at no additional cost to the learner; or</li> </ul> </li> <li>• be paid a refund of any prepaid fees for services yet to be delivered above the threshold prepaid fee amount.</li> </ul>
All other RTOs	<p>The RTO addresses learner fee protection by implementing one or more of the following arrangements:</p> <ol style="list-style-type: none"> <li>1. The RTO holds an unconditional financial guarantee from a bank operating in Australia where:       <ol style="list-style-type: none"> <li>a) the guarantee is for an amount no less than the total amount of prepaid fees held by the RTO in excess of the threshold prepaid fee amount for each learner for services to be provided by the RTO to those learners; and</li> <li>b) all establishment and ongoing maintenance costs for the bank guarantee are met by the RTO.</li> </ol> </li> <li>2. The RTO holds current membership of a Tuition Assurance Scheme approved by its VET Regulator which, if the RTO is unable to provide services for which the learner has prepaid, must ensure:       <ol style="list-style-type: none"> <li>a) the learner will be placed into an equivalent course such that:           <ul style="list-style-type: none"> <li>- the new location is geographically close to where the learner had been enrolled; and</li> <li>- the learner receives the full services for which they have prepaid at no additional cost to the learner; or</li> </ul> </li> <li>b) if an equivalent course cannot be found, the learner is paid a refund of any prepaid fees for services yet to be delivered above the threshold prepaid fee amount.</li> </ol> </li> <li>3. Any other fee protection measure approved by the VET Regulator.</li> </ol>

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Standards for Registered Training Organisations (RTOs) 2015	21 Oct 2014 (F2014L01377)	see clause 4: 1 Jan 2015 and 1 April 2015	
Standards for Registered Training Organisations (RTOs) Amendment 2017	5 July 2017 (F2017L00882)	6 July 2017	
Standards for Registered Training Organisations (RTOs) Amendment 2019 No.1	28 March 2019 (F2019L00445)	29 March 2019 (Schedule 1)	
Standards for Registered Training Organisations (RTOs) Amendment 2019 No.1	28 March 2019 (F2019L00445)	1 July 2019 (Schedule 2)	
Standards for Registered Training Organisations Amendment (Fit and Proper Person) Instrument 2023	4 September 2023 (F2023L01182)	5 September 2023	
Standards for Registered Training Organisations Amendment (VET Workforce Support) Instrument 2024	1 March 2024 (F2024L00252)	1 March 2024	

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 4	rep LA s 48D
s 5	rep LA s 48C
<b>Part 1</b>	
Part 1	am 2017; am 2023; am 2024
<b>Part 2</b>	
Standard 1.11	rs 2017; rs No.1 2019; rs 2024
Standard 1.13	am 2024
Standard 1.14	rs 2017; rs No.1 2019
Standard 1.15	rs 2017; rs No.1 2019
Standard 1.18	am 2017; am 2024
Standard 1.21	rs 2017
Standard 1.22	am 2017
Standard 1.23	rs 2017; am 2024
Standard 1.24	rs 2017; rs No.1 2019
Standard 1.25	am 2017; am 2024
Standard 1.27	am 2024
<b>Part 4</b>	
Standard 7.1	rs 2024
<b>Schedule 1</b>	
Schedule 1	rs 2017; am No.1 2019; am 2024
<b>Schedule 2</b>	
Schedule 2	rs 2024
<b>Schedule 3</b>	
Schedule 3	rs 2023