

Managing Non-Compliance



AUSTRALIA

NATIONAL
AUDIT AND
REGISTRATION
AGENCY

National context

As a registering body operating under delegation from state and territory registering bodies, NARA is bound by the AQTF 2007 *National Guideline for Managing Non-Compliance*. The guideline describes how registering bodies will ensure that, if an RTO is not compliant with the AQTF 2007 *Essential Standards for Registration*:

- the RTO is treated fairly
- the RTO is given every opportunity to demonstrate compliance
- any restriction placed on the RTO’s registration is in proportion to the level of non-compliance and the potential and actual risks to clients and the national VET system.

The guideline recognises that each RTO has a unique business environment and mode of operation and it requires registering bodies to take the RTO’s operating context into account before deciding how to respond to an RTO that has not fulfilled the requirements of the AQTF 2007 *Essential Standards for Registration*. Click [here](http://www.training.com.au) to read the guideline on www.training.com.au

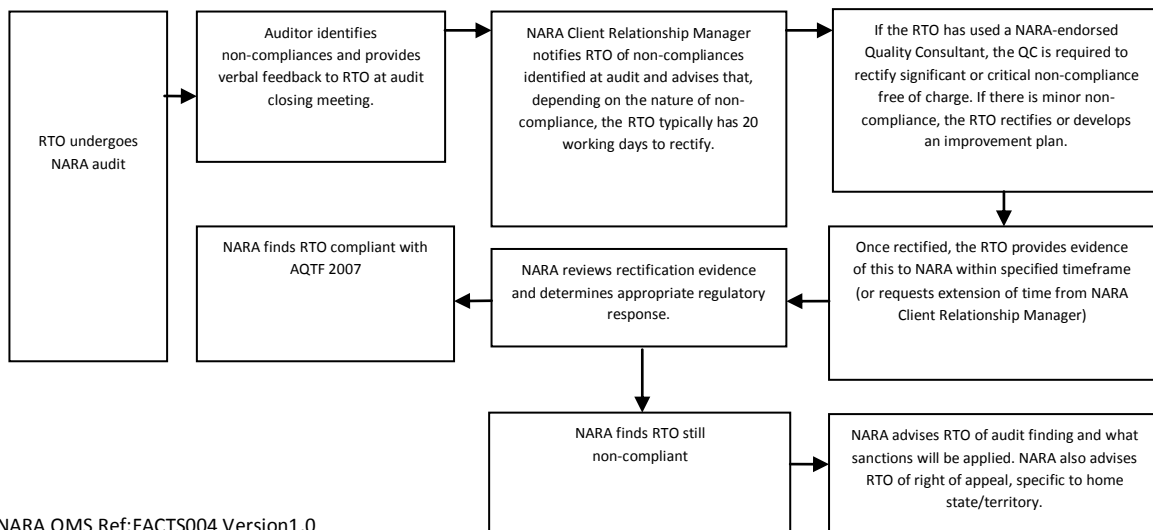
Categories of non-compliance

Non-compliance means that the requirements of the AQTF 2007 *Essential Standards for Registration* have not been met based on the evidence reviewed at audit. There are three categories of non-compliance: minor, significant and critical, which indicate whether the non-compliance is deemed to have a minor, significant or critical adverse impact on learners and/or other consumers.

In general, RTOs with minor or some significant non-compliance are required to rectify these within 20 days or as part of an improvement plan agreed with their registering body. Critical non-compliance requires immediate rectification by the RTO. Each category is explained in detail in the national guideline.

What happens if NARA finds non-compliances at audit?

NARA’s process for managing non-compliances involves the following steps:



RTO rights of appeal

NARA RTOs can appeal against an audit decision by following the procedure in their home state or territory. This is a requirement of the delegations to NARA from states and territories.

Appeal processes differ between jurisdictions and NARA will ensure that RTOs are provided with specific details of how to appeal a finding of non-compliance in accordance with the legislative requirements of their home state. Information on appeal processes in each state and territory are available via the following links:

Australian Capital Territory - Accreditation and Registration Council

http://www.det.act.gov.au/vhe/accreditation_and_registration/arc

See the *Dispute Management Policy* under ARC policies

New South Wales - Vocational Education and Training Accreditation Board

<http://www.vetab.nsw.gov.au>

Information about appeals is contained in the *VET Act 2005* at

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+100+2005+pt.6-sec.47+0+n/>

Northern Territory - Department of Education and Training

<http://www.det.nt.gov.au/training>

Information about appeals is contained in the *Northern Territory Employment and Training Act 2004*

Queensland - Training and Employment Recognition Council

http://www.trainandemploy.qld.gov.au/partners/registration_and_audit/registration/appeals.html

South Australia - Training and Skills Commission

<http://www.training.sa.gov.au/OVETorgs/pages/default/TandSDAct2008/>

Information about appeals is contained in the *Training and Skills Development Act 2008*

Tasmania - Tasmanian Qualifications Authority

<http://www.tqa.tas.gov.au/>

Appeals information is contained in the *Tasmanian Qualifications Authority Act 2003*.

Victoria - Victorian Qualifications and Registration Authority

http://www.vrqa.vic.gov.au/reg/registration_procedures/vet.htm

Western Australia - Training Accreditation Council

<http://www.tac.wa.gov.au/>