

Explanatory Statement

Standards for Registered Training Organisations (RTOs) Amendment 2019

Authority

The *Standards for Registered Training Organisations (RTOs) Amendment 2019 (No.1)* (the Amending Instrument) is made by the Minister under section 185 of the *National Vocational Education and Training Regulator Act 2011* (the Act), as agreed by the Ministerial Council.

The Amending Instrument amends the *Standards for Registered Training Organisations (RTOs) 2015* (F2014L01377) (the Principal Standards).

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.

Purpose

In 2017, amendments were made to Part 2 of the Principal Standards. These amendments had the effect of setting out the training and assessment credentials required by individuals: who undertook the systematic validation of Registered Training Organisation's (RTOs) assessment practices and judgements; who provided training and assessments; who provided assessments only; or who worked under the supervision of a trainer for the purpose of delivering training and assessment qualifications for trainers and assessors. The amendments reflected that certain credential requirements were to apply until 31 March 2019, with new credential requirements commencing from 1 April 2019.

The Amending Instrument has the effect of delaying the commencement of these new credential requirements, from 1 April 2019 to 1 July 2019. These amendments will provide RTOs with additional time to ensure their staff are compliant with the new requirements, whilst ensuring they are able to meet either the old or new requirements between 1 April 2019 and 30 June 2019.

Parliamentary scrutiny

Instruments made pursuant to section 185 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, COAG Industry and Skills Council (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 Instrument by resolution passed in accordance with CISC's procedures.

Description of the Amending Instrument

Item 1

Item 1 provides that the name of the Amending Instrument is the *Standards for Registered Training Organisations (RTOs) Amendment 2019 (No.1)*.

Item 2

Item 2 provides that the amendments in Schedule 1 of the Amending Instrument will commence the day after it is registered on the Federal Register of Legislation, while the amendments in Schedule 2 will commence on 1 July 2019.

Item 3

Item 3 identifies the Amending Instrument is made under subsection 185(1) of the *National Vocational Education and Training Regulator Act 2011*.

Item 4

Item 4 provides the definition of "the Principal Standards", used in the Amending Instrument.

Item 5

Item 5 provides that the Principal Standards are amended as specified in Schedule 1 and Schedule 2.

Schedule 1

[1] Standard 1.11

This item replaces Standard 1.11 in Part 2 of the Principal Standards to specify credential requirements that will apply to persons undertaking validation of an RTO's assessment practices and judgements up until 30 June 2019, prior to the amendments set out in Schedule 2 commencing from 1 July 2019.

[2] Standard 1.14

This item replaces Standard 1.14 in Part 2 of the Principal Standards to specify credential requirements for training and assessment delivery that will apply up until 30 June 2019, prior to the amendments set out in Schedule 2 commencing from 1 July 2019.

[3] Standard 1.15

This item replaces Standard 1.15 in Part 2 of the Principal Standards, to specify credential requirements that will apply persons conducting assessments only, up until 30 June 2019, prior to the amendments set out in Schedule 2 commencing from 1 July 2019.

[4] Standard 1.24

This item replaces Standard 1.24 in Part 2 of the Principal Standards to specify credential requirements for persons working under supervision for the purposes of Standard 1.23 b) that will apply up until 30 June 2019, prior to the amendments set out in Schedule 2 commencing from 1 July 2019.

Schedule 2

The items in this schedule amend Standard 1.11, 1.14, 1.15 and 1.24 in Part 2 of the Principal Standards to remove references to certain items in Schedule 1 of the Principal Standards with the effect that persons referred to in those items will be required to have a different training and assessment credential from 1 July 2019.