

Policy Title	Interaction with the National VET Regulator Policy & Procedure				
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1. POLICY

IQY Australia Pty Ltd T/A IQY Technical College ensures that IQY Technical College has policies and procedures in place to define the responsibility and authority in relation to the interaction with the registering body, Australian Skills Quality Authority (ASQA) and IQY Technical College.

2. PURPOSE

The purpose of this policy is to ensure that:

- ✓ IQY Technical College sets out the mechanisms for developing, managing, maintaining and reviewing the departmental policy and procedural documents and operations to meet legislative and regulatory requirements;
 - ✓ IQY Technical College has the responsibility and commitment to effectively identify and manage its compliance risks and obligations;
 - ✓ To develop and foster a compliance culture within the organisation:
 - by encouraging proactive and accountable management of IQY Technical College's compliance management;
 - by encouraging ownership of compliance risks and obligations within departments;
 - by raising and maintaining the level of awareness of IQY Technical College compliance obligations throughout the organisation by providing guidance and statutory updates.
 - ✓ To monitor compliance and implement corrective action where required;
 - ✓ SRTOS 2015 requirements must be met by IQY Technical College;
 - ✓ ESOS Act 2000 requirements must be met by IQY Technical College;
 - ✓ IQY Technical College will meet all legislative requirements of State and Federal Government. The relevant Acts include but are not limited to:
 - Standards for Registered Training Organisations (RTOs) 2015
 - Fit and Proper Person Requirements
 - Financial Viability Risk Assessment Requirements
 - Standards for VET Accredited Courses 2012;
 - Privacy Act 1988 (Commonwealth);
 - Corporations Regulations 2001;
 - National Vocational Education and Training Regulator Act 2011;
 - Data Provision Requirements 2012;
 - Australian Qualifications Framework, Second Edition 2013
 - Electronic Transactions (Victoria) Act 2000;
 - Privacy and Data Protection Act 2014;
 - Work Health and Safety Act 2011;
 - The Privacy Act 1988;
 - Human Rights and Equal Opportunity;
 - National Vocational Education and Training Regulator Act 2011;
 - National VET Regulator (NVR) Standards for RTOs;
 - Student Identifiers Act 2014;
 - Copyright Act 1968 (Commonwealth).
 - ✓ The following page on the ASQA website provides a summary of these legislative requirements and links to access the documents themselves [Click](#)
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- ✓ The Registration Authority for IQY Technical College Institute is the national regulator Australian Skills Quality Authority (ASQA).
- ✓ The VET Quality Framework (VQF) which contains the Standards for Registered Training Organisations (RTOs), assures a nationally consistent approach to the registration of training organisations seeking to deliver training, assess competency outcomes, and issue Australian Qualifications Framework qualifications and/or Statements of Attainment. The VQF also ensures the recognition of training providers and the Australian Qualifications Framework qualifications and Statements of Attainment they issue, across Australia.
- ✓ This policy and procedure outlines IQY Technical College's approach to ensuring compliance.
- ✓ This policy and procedure ensure compliance with Standard 8.1, 8.2 and 8.3 of the Standards for Registered Training Organisations (RTOs) 2015.

3. SCOPE

This policy applies to all IQY Technical College's students, staff and stakeholders.

4. DEFINITIONS

SRTOs 2015: They are the Standards for National VET Regulator Registered Training Organisation.

ASQA: Australian Skills Quality Authority – The national vocational education and training (VET) regulator.

5. POLICY STATEMENT

The Australian Skills Quality Authority (ASQA) is the National VET Regulator is established under the National Vocational Education and Training Regulator Act 2011. IQY Technical College is registered by ASQA and therefore must comply with requirements set down by ASQA under the VET Quality Framework.

The VET Quality Framework is a set of legislative instruments which are empowered under the National Vocational Education and Training Regulator Act 2011. These instruments set the rules by which IQY Technical College must operate. Much of the policy within these policies and procedures are framed by the requirement of the VET Quality Framework and directly influence the method of operation of IQY Technical College.

The CEO or their delegate will always ensure that:

- at least one nationally recognised qualification for delivery is maintained on your Training Provider's scope;
- these qualifications meet the requirements of the accredited course or endorsed national training package and are consistent with purchasing guides;
- compliance with the AQTF and/or VET Quality Framework.

It is an important requirement that IQY Technical College establish arrangements to ensure appropriate cooperation and interaction with ASQA to comply with the VET Quality Framework.

The CEO is the person responsible under the legislation to coordinate arrangements to achieve this.

This includes keeping ASQA informed of material or significant changes to IQY Technical College operations.

6. COOPERATION WITH THE NATIONAL REGULATOR

The following actions are to be applied to ensure IQY Technical College cooperates with ASQA requirements:

6.1 Audits and the monitoring of its operations

The CEO shall act as the designated point of contact during ASQA audits and monitoring activities. The CEO is to coordinate the preparation for external audits and ensure all documentary evidence and access to staff is provided to support the conduct of the audit. The CEO shall also coordinate the response to any request for information or corrective action because of a compliance audit.

6.2 Accurate and timely data

The Data Provision Requirements released by ASQA are a separate legislative instrument that outline IQY Technical College's responsibilities to report the following data;

- AVETMISS data;
- Proof of legal entity including business name registration certificate, company certificate, ABN registration and company current and historical extract;
- Financial viability risk assessment declaration and evidence including the IQY Technical College business plan, financial plan, details of bank accounts and bank statements;
- Fit and Proper Person declarations and CEO declarations; and
- Quality indicator data.

The CEO is responsible to maintain this information and establish mechanisms to ensure it is available for reporting to ASQA on request.

6.3 Responding to written directions

The National Vocational Education and Training Regulator Act 2011 at Part 2, Division 1, Section 28 Condition requires IQY Technical College to comply with any general directions given by the National VET Regulator, in writing, to organisations on the way in which the VET Quality Framework or other conditions of this Subdivision are to be complied with.

Failure by IQY Technical College to comply with its conditions of registration can result in the prosecution of a civil offence under Part 6, Division 1, Section 111 which relates to breach of condition of registration. It is the responsibility of the IQY Technical College Chief Executive Officer to put in place suitable arrangements to ensure that the organisation complies with all written directions.

It is also important to ensure that the organisation keeps abreast of changes to any published written directions by monitoring the National VET Regulator website and subscribing to National VET Regulator notifications.

Where the National VET Regulator issues a written direction to Chief Executive Officer because of a regulatory event, these must be managed at the highest level and allocated suitable resources and time to ensure that these directions are complied with and evidence of such is maintained and available for review by the National VET Regulator.

These actions are to be managed through the regular management meeting and the continuous improvement register.

6.4 Changes to registration/contact / location details

Situations which represent a change to registration details include:

- registered training name/s;
 - address and/or contact details of the RTO's head office;
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- principal place of business (if different from the head office);
- contact details of chief executive officer or equivalent person;
- contact details of 'day-to-day' contact person;
- contact details of high-managerial agents;
- location and/or contact details of permanent delivery sites;
- commencement or cessation of offshore delivery; and
- commencement of delivery in other states or territories.

The CEO is required to notify ASQA using regulators communications portal ASQAnet where the notification of change of provider details can be submitted ([click](#)). Notifications are to be made within **90 calendar days** of the changes occurring.

6.5 Significant changes to its operation

Situations which represent a material change to operations include:

- changes to chief executive officer;
- changes to high managerial agent;
- changes to financial administration status;
- changes to legal name or type of legal entity;
- changes to ownership; and
- changes to directorship and/or control (including sale of RTO business).

The CEO is responsible to report material changes to operations to ASQA by completing the material change or event form available from ASQAnet ([click](#)). Notifications are to be made within **90 calendar days** of the changes occurring. The national regulator provides a summary of these notification requirements on its website at the following page ([click](#)).

6.6 Enter into a Third-party Agreement

If IQY Technical College enters into a third-party agreement with another entity, the CEO is required to notify ASQA via ASQAnet ([click](#)) by selecting the Organisation menu and then the Third-Party Service Providers menu item. Then select "Add".

This application form requires the details of the parties, the nominated start and end date and a declaration. ASQA may request further information about the arrangement which involve other parties delivering training and assessment services on behalf of IQY Technical College, undertaking recruitment of learners or delivering outsourced learner support services. Notifications are to be made within 30 calendar days of the agreement being entered into or prior to the obligations under the agreement taking effect (whichever occurs first). ASQA should also be notified within **30 calendar days** of the agreement coming to an end.

6.7 Changes to Financial Viability

IQY Technical College will notify ASQA **immediately** if there are significant changes to its financial viability. This includes:

- Net tangible assets fall below 2% of Revenue.
- Working capital falls below 2.5% of Revenue.
- Debt Ratio is greater than 1.00.
- Profitability falls below 0%.
- Change in financial guarantor arrangements.
- Change in mechanisms for securing learner fees paid in advance.

6.8 Ceasing to operate

The CEO is responsible to ensure that there are suitable arrangements to provide records of learner outcomes to ASQA if IQY Technical College ceases to operate. This includes returning the RTO registration certificate.

If circumstances are such that IQY Technical College are not able to carry on operations (death, liquidation, bankruptcy), the CEO is to advise ASQA of this decision and provide advice regarding impact on currently enrolled learners. Notifications are to be made within **90 calendar days** of the changes occurring. IQY Technical College has a responsibility to transfer these enrolments to another RTO with least disruption to individual learners.

On ceasing operations, IQY Technical College is to facilitate currently enrolled learners transfer to another RTO, issue these learners with an appropriate refund for service not provided, and issue learners with Certificates based on completed units of competency.

6.9 CEO Annual Declaration

In accordance with clause 8.4 of the Standards for Registered Training Organisations, IQY Technical College is required to provide ASQA with an annual declaration on its compliance with the Standards. This is the responsibility of the CEO to submit.

With the submission of this declaration, the CEO is confirming to ASQA that they:

- systematically monitor your RTO's compliance, and
- implement preventive and corrective actions were considered necessary.

The declaration process will commence when the CEO receives an email containing **a unique link to an online form**. The form will be available from the beginning of February until the end of March. This allows the CEO **two months** to undertake the self-assessment required to complete the declaration. The online form can be saved and returned to it any time before the **end of March**.

The annual declaration provides IQY Technical College with a chance to undertake a self-assessment of the RTO's compliance with the Standards and to ensure that the information that ASQA holds about the RTO is correct. Self-assessment is a valuable proactive tool that allows RTOs to ensure that they are meeting the required Standards and to determine whether they need to amend or update aspects of their operation.

6.10 Fit and Proper Person Requirements Declaration

The Clause 7.1 of SRTOs states that RTOs are responsible for:

- o ensuring authorised officers are in place and vested with sufficient authority to ensure compliance
- o ensuring authorised officers meet Fit and Proper Person Requirements.

To operate effectively, managers must have authority to ensure that their RTO complies with the Standards at all times.

IQY Technical College complies with this standard by ensuring that the people actually managing the RTO are able to make decisions that ensure compliance.

In September 2023, with the amendment of Standards for Registered Training Organisations Amendment (Fit and Proper Person) Instrument 2023, ASQA has amended the Fit and Proper Person Requirements Declaration. Some of the key changes include:

- *Makes clear that the VET Regulator must have regard to all matters it considers relevant that are specified in Schedule 3 to determine if a person is fit and proper.*
 - *Makes clear that in the application of the FPPRs, the definition of 'person' includes a body politic or corporate as well as an individual.*
 - *Extends fit and proper person requirements beyond CEOs and high managerial agents to any person which exercises a degree of control or influence over the management or direction of the RTO.*
 - *Provides more specific information that the VET Regulator can have regard to, and consideration for, in assessing a person's compliance with the law. In particular, allows the VET Regulator to consider any*
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situation where an offence has been found to have been committed regardless of whether a conviction was recorded.

- The inclusion of the consideration of outcomes of previous applications for registration and renewal. This is also extended to approvals as a course provider under the VSL Act; VET provider under the Higher Education Support Act and State and Territory funding arrangements for provision of education.
- Stepped out the bankruptcy and insolvency considerations.
- Expansion of considerations of provision of false and misleading information to include more than just the VET Regulator (e.g. TEQSA, TPS Director).
- Addition of the term 'government training contract' - a contract that a RTO 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 provision by the registered training organisation of vocational education and training. As per the amendment the following definitions are considered to comply with ASQA's requirement. **Executive officer:** This is any person who takes part in the management of your organisation. Examples can include:

- A director of the company
- A secretary of the company
- A chief executive of an RTO
- A principal executive officer of a CRICOS provider

An "owner and executive officer" is:

- A person who owns 15% or more of your organisation
- A person who is entitled to receive 15% or more of dividends paid by your organisation
- Any trustee of a trust associated with the organisation
- A trustee of a trust associated with your organisation
- Relevant persons at "associated entities".

High managerial agent: This is any employee or agent who represents your organisation in relation to the business of providing a course.

Examples can include:

- a consultant or employee with an ongoing role related to regulatory compliance
- a consultant or employee who represents your organisation at audit
- an agent who recruits students on behalf of your organisation, OR
- people employed by third-party organisations who fulfill any of the roles described above on behalf of your organisation

- people employed by third-party organisations who provide training and/or assessment on behalf of your organisation.

Person of control or influence: This is any person that exercises a degree of control or influence over the management or direction of the organisation

UNDERSTANDING OF THE REQUIREMENT:

- 1) IQY Technical College will comply with the requirements and provide the amended version of Fit and Proper Person Declarations as and when requested by the regulator.
 - 2) IQY Technical College understand that that there are some appointments or individuals where IQY Technical College **must** provide a Fit and Proper Person Declarations. These include the director of the company, secretary, CEO or PEO.
 - 3) All other people listed within the new declaration under High Managerial Agent category such as compliance managers, marketing managers, training managers, agents recruiting students, consultants, etc are identified on the declaration as ASQA "may request completion of a fit and proper person declaration". Hence IQY Technical Collegewill conduct the due diligence for the staff falling under this category as mentioned in the procedure below and retain the Fit and Proper Person Declaration on the Staff file.
 - 4) As and when the regulator ASQA requests IQY Technical College to provide additional Fit and Proper Person declarations for High Managerial Agent/s IQY Technical College will seek a current Fit and Proper Person Declaration from the respective employee and provide this to ASQA.
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PROCEDURE:

- 1) While recruiting a Senior Management staff member or a higher managerial position where the staff member is responsible for taking decisions on behalf of IQY Technical College Institute, the Fit and Proper Person declaration will be procured after the due diligence conducted by IQY Technical College Institute.
- 2) The due diligence conducted by IQY Technical College Institute will involve:
 - (a) National Police Check <https://www.afp.gov.au/our-services/national-police-checks>
 - (b) Bankruptcy Register search <https://www.afsa.gov.au/online-services-help/bankruptcy-register-search>
 - (c) Employment reference check – verbal reference check
- 3) The Fit & Proper Person declaration will be sent by HR Manager to the respective staff;
- 4) The completed Fit & Proper Person declaration will be checked by the National Quality and Compliance Manager to ensure that all fields are completed, and discrepancies are identified and addressed with the respective staff.
- 5) The National Quality and Compliance Manager would update the IQY Technical College Fit and Proper person registry.
- 6) A copy of the Fit & Proper Person declaration is saved on the staff file by the HR Manager.
- 7) The CEO reviews the final Fit & Proper Person declaration to verify that all the RTO's executive officers and/or high managerial agents are vested with sufficient authority to ensure that IQY Technical College Business and Language always complies with the Standards for RTOs.
- 8) The National Quality & Compliance Manager does the final check and uploads the Fit & Proper Person declaration on ASQANet as per the ASQANet procedure.
- 9) In accordance with Clause 8.4 before the submission of CEO Annual Declaration by end of March the IQY Technical College Business and Language reviews the Fit and Proper Person Declaration status of the staff who has provided this.

7. NATIONAL REGULATORS AUDITS

IQY Technical College will facilitate the national regulator in the auditing and monitoring of its operations by:

- Agreeing to admit auditors on request on proof of identity during normal business hours;
- Provide reasonable assistance in the production of evidence and documents as requested;
- Provide access to staff and students as requested given reasonable notice and their availability.

8. QUALITY ASSURANCE CHECK

IQY Technical College will follow the following checks and balances to comply with the legislation and for effective governance and administration arrangements.

NOTIFICATION ITEMS	TIMEFRAME
<p>The CEO, or their delegate, will, using the appropriate form, response or action, inform or respond to ASQA in accordance with the Standards for Registered Training Organisations 2015.</p>	<p>Will respond to ASQA with 48 hours or submit any required or requested information by the due date.</p>
<p>Situations which represent a material change to operations include:</p> <ul style="list-style-type: none"> • changes to chief executive officer; • changes to high managerial agent; • changes to financial administration status; • Financial administration status e.g. liquidators being appointed; • Anything that may affect the fit and proper person status of an influential representative of IQY Technical College; • changes to legal name or type of legal entity; • changes to ownership; and • changes to directorship and/or control (including sale of RTO business); • The IQY Technical College's business strategy driven by a change to immigration department's policy; or • Any other significant event. 	<p>Within 90 calendar days</p>
<p>Situations which represent a change to registration details include:</p> <ul style="list-style-type: none"> • registered training name/s; • address and/or contact details of the RTO's head office; • principal place of business (if different from the head office); • contact details of chief executive officer or equivalent person; • contact details of 'day-to-day' contact person; • contact details of high-managerial agents; • location and/or contact details of permanent delivery sites; • commencement or cessation of offshore delivery; and • commencement of delivery in other states or territories. 	<p>Within 90 calendar days</p>
<p>Enter or terminate third party agreement for recruitment of CRICOS students</p>	<p>Within 30 calendar days</p>
<p>If there are significant changes to its financial viability. This includes:</p> <ul style="list-style-type: none"> • Net tangible assets fall below 2% of Revenue. • Working capital falls below 2.5% of Revenue. • Debt Ratio is greater than 1.00. • Profitability falls below 0%. • Change in financial guarantor arrangements. • Change in mechanisms for securing learner fees paid in advance. 	<p>Immediately</p>

If circumstances are such that IQY Technical College are not able to carry on operations (death, liquidation, bankruptcy), the CEO is to advise ASQA of this decision and provide advice regarding impact on currently enrolled learners	Within 90 calendar days
CEO Annual Declaration	End of March

9. RESPONSIBILITY

The Senior Management must monitor, evaluate and review this policy and relevant procedures on an ongoing basis and suggest appropriate changes to the National Quality and Compliance Manager for approval.

The CEO has overall responsibility for the implementation and review of this policy.

10. RELATED DOCUMENTS

Related Documents
IQY Technical College Business and Language Fit and Proper person registry

11. DOCUMENTARY EVIDENCE REQUIREMENT

The following table provides a guide to this supporting evidence when making notification to ASQA:

Situation	Documentation Required
Change to legal name	Submit on ASQANet – Change of current registration details An ASIC Current and Historical Company Extract An ASIC Historical Company Extract for any parent company if the parent company is not a natural person. ASIC Certificate of Registration of Trading Name showing the change of ownership with the new entity name. An organisational chart that reflect the ownership structure and reporting lines of the RTO
Change to legal trading name	Submit on ASQANet – Change of current registration details ASIC Certificate of Registration of Trading Name (may have been issued by a State or Territory)
Change to address and/or contact details of the RTO's head office	Submit on ASQANet – Change of current registration details
Change to principal place of business (if different from the head office)	Submit on ASQANet – Change of current registration details
Change to contact details of chief executive officer, 'day-to-day' contact person or high-managerial agents	Submit on ASQANet (assuming that the CEO is the same) – Change of current registration details

Change to location and/or contact details of permanent delivery sites (for delivery to domestic learners only)	Submit on ASQANet – Change of current registration details
Change of chief executive officer	Submit on ASQANet – Material change or event Chief Executive Officer Declaration Fit and Proper Person Requirements Declaration
New executive officer or high managerial agent	Submit on ASQANet – Material change or event Fit and Proper Person Requirements Declaration An ASIC Historical Company Extract An ASIC Historical Company Extract for any parent company if the parent company is not a natural person. An organisational chart that reflect the ownership structure and reporting lines of the RTO
Change of legal entity	Application for Initial Registration
Change to ownership, directorship and/or control (including sale of RTO business)	Submit on ASQANet – Material change or event Please refer to: https://www.asqa.gov.au/resources/guides/guide-change-ownership and https://newberyconsulting.com.au/rto-change-of-ownership/ An ASIC Historical Company Extract Self-assessment tool for change of ownership An ASIC Historical Company Extract for any parent company if the parent company is not a natural person. Chief Executive Officer Declaration Fit and Proper Person Requirements Declaration
Commencement or cessation of offshore delivery	Submit on ASQANet – Material change or event ASQA will likely request additional evidence
Change to financial administration status	Submit on ASQANet – Material change or event ASQA will likely request additional evidence
Entering an outsourced arrangement (partnership)	Submit on ASQANet – Material change or event Partnership Agreement / MOU