

TACguide

Initial or Renewal of Registration Application Guide

About this Guide

This guide explains the information you need to provide in the *RTO1 Application for Initial or Renewal of Registration*.

You need to complete the RTO1 if you are applying to become a registered training organisation (RTO) for the first time, or if you are renewing your registration.

RTOs must ensure that they meet the legislative and licensing requirements relevant to their registration. Information about the relevant legislative and licensing requirements can be found in Training Packages or through the appropriate [Industry Training Council](#).

All applicants must comply with the requirements of:

- The Australian Quality Training Framework (AQTF) Essential Standards for Registration;
- The Conditions of Registration;
- The *Vocational and Education and Training Act 1996*; and
- All guidelines for RTOs issued by the Training Accreditation Council.

Renewal of registration can now be completed on-line

Log on to RTONet via www.tac.wa.gov.au

Please note that only the legally responsible person and registration contact can create applications on-line



Application process

How long does the application process take?

Although the application process for registration can vary, the process for registration is usually finalised within three months.

If your organisation is renewing it is a requirement to lodge your application at least three months before your current registration expires.

It is important to ensure that all relevant information is provided with your application in order to avoid delays in processing. To assist with the processing of your application please do not place in files or plastic folders, a staple or suitable fastener in the top left hand corner is sufficient.

On receipt of your application by the Training Accreditation Council (TAC) Secretariat, your application will be allocated to a Case Manager. This officer will manage the application and will be your contact throughout the process.

Should the Case Manager determine that the evidence provided does not demonstrate that your organisation is ready for audit, your application may be returned. Your application fee will NOT be refunded and you will be required to re-apply.

Section 1 – Type of Application

Section 1 identifies if your organisation is applying for initial or renewal of registration and if your organisation is or is intending to deliver to overseas students studying in Western Australia on a student visa.

If you intend to provide education services to overseas students studying in Western Australia on a student visa, you will need to complete an application which can be downloaded from www.des.wa.gov.au

Section 2 – Applicant Details

2.1 Name of legal entity

This section identifies the legal entity applying for registration.

Registration will only be granted in the name of a legal entity, not a trading name alone.

A link between the legal entity and the trading name must be evident. As this link is not identified by a Certificate of the Registration of a Business Name, a copy of your Business Name Extract from the Department of Commerce (previously the Department of Consumer and Employment Protection (DOCEP)) is essential.

The name of the legal entity that is registered as the RTO will appear on the National Training Information Service at www.ntis.gov.au That name, as listed on the NTIS, must therefore be used by the RTO on:

- All Australian Qualification Framework qualifications and Statements of Attainment issued by the RTO; and
- All enrolment forms and contracts with students and other clients.

2.2 Type of legal entity

This section identifies the type of legal entity that is applying for registration.

Following is information each type of legal entity will need to include with their initial or renewal of registration application:

- **Corporations** – If the applicant is a company, the name must be exactly as registered with the Australian Securities and Investments Commission (ASIC). A copy of the Certificate of Incorporation and full ASIC details (showing the names and addresses of all directors) must be attached. NOTE: Only corporations registered in Australia may apply for registration with the Council.
- **Incorporated association** – If the applicant is an incorporated association, a copy of its Certificate of Incorporation must be included.
- **Sole traders** – If the applicant is an individual sole trader, registration will only be granted in the full name of that person.
- **Government Entity** - If the applicant is a government entity, you will need to provide the title of legislation under which the entity is established or constituted.
- **Partnerships** – If the organisation is a partnership, registration will only be granted in the full names of all partners. Such applicants should note that, if the partnership ceases to exist (for example, one of the partners leaves the partnership), the RTO's registration will be cancelled and the new entity will have to apply for registration in its own right.
- **Trusts** – TAC will only register a Legal Entity. A trust is not a legal entity as there is no office holder that can be held responsible for performing the duties imposed on a RTO.

2.3 Registered business or trading name(s)

This section identifies the trading name for the legal entity applying for registration.

In addition to the name of the legal entity, an organisation may use a registered business (trading) name(s) under which it wishes to perform its RTO functions, including marketing and advertising its services.

If the RTO uses a trading name, it must provide a copy of the Certificate of Registration of Business Name showing the current and correct details, including the registration number and proprietor of the name. The proprietor must be the legal entity. If a link is not evident between the legal entity and the trading name additional evidence will be required.

If registration is granted it will be on the condition that the RTOs functions will be performed in the name of the legal entity and its nominated registered business name(s) only and that the RTO retains its present legal status.

2.4 Australian Company Number - ACN

If the legal entity is a company, enter the ACN.

2.5 Australian Business Number - ABN

The RTOs ABN must be set out on all of the RTOs documentation, preceded by the abbreviation "ABN".

If the RTO is a company and the last 9 digits of the RTOs ABN are not the same, and are not in the same order as the last 9 digits of its ACN, both the RTOs ACN (preceded by the abbreviation "ACN") and ABN must be set out on all RTO documentation.

2.6 Type of training organisation

Using the definitions below as a guide, indicate the type of training organisation the legal entity is.

Do not take delivery location, type of qualification or type of funding into account. For example:

- Although a Technical and Further Education (TAFE) Institute may have a delivery location at a government school, the type of training organisation will still be “TAFE”, not “Government school”.
- Although a TAFE may deliver a senior secondary certificate, the type of training organisation will still be “TAFE”, not “Government school”.
- Although a TAFE may receive funding to deliver community based adult education programs, the type of training organisation will still be “TAFE” not “Community based adult education provider”

Below are definitions of the type of training organisations:

- **School** - A school’s major activity is the provision of full time secondary education or the provision of secondary distance education. The term includes schools in institutions and hospitals, mission schools and similar establishments.
- **Australian Technical College** – (ATC) means a school in respect of which financial assistance under the *Australian Technical Colleges (Flexibility in Achieving Australia’s Skills Needs) Act 2005* is provided or proposed to be provided.
- **TAFE** – A Technical and Further Education (TAFE) institute is a government funded public body created by Act of Parliament.
- **Enterprise** – Training is delivered to the enterprise’s employees or cadets.
 - Enterprise – Government (e.g. Department of Defence, Department of Correctional Services Academy, Centrelink). Government entities also need to identify the legislation under which they are established or constituted.
 - Enterprise – Non Government (e.g. Woolworths Ltd, Qantas Airways Ltd).
- **University** – All universities in Australia are established or recognised under federal, state or territory legislation.
 - University – Government (e.g. RMIT University)
 - University – Non Government Catholic (e.g. Australian Catholic University)
 - University – Non Government independent (e.g. Bond University)
- **Private Provider** – A privately owned education/training business or centre.
- **Professional Association** – An association that performs functions such as:
 - Providing and promoting professional career development activities
 - Establishing and monitoring industry standards and professional codes of practice
 - Advising educational institutions on curriculum development

Examples include the Institute of Chartered Accountants, Australian Institute of Management, and the Australian Computer Society.

- **Industry Association** – A national industry association that represents the interests of its members (e.g. Internet Industry Association) or an industry union (e.g. Textile Clothing & Footwear Union of Australia)
- **Equipment/product manufacturer/supplier** – an entity that provides certification and training for employees and non employees (e.g. Microsoft).
- **Community Based Adult Education Provider** – A not for profit, community based organisation with a primary focus on adult education.
- **Other not elsewhere classified** – Training providers that are not classified elsewhere, for example:
 - For profit private training provider (e.g. a private one on one music teacher, a private tutor)
 - Not for profit training provider (e.g. Mission Australia).

2.7 Head office of legal entity applying for registration

Provide details of head office location and postal address of the legal entity applying for registration.

See also 2.8 as, for some organisations, this may not be the same as the principal place of RTO business.

2.8 Principle place of RTO business

Provide all details of the actual location from which the organisations activity as an RTO will be controlled. (ie where records and evidence for audit purposes are kept).

For some organisations this may not be the same location as the head office. If it is write "head office".

Note: If the principle place of business is not within Western Australia, your organisation may not be eligible for registration in Western Australia.

2.9 RTOs permanent delivery sites

List all addresses of premises owned or leased by the RTO where the RTO services will be provided, as well as the name of the manager or key contact person at each site and their contact details.

Ensure details of permanent delivery sites interstate and offshore/overseas are listed here also.

Do not list venues that your organisation hires only on an occasional basis, as they are not needed.

2.10 Chief executive officer

The CEO must be the person who is legally responsible for the organisation and ensuring it operates in accordance with the AQTF Essential Standards for Registration, including the Conditions of Registration. As such, the CEO must sign the declaration, which includes the conditions of registration and the statutory declaration.

The CEO will be listed on the National Training Information Service (NTIS), and all audit reports and correspondence will be addressed to the CEO.

As the legally responsible person, the CEO must also be the chief signatory on all AQF qualifications and statements of attainment issued by the RTO.

Where there are a number of directors or partners, the organisation must nominate one person as the CEO for the purpose of registration.

2.11 NTIS day to day public contact person

This persons name and contact details will be listed on the National Training Information Service (NTIS) website as the main contact person for public enquiries.

2.12 Registration contact person

This person will be the main contact with the registering body and, therefore, must be the person responsible for all registration matters.

The person may be the CEO (for example, if the RTO is a small organisation). Alternatively, it may be a person who is designated by the CEO, provided it is someone who has direct access to the CEO and is authorised by the CEO to act on behalf of the RTO and to make decisions about registration matters.

If the registration contact person is the CEO, write "CEO" in place of surname.

Although the CEO may designate a person to fulfill this role, you need to note that the CEO remains responsible for ensuring that the organisation operates in accordance with the AQTF Essential Standards for Registration, including the Conditions of Registration, as the CEO is the legally responsible person.

Section 3 - Details of Legal Entity's Associates

In this section, you need to provide details of all people who are associates of the legal entity making the application.

You must advise the registering body if any of these details change at any time during the period of registration.

Please read the definition of the term “associate” and the related terms provided below and note the following:

- **Corporations** need to provide the details of the top twenty shareholders, all directors and the company secretary.
- **Incorporated associations** need to provide the details of the chairperson, secretary, public officer and committee members.

An “**associate**” means an individual person, corporation, body corporate or body politic linked to the applicant by common ownership or by directors, common name, contractual arrangement, informal understanding or other means such that associate has or will have:

- A “**vested interest**” in the services provided by the applicant, or to be provided in the future; or
- A potential ability to exercise any “**relevant power or influence**” (either in his or her own right on behalf of any other person) over the business of the applicant, or with respect to the management of that business by virtue of holding a “**relevant position**” in the business of the applicant

A “**vested interest**” means:

- Any share in the capital of the business of the applicant; or
- Any entitlement to receive any income derived from the business of the applicant, whether the entitlement arises at law or in equity or otherwise.

A “**relevant power or influence**” means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- To participate in any directorial or executive decision; or
- To elect or appoint any person to any relevant decision.

A “**relevant position**” means executive or managerial position such as that of chief executive officer, director, general manager, public officer or company secretary, however that position is designated.

Section 4 - Legal Entity's History

In section 4 you need to provide details about the history of the legal entity making the application and any “associate” of the applicant as defined in section 3 of this guide.

The questions in section 4 and the Statutory Declaration (section 7) need to be completed by the CEO of the legal entity applying for registration. The responses to the questions about the applicant and any associate will be used to determine suitability for registration.

TAC may only register a training organisation if it is satisfied that the applicant is suitable for registration in accordance with the provisions of the *Vocational Education and Training Act 1996*.

In considering whether an applicant is suitable for registration, TAC may have regard to:

- a) The prior and current conduct of the applicant and any associate if the applicant, whether in Western Australia or elsewhere; and
- b) Any other matter that the Council considers relevant.

Section 4 - Legal Entity's History continued

In determining the prior conduct of the applicant and any associate (either in this jurisdiction or elsewhere) the following information may be considered:

- a) Any proven serious breach of the consumer legislation of this or any other State or Territory
- b) Any proven breach of the VET legislation of this or any other State or Territory
- c) Any criminal conviction
- d) Any application for registration previously refused or cancelled by this or any other State or Territory registering body
- e) Any registration status previously suspended by this or any other State or Territory registering body
- f) Any other evidence resulting from investigations or other verified sources indicating the applicant may not be able to provide services in accordance with the AQTF Essential Standards for Registration, including the Conditions of Registration, and/or with the *Vocational Education and Training Act 1996*.

4.1 Current registration in another State/Territory

If the applicant or any associate currently holds registration in any State or Territory, you need to provide details.

A legal entity can only hold one registration. Therefore, if the legal entity submitting the application is currently registered interstate and it succeeds in obtaining registration in Western Australia, it will be required to cancel its registration in the other State or Territory. The CEO needs to provide a letter confirming agreement to do this. If any associate of the applicant is currently registered in any State or Territory, you need to attach a letter from the CEO providing the reasons for this application for registration.

4.2 Former registration in another State/Territory

If the applicant or any associate has ever been a registered training organisation (RTO), you need to provide the details requested and attach a letter from the CEO explaining the reasons for ending that registration and stating whether any sanctions were outstanding at the time.

4.3 Pending applications in another State/Territory

If the applicant or any associate has an application for registration lodged with another registering body, you need to provide a letter from the CEO providing details of this application and the reasons for it. This application will not be processed until all details of the other application are provided.

You should note that a legal entity may only be registered in one State or Territory.

4.4 Refused or cancelled registration(s) in another State/Territory

If the applicant or any associate has ever had registration refused or cancelled by this or any other registering body, at 4.8 Additional Details, you need to provide details of the date(s), the reasons for refusing and/or cancelling the registration and the name of the registering body. You should also attach copies of the relevant documentation from the State or Territory registering body detailing the reasons for refusing/cancelling registration.

4.5 Suspended registrations in another State/Territory

If the applicant or any associate has ever had registration suspended by this or any other registering body, at 4.8 Additional Details, you need to provide details of the date(s), the reasons for the suspension, and the training packages and/or accredited courses involved. Also attach copies of relevant documentation from the State or Territory registering body detailing the reasons for suspending registration.

4.6 Indictable offences

This question relates specifically to the suitability of applicants and any associates. If you answer yes to this question, you will need to provide details at 4.8 Additional Details.

4.7 Convictions against Vocational laws of Australia

This question relates specifically to the suitability of applicants and any associates. If you answer yes to this question, you will need to provide details at 4.8 Additional Details.

4.8 Additional details

If you answered yes to any of questions 4.4 to 4.7, for each person concerned you need to provide further details and explain your responses to those questions.

Section 5 – Details of your Registration

Section 5 includes questions about the current (or intended) delivery arrangements of your training organisation. These answers to these questions will assist the Case Manager to conduct a risk assessment of your organisation to determine the level and scope of the audit to be applied to the application (refer to the [AQTF 2007 National Guideline for Risk Management](#)).

When answering the question, 'Does your organisation take/intend to take fees in advance' please refer to the Council's Guideline on the Protection of Fees Paid in Advance for information on when fees are considered to be collected "in advance".

"...an RTO's system should only enable the RTO to access students' fees on the following basis:

- For courses of 6 weeks or less – No fees are considered to be fees in advance. The RTO may access student fees at any time;
- For courses over 6 weeks – If the total fee for the course is in excess of \$1500, the fees are considered to be collected in advance. The RTO must collect fees in line with the Guideline.

Completing the delivery table

You need to specify all training package qualifications, individual units of competency (where not delivering a full qualification) and accredited courses for which you are applying.

Please check the National Training Information Service (NTIS) website, www.ntis.gov.au to obtain the correct titles and codes in order to complete the table(s). Applications that do not provide accurate information may be rejected and returned to the applicant.

The delivery table will be used to calculate the fee you will be charged.

Assessment only

If you intend to provide an assessment service (that is, a recognition of prior learning rather than a full training and assessment service) for any of the training package qualifications, units of competency and/or accredited courses listed, you need to indicate this against each item.

Please note the following:

- Your organisation must deliver and assess against the current nationally recognised training qualifications/units and accredited courses;
- Where a new version of a training package has been endorsed nationally but has not yet been published, your organisation must await its publication before applying to have qualifications/units from it included on your registration;
- Applications that contain incorrect information may not be processed;
- Applications for qualifications and/or units of competency from training packages that have been superseded/replaced will not be accepted; and
- Applications for qualifications/units and accredited courses that have been superseded/replaced will not be accepted.

Section 6 – Declaration of CEO

This declaration must be completed by the CEO of the organisation applying for registration.

If the legal entity applying for is a person, that person must complete the declaration.

The declaration is made as a formal undertaking to the Training Accreditation Council.

Section 7 – Statutory Declaration

The Statutory Declaration must be made in the presence of the authorised witness.

Please refer to <http://www.justice.wa.gov.au> for a list of authorised witnesses.

Section 8 – Evidence to Support Your Application

The supporting evidence provided with your application will be used by the Case Manager to establish your organisation's readiness for audit.

Evidence to establish your organisation's compliance with the AQTF for all training and assessment identified in your application, will be reviewed by the Auditor during the audit.

Please provide copies only, if originals are supplied and you wish them to be returned, please include a stamped self addressed envelope.

Evidence Required

- An outline of your organisations structure. (for example organisational chart, terms of reference etc);
- A list of staff who will deliver and assess the qualifications/units and accredited courses applied for, and evidence that they have the appropriate training and/or assessment and vocational competencies;
- Details of your training and/or assessment strategies for the highest level qualification/s, unit/s of competency or accredited course/s applied for in each industry area;
- Assessment instruments that relate to two industry specific units of competency for the qualification/s or accredited course/s or all assessment tools for the units identified above. Include high risk units if any that have been identified by industry;
- Evidence of copyright approval for accredited course/s if applied for; and
- Any evidence/documentation specified in Section 2 regarding applicant details.

There is no set format to how you should provide the evidence. Information should be appropriate to the operations of your training organisations.

Initial and Renewal of Registrations will be audited against all three AQTF Essential Standards and all Conditions of Registration.

Section 9 – Conflict of Interest

Section 9 allows the application to identify any conflict of interest with a specific Auditor.

Please note that if a conflict of interest is identified, the reason for this conflict must be included.

Section 10 – Fee Structure

Section 10 outlines the fees associated with registration.

Please note that the application fee of \$465 is payable at the time of submitting your application and is non refundable. You will be invoiced for all other fees throughout the registration process.

Questions?

If you have any questions when completing the application form, please contact:

The Training Accreditation Council Secretariat by:

Ph: (08) 9441 1910

Email: tac@des.wa.gov.au