

Ministerial Guidelines

Registration and de-registration of training providers, accreditation of courses and recognition of skills and qualifications in Western Australia

(under section 13 of the *Vocational Education and Training Act 1996*)

Forward

These Ministerial Guidelines have been prepared to provide advice to the Training Accreditation Council and training organisations on the policy framework that is applicable and the requirements that must be met for the registration and de-registration of training organisations, the accreditation of courses and the recognition of skills and qualifications under the Western Australian Vocational Education and Training System.

Western Australia is committed to the operation of the National Skills Framework, comprised of Training Packages and the Australian Quality Training Framework. In addition the Training Accreditation Council has, in some areas, developed state policies that strengthen aspects of the Australian Quality Training Framework.

Part 1. Introduction

- 1.1 These Guidelines have been established under section 13 of the *Vocational Education and Training Act 1996*, to assist the Training Accreditation Council (the Council) in carrying out its functions under the Act.
- 1.2 These guidelines provide guidance to the Council on carrying out its functions to:
- a. register and de-register training organisations;
 - i. registration and scope of registration
 - ii. term of registration
 - iii. applying in this jurisdiction for registration
 - iv. decision about registration
 - v. amendments to registration
 - vi. conduct of audit
 - vii. information sharing
 - viii. criteria for registration
 - ix. de-registration
 - x. cancellation of registration
 - xi. return of records
 - b. accredit, and vary and cancel the accreditation of, courses and skills training programmes and the qualifications gained from such courses and skills training programmes;
 - i. applying in this jurisdiction for accreditation
 - ii. decision about accreditation
 - iii. term of accreditation
 - iv. cancellation of accreditation
 - c. recognise skills and qualifications obtained by individuals in this State or elsewhere, in industry, the workplace or educational institutions;
 - i. recognition of skills and qualifications
 - ii. applying in this jurisdiction to provide trade skills recognition services on behalf of the Council
 - iii. decision about RTOs providing trade skills recognition services on behalf of the Council
 - iv. Applying in this jurisdiction for skills recognition
 - v. Cancellation of approval for an RTO to provide trade skills recognition services on behalf of the Council
 - vi. Applying in this jurisdiction for skills recognition
 - vii. Decision about skills recognition

Part 2. Interpretation

Definitions

“**accreditation**” means the formal recognition of a course by the state and territory body in line with the Standards for State and Territory Accrediting Bodies.

“**accredited**”, for a course, means a structured sequence of vocational education and training that has been accredited by a state or territory course accrediting body and leads to an AQF qualification or statement of attainment.

“**amended**” includes varied, altered and replaced.

“**AQF**” means the policy framework entitled ‘Australian Qualifications Framework’ that defines all qualifications recognised nationally in education and training within Australia, endorsed by the ministerial council

“**AQTF 2007**” means the policy framework entitled ‘Australian Quality Training Framework 2007’ that defines the criteria and standards for the registration of training organisations and the accreditation of courses in the vocational education and training sector. The Framework was endorsed by the ministerial council and came into place on 1 July 2007.

“**compliance audit**” means an audit establishing whether the subject of the audit complies with the registered training organisation standards, other than the legislative compliance standard.

“**course accrediting body**” means the local course accrediting body or a body equivalent to the local course accrediting body in another jurisdiction responsible for the administration of the accreditation of courses under that jurisdiction’s legislation relating to vocational education and training.

“**jurisdiction**” means Western Australia or, if registered to provide in other States and Territories, the State and Territory in which the registered training organisation operates.

“**legislative compliance standard**” is the condition of registration included in the RTO standards requiring that an RTO ensures that compliance with Commonwealth, State and Territory legislation and regulatory requirements relevant to its operations is integrated into its policies and procedures and that compliance is maintained.

“**local course accrediting body**” means The Training Accreditation Council.

“**local registering body**” means The Training Accreditation Council.

“**ministerial council**” means the Council consisting of the Ministers from each State and the Australian Government responsible for vocational education and training.

“**nationally endorsed**”, for a training package, means endorsed by a national committee established by the ministerial council.

“**national register**” refers to the National Training Information Service, the national register for recording information about RTOs, Training Packages and Accredited Courses.

“**notice**”, of a decision of the local registering or course accrediting body, means a signed written notice of the body stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) the day the decision has effect.

“**qualification**” means formal certification in the vocational education and training sector issued by an RTO and under the AQF that a person has achieved all the units of competence or modules comprising learning outcomes stated for the qualification in—

- (a) a nationally endorsed training package; or
- (b) an accredited course that provides training for the qualification.

“**registered**” means the formal approval and recognition of a training organisation by a state or territory registering body, in accordance with the standards for RTOs and the standards for State and Territory Registering Bodies.

“**registered training organisation**” means a training organisation registered by a registering body in accordance with the AQTF 2007, within a defined scope of registration.

“registering body” means the local registering body or a body equivalent to the local registering body in another jurisdiction responsible for the registration of training organisations under that jurisdiction’s legislation relating to vocational education and training.

“registration” includes renewed registration.

“RTO” means a registered training organisation.

“RTO standards” means the standards for registered training organisations.

“scope of registration”, of a training organisation, means its scope of registration as prescribed under section 3.1 (2).

“standards for accreditation of courses” means the *AQTF 2007 Essential Standards for Registration*.

“standards for registered training organisations” means the *AQTF 2007 Essential Standards for Registration*.

“standards for State and Territory registering bodies” means the Standards for State and Territory Registering Bodies adopted by the Ministerial Council under the AQTF 2007.

“statement of attainment” means formal certification in the vocational education and training sector by an RTO under the AQF that a person has achieved—

(a) part of a qualification; or

(b) one or more units of competency from a nationally endorsed training package; or

(c) all the units of competency or modules comprising learning outcomes for an accredited course that does not meet the requirements for a qualification.

“this jurisdiction” means Western Australia.

“training package” means an integrated set of endorsed competency standards and assessment guidelines leading to a qualification for a particular industry, industry sector or enterprise.

“unit of competency” means a specification of knowledge and skill and their application to a specified standard of performance.

“vocational education and training” means the education and training and qualifications and statements of attainment under the vocational education and training provisions of the AQF.

Part 3. Registration

3.1 Registration and scope of registration

- 1) A person may be registered as a training organisation that provides, within its scope of registration, training and assessments resulting in the issue of qualifications or statements of attainment by the organisation.
- 2) A training organisation's scope of registration consists of –
 - a. the training delivery and assessment services the organisation is registered to provide; and
 - b. the AQF qualifications and/or endorsed units of competency.
- 3) Registration cannot be transferred, sold or otherwise assigned to another individual, legal entity or organisation. Registration is 'personal' to the legal entity that obtains it.

3.2 Term of registration

Registration may be for a term up to 5 years and may be renewed, if application for renewal is made at least three (3) months before the registration expires.

3.3 Applying in this jurisdiction for registration

- 1) A person may apply to the Council for registration as a training organisation.
- 2) The application must be in the approved form and accompanied by the prescribed fee.
- 3) The applicant must give the Council any information required by it to decide the application.

3.4 Decision about registration

- 1) On an application for registration, the Council may register the applicant as a training organisation, or refuse to do so.
- 2) In deciding the application, the Council must apply the RTO standards.
- 3) The Council must not grant the application unless –
 - a. on registration under the application, the applicant will not otherwise be registered as a training organisation by any registering body; and
 - b. the Council considers that the applicant's principal place of business is, or all or most of its operations will be conducted, in this jurisdiction; and
 - c. a compliance audit has been conducted of the applicant that shows the applicant complies with the RTO standards (other than the legislative compliance standards).
- 4) Subsection (3) does not limit the grounds on which the Council may decide not to grant registration.
- 5) Subsection (3) (c) does not apply to an applicant if –
 - a. The application is made by an RTO registered by another registering body and is seeking transfer to this jurisdiction; and
 - b. The applicant has not requested an amendment of the RTO's existing scope of registration.
- 6) If the Council decides to grant the application, the registering body must—

- a. register the applicant as a training organisation and the applicant's scope of registration; and
 - b. give the applicant a notice of the decision.
- 7) If the Council decides not to grant the application, the registering body must give the applicant a notice of its decision.

3.5 Amendments to registration

- 1) The Council may, on application by an RTO that was registered by it, amend the RTO's registered details.
- 2) If the application is to amend the RTO's scope of registration —
 - a. the application must be in the approved form and accompanied by the prescribed fee; and
 - b. the RTO must give the Council any information reasonably required by it to decide the application.

3.6 Conduct of Audit

- 1) The Council may at any time conduct a compliance audit of the RTO, including any of the RTO's operations.
- 2) A compliance audit must comply with the standards for State and Territory registering and course accrediting bodies.
- 3) A failure to comply with subsection (2) is of no effect if the failure—
 - a. does not substantially affect the outcome of the audit; or
 - b. arises out of inconsistency between the standards mentioned in the subsection and the legislation of this particular jurisdiction in relation to which the failure arises.

3.7 Information Sharing

- 1) The Council may disclose to another registering body information it has about, or arising from, the following—
 - a. an application by anyone for registration as a training organisation;
 - b. an RTO's registration;
 - c. a compliance audit conducted; and
 - d. action taken by the Council in relation to an RTO;
- 2) Information provided to the Council through its processes of registration and accreditation including information obtained during the process of audit and related activities, or obtained in the conduct of any other function of the Council, may be disclosed to relevant government agencies for secondary purposes that are directly related to, or provide benefits for the primary purpose of quality assuring vocational education and training in Western Australia.

Part 4. Criteria for Registration

4.1 Registration requirements

- 1) The Council may impose the following conditions, on an RTO registered by the Council, for the RTO's period of registration-
 - a. the RTO must comply with requirements stated to apply to an RTO under the RTO standards;
 - b. the RTO must comply with policies and guidelines of the Council stated to apply to RTOs;
 - c. the RTO will not enrol students if the Council at any time, notifies the RTO that the Council is of the opinion that the RTO is not complying with the RTO standards;
 - d. the RTO must give notice to the Council of the following matters after they happen—
 - (i) any substantial change to the RTO's control, management or operations;
 - (ii) any matter the RTO standards states the RTO must give notice of to the Council;
 - e. the RTO—
 - (i) must submit to any compliance audit conducted or authorised by the Council; and
 - (ii) must take all necessary steps to comply with the standards; if a particular compliance audit shows the RTO does not comply with the RTO standards (other than the legislative compliance standard),
 - f. the RTO must not contravene a provision of these guidelines;
 - g. the RTO must give to the Council any information about any of its operations reasonably required by the Council; and
 - h. the RTO must provide, from time to time, details of student results and records to the Council, as requested by the Council.
- 2) Conditions mentioned in these guidelines to which an RTO is subject, apply in relation to the operations of the RTO in every jurisdiction.

Part 5. De-registration, cancellation and expiry of registration

5.1 De-registration

- 1) The Council may deregister an RTO that was registered by it.
- 2) The Council may de-register an RTO on the following grounds –
 - a. failure to comply with the Australian Quality Training Framework standards or submit to audit for that purpose;
 - b. where registration has been obtained by fraud;
 - c. 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 organisation;
 - d. persons who manage or control the RTO are not fit and proper persons;
 - e. the legal entity has been declared bankrupt or entered liquidation /administration; and

- f. 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 TAC Secretariat.
- 3) Before de-registering an RTO the Council must –
 - a. advise the RTO that it has been placed in the process of de-registration
 - b. request that the RTO, within a period specified by the Council, provide a formal response outlining the RTO's position
 - c. consider the information provided by the RTO
 - 4) If the Council decides to de-register the RTO, the registering body must—
 - a. give the RTO a notice of the decision; and
 - b. remove the RTO from the national register
 - 5) If the Council decides not to de-register the RTO, the registering body must give the RTO a notice of its decision.
 - 6) Before cancelling the registration of an RTO, the Council must consult the registering bodies of each of the other jurisdictions where the RTO is operating.
 - 7) Failure to comply with subsection (6) does not affect a cancellation of the registration of an RTO.

5.2 Cancellation of registration

- 1) The Council may cancel the registration of an RTO—
 - a. if the RTO's registration expires;
 - b. if the RTO applies to the Council to have its registration cancelled and the Council grants the application; or
 - c. if the RTO does not have its principal place of business, and does not conduct all or most of its operations, in this jurisdiction,—
 - i. on application by the RTO; or
 - ii. on its own initiative.
- 2) If an RTO makes an application to another registering body for registration as a training organisation (the "transfer application"), the Council must not cancel the registration of the RTO until the transfer application is decided.
- 3) On cancellation of registration, the Council must remove the RTO from the national register.

5.3 Return of Records on de-registration, cancellation or expiry of registration

- 1) On de-registration, cancellation or expiry of registration, an RTO must forward to the Council, electronic and/or hardcopy documents with –
 - a. all student results and records (including name, address and identifier such as date of birth);
 - b. all units of competency/modules achieved by each student including title and national code;
 - c. qualifications and statements of attainment issued to each student including title, code and date issued; and
 - d. evidence of training and assessment activities undertaken at the time of cessation that only partly fulfil a unit of competence.

- 2) The documentation is to be a complete, accurate and orderly copy of all student results/details since initial registration of the RTO. Any mechanism or software required to retrieve the records must also be made available to the Council at no charge.

Part 6. Course Accreditation

6.1 Applying in this jurisdiction for accreditation

- 1) A person may apply to the Council to have a course accredited.
- 2) The application must be in the approved form and accompanied by the prescribed fee.
- 3) The applicant must give the Council any information required by it to decide the application.

6.2 Decision about accreditation

- 1) On an application to have a course accredited, the Council must grant, or refuse to grant, the accreditation.
- 2) In deciding the application, the Council must apply the standards for accreditation of courses.
- 3) Subsection (2) does not limit the grounds on which the Council may decide not to grant the application.
- 4) If the Council decides to grant the application, it must register the course as an accredited course.
- 5) If the Council decides not to grant the application, it must give the applicant a notice of its decision.

6.3 Term of accreditation

Accreditation may be for a term up to 3 years and may be renewed if application for re-accreditation is made at least three (3) months before the accreditation expires.

6.4 Cancellation of accreditation

- 1) This section applies to a course that has been accredited on an application to the Council.
- 2) The Council may cancel the accreditation.
- 3) The Council must—
 - a. give notice of its decision; and
 - b. remove the registered details of the accredited course from the national register.

6.5 Expiry of accreditation

- 1) This section applies to a course that has been accredited on application to the Council.

- 2) If the accreditation of the course expires, the Council must note the expiry of the course on the national register.

Part 7. Recognition of Skills and Qualifications

7.1 Applying in this jurisdiction to provide trade skills recognition services on behalf of the Council

- 1) An RTO may apply to the Council or a sub committee approved by the Council to provide trade skills recognition services on behalf of the Council.
- 2) The application must be in the approved form.
- 3) The applicant must give the Council or a sub committee approved by the Council any information required by it to decide the application.

7.2 Decision about RTOs providing trade skills recognition services on behalf of the Council

- 1) On an application from an RTO to provide trade skills recognition services, the Council, or a sub committee approved by the Council, may register the RTO to provide trade skills recognition services, or refuse to do so.
- 2) In deciding the application, the Council, or a sub committee approved by the Council, must apply the requirements for RTOs outlined in the Trade Skills Recognition Policy and the Trade Skills Recognition Guidelines.
- 3) Subsection (2) does not limit the grounds on which the Council may decide not to grant the application.
- 4) If the Council, or a sub committee approved by the Council, decides to grant the application, it must register the RTO to provide trade skills recognition services on behalf of the Council.
- 5) If the Council, or a sub committee of the Council decides not to grant the application, it must give the applicant a notice of its decision.

7.3 Term of approval for an RTO to provide trade skills recognition services on behalf of the Council

An RTO, on approval to provide trade skills recognition services on behalf of the Council, will be registered to provide the service for the period of their registration as a training organisation.

7.4 Cancellation of approval for an RTO to provide trade skills recognition services on behalf of the Council

- 1) The Council may cancel the approval for an RTO to provide trade skills recognition services if –
 - c. The RTO fails to operate in accordance with the Trade Skills Recognition Policy and the Trade Skills Recognition Guidelines;
 - d. The RTO's registration as a training organisation is cancelled or expires;or

- e. The RTO fails to maintain compliance with the requirements of the RTO standards.

7.5 Applying in this jurisdiction for skills recognition

- 1) A person, through a process conducted by an RTO registered to provide skills recognition services, may apply to the Council for a Trade Equivalence Certificate.
- 2) The application must be made by the RTO registered to provide skills recognition services on behalf of the Council, in the approved form and accompanied by the prescribed fee.
- 3) The applicant must give the Council any information required by it to decide the application.

7.6 Decision about skills recognition

- 1) If the Council decides to grant the application, the registering body must—
 - c. give the applicant a notice of the decision; and
 - d. issue the applicant a Trade Equivalence Certificate.
- 2) If the Council decides not to grant the application, the registering body must give the applicant a notice of its decision.