

Explanatory Statement

Standards for Registered Training Organisations (RTOs) Amendment 2017

Purpose

The purpose of the *Standards for Registered Training Organisations (RTOs) Amendment 2017* (the Amending Standard) is to amend the *Standards for Registered Training Organisations (RTOs) 2015* (F2014L01377) (the 2015 Standards) to update the specified qualifications, skill sets and units of competency required to be held or met by trainers and assessors.

Authority

Subsections 185(1) and 186(1) of the *National Vocational Education and Training Regulator Act 2011* (the Act) respectively provide that the Minister may, by legislative instrument, make standards for NVR registered training organisations and make requirements for assessing whether a person is a fit and proper person, as agreed by the Ministerial Council. Section 191 of the Act specifies that the Ministerial Council (currently the Council of Australian Governments (COAG) Industry and Skills Council (CISC)) is to give its agreement by resolution of the Ministerial Council passed in accordance with the procedures determined by the Ministerial Council.

Subsection 185(2) of the Act provides that the agreed standards are to be known as the *Standards for NVR Registered Training Organisations*, and subsection 186(2) of the Act provides that the agreed requirements are to be known as the *Fit and Proper Person Requirements*.

Parliamentary scrutiny

Instruments made pursuant to subsection 185(1) and 186(1) of the Act are not subject to disallowance (see item 23A to the table in section 10 of the *Legislation (Exemptions and Other Matters) Regulation 2015*) or to sunseting (see item 44A to the table in section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015*).

Regulatory Impact

The Office of Best Practice Regulation has been consulted and has determined that a Regulatory Impact Statement is not required for these measures (OBPR ID: 20918).

Consultation

Currently, CISC is the body established by COAG to deal with training and skills and is therefore the Ministerial Council for the purposes of the Act. CISC agreed to the Amending Standard by resolution passed in accordance with CISC's procedures.

Innovation and Business Skills Australia (IBSA) consulted on proposed changes to the Training and Education Training Package. IBSA undertook these consultations in its former capacity as the industry skills council responsible for maintaining and updating the TAE Training Package in line with industry's needs.

Description of the Amending Standard

Clause 1

Clause 1 specifies the name of the Amending Standard is the *Standards for Registered Training Organisations (RTOs) Amendment 2017*.

Clause 2

Clause 2 specifies that the Amending Standard will commence on the day after it is registered on the Federal Register of Legislation.

Clause 3

Clause 3 specifies the Amending Standard is made under subsections 185(1) and 186(1) of the *National Vocational Education and Training Regulator Act 2011*.

Clause 4

Clause 4 specifies the definitions of terms used in the Amending Standard.

Clause 5

Clause 5 specifies that the 2015 Standards are amended as described in Schedule 1.

Schedule 1

[1] Part 1 – Preliminary

This item provides a definition for 'training and assessment credential'. For the purposes of the definition of 'training and assessment credential', 'combination' is intended to indicate that a training and assessment credential may comprise one or a number of applicable qualifications, skill sets or units of competency specified in the table at Schedule 1 of the 2015 Standards.

[2] Standard 1.11

This item amends the training and assessment credential requirements specified in standard 1.11.

[3] Standard 1.14

This item amends the training and assessment credential requirements specified in standard 1.14.

[4] Standard 1.15

This item amends the training and assessment credential requirements specified in standard 1.15.

[5] Standard 1.18 a)

This item amends the training and assessment credential requirements specified in standard 1.18 a).

[6] Standard 1.21

This item removes transitional requirements in the 2015 Standards that are no longer required.

[7] Standard 1.22

This item removes the words 'From 1 January 2016' from standard 1.22 as this date has passed and is no longer necessary.

[8] Standard 1.23

This item amends the training and assessment credential requirements specified in standard 1.23.

[9] Standard 1.24

This item amends the training and assessment credential requirements specified in standard 1.24.

[10] Standard 1.25

This item removes the words 'From 1 January 2016' from standard 1.23 as this date has passed and is no longer necessary.

[11] Schedule 1

This item replaces the table in Schedule 1 of the 2015 Standards with a new table which specifies the training and assessment credential requirements for certain standards.

References to 'or its successor' are intended to ensure that where successor qualifications, skill sets or units of competency exist, those successors are taken to fulfil the same requirement as the training and assessment credentials specified in the table under Schedule 1.