

# De-Registration Policy

## INTRODUCTION

The regulatory aspect of vocational education and training takes a registration/ deregistration approach. The Vocational Education and Training Act 1996 has established a Training Accreditation Council (the Council) for this purpose. The policy adopts national standards and it is the Council's function to enforce them by way of the registration system.

The Council's quality assurance processes include complaints management and monitoring audits. Through these processes the Council identifies a range of issues, from a range of sources, including from individual students training at a registered training organisation (RTO), or organisations who have become aware of inconsistencies in processes being undertaken by an RTO.

## GROUNDINGS FOR DE-REGISTRATION

The following would be grounds for de-registration of an RTO;

### Type 1 de-registration

- i. Failure to comply with the Australian Quality Training Framework Standards or submit to a monitoring audit for that purpose;
- ii. Where registration has been obtained by fraud;
- iii. If the owner of the RTO has been convicted of an offence that renders that person inappropriate to carry on the business of a training provider;
- iv. Persons who manage or control the RTO are not fit and proper persons; and

### Type 2 de-registration

- v. The RTO has failed to provide information on contact details and physical location of the organisation and the organisation is unable to be contacted following reasonable attempts by the Training Accreditation Council Secretariat.

## 1. Process for de-registration - Type 1 (Grounds i - iv)

Occasionally non-compliance with the AQTF standards is not resolved with the RTO, even after repeated attempts to do so. (NB: Certified mail is used each time correspondence is sent from the Training Accreditation Council/TAC Secretariat to the RTO, once it is identified that issues are not being resolved.)

**The following process is followed:**

### Step 1

The Council enters the RTO into the de-registration process

### Step 2

The Council writes to the RTO in question advising:

- the RTO has formally entered the de-registration procedure;
- the matter is to be investigated by the Council;
- that the applicant will need to provide a formal response, outlining the RTO's position to the Council; and
- the timeline for the written response (the RTO is given 21 days to respond).

### Step 3

The Council considers the RTO's formal written response. If the RTO requests a meeting with the Council, the Council will meet with the RTO.



**Step 4**

The Council decides, based on the information provided/or after meeting with the RTO, to not de-register the RTO. The Council may

- a) seek further information – repeat Step 3, or
- b) decides that the RTO has complied with the AQTF standards. In this instance, the RTO is advised in writing.

**Step 5**

The Council decides to de-register the RTO, based on the information provided in the formal written response, or after meeting with the RTO. (NB: Steps 3 and 5 can be combined if the Council makes a decision to de-register the RTO when considering their formal written response.) The Council communicates its decision to the RTO.

At the same time the Council will request the RTO to return a disk copy and a hard copy of each student's record of achievement, detailing qualifications/ Statements of Attainment granted, and a list of competencies/modules achieved by each individual. De-registration is effective from the date of the Council meeting when the decision was made. The RTO is also advised of the right of appeal, under section 31 of the VET Act 1996 and given 21 days under section 31(3) of the VET Act to lodge an appeal. If an RTO appeals a decision of the Council to the State Training Board, the Council decision does not become final until the appeal process is finalised.

**Step 6**

The Council decides, based on the information provided/or after meeting with the RTO, to **not** de-register the RTO. The Council may

- a. seek further information - repeat Step 5, or
- b. decides that the RTO has complied with the AQTF standards. In this instance, the RTO is advised in writing.

\* Prior to considering the formal response at Step 3, the Office of TAC contacts States and Territories the RTO operates in to discuss any implications de-registration may have, this information is provided to the Council for consideration.

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## 2. Process for de-registration – Type 2 (Ground v)

In the event that a RTO has failed to provide information on contact details and physical location of the organisation and the organisation is unable to be contacted following reasonable attempts by the Office of the Training Accreditation Council, the RTO may be de-registered by the Council.

The following process is followed:

**Step 1**

A briefing is prepared for the Council advising that the RTO is not able to be contacted at its last known location and outlining the reasonable attempts that the Office of the Training Accreditation Council has made to contact the RTO.

**Step 2**

Following assessment of the briefing, the Council:

- a) Requests the Office of TAC to make further attempts to contact the RTO;
- or
- b) de-registers the RTO.

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### Associated Documents

Associated Documents:

- De-registration Checklist
  - De-registration Flowchart
  - De-registration letter templates
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