



Building Training Excellence

*National Guideline
for Managing
Non-Compliance*



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Section 1 – Introduction to AQTF 2007

The national training system is a key driver of Australia's economic and social growth. For more than a decade, Australian and state and territory governments have worked with industry to develop a national training system that now provides the basis for high-quality, industry developed and nationally recognised training to about one in nine working-age Australians. Through a national network of over 4,200 public and private registered training providers, over 1.5 million Australians from all ages, backgrounds and locations participate in vocational education and training each year.

The Australian Quality Training Framework (AQTF) is the national set of standards which assures nationally consistent, high-quality training and assessment services for the clients of Australia's vocational education and training system. AQTF 2007 is the current version of the framework, effective from 1 July 2007.

The National Quality Council (NQC) collaboratively developed AQTF 2007 and will continue to monitor it. The NQC includes all state and territory governments, the Australian Government, peak industry bodies, peak training organisations and a representative on equity issues. The Ministerial Council of Vocational and Technical Education, which includes all Ministers for Training in Australia, has approved these quality arrangements.

The three components of AQTF 2007

The three components of AQTF 2007 are:

Essential Standards for Registration – Training organisations must meet these standards in order to deliver and assess nationally recognised training and issue nationally recognised qualifications. They include three standards, a requirement for registered training organisations to gather information on their performance against three quality indicators, and nine conditions of registration.

Standards for State and Territory Registering Bodies – State and territory registering bodies are responsible for registering training organisations and for quality assuring the training and assessment services they provide, in accordance with the AQTF 2007 and relevant legislation within each jurisdiction. The standards and supporting guidelines provide a national operating framework.

Excellence Criteria – These are criteria that registered training organisations may use voluntarily to continue improving the quality of their training and assessment and to gain recognition of their performance.

The key features of AQTF 2007

Outcomes-focused

AQTF 2007 focuses on the quality of services and outcomes being achieved for clients rather than the inputs used to get there. This means that registered training organisations have more flexibility in demonstrating how their individual approaches provide quality training outcomes for their clients.

Nationally consistent

Individuals expect that they can use the skills from nationally endorsed qualifications across Australia and employers expect that the staff they hire have the same skills no matter where they were trained. State and territory registering bodies have worked together to develop and publish national guidelines to ensure consistent interpretation and implementation of AQTF 2007.

Streamlined

The standards for registered training organisations have been simplified and streamlined to focus on outcomes. AQTF 2007 places the focus of quality assurance squarely on training and assessment, client services and management systems.

Transparent

National guidelines and handbooks to be used by registering bodies in all states and territories are readily accessible on the national training website at www.training.com.au/aqtf2007.

The commitment by registering bodies to work together on continuous improvement in implementation of AQTF 2007 is one of the measures to build confidence of industry, clients, regulators and registered training organisations in the quality assurance arrangements of the training system.

The beneficiaries of AQTF 2007

Learners have equitable access to quality training and assessment services tailored to their needs and the learning outcomes they seek.

Industry, unions, enterprises and regulators have confidence that registered training organisations are delivering training and assessment services that achieve the skill requirements of nationally recognised qualifications developed by industry.

Registered Training Organisations (RTOs) can focus on providing quality training and assessment in the way that best suits their business. No matter what the size or scope of the organisation, they can also seek recognition of excellence.

Registering bodies (the bodies which register training organisations in each state and territory) work as part of a national system of registration and audit that is outcomes-focused and risk-managed to streamline quality assurance processes.

Section 2 – About this guideline

An RTO must operate in accordance with the AQTF 2007 *Essential Standards for Registration* to continuously improve the quality of its training and assessment services and outcomes throughout its registration period.

The registering body that registers RTOs is responsible under its legislation for verifying that each RTO continues to operate in compliance with the AQTF 2007 *Essential Standards for Registration*. This is done within the context of continuous improvement. The extent to which each RTO is monitored and audited by the registering body throughout its registration period is based on an assessment of risk using information about the RTO's performance and its operating context. This process is described in the AQTF 2007 *National Guideline for Risk Management*. RTOs with a low risk rating can expect a lower level of monitoring by the registering body.

This Guideline describes how each registering body 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.

This Guideline recognises that each RTO has a unique business environment and mode of operation. Accordingly, registering bodies must take into account all the relevant information about an RTO's operating context before making a decision about how it will respond to an RTO that has not fulfilled the requirements of the AQTF 2007 *Essential Standards for Registration*.

Each registering body operates in accordance with the AQTF 2007 *Standards for State and Territory Registering Bodies* and the state or territory legislation under which it is established. The legislation requires that each RTO be treated in accordance with principles of natural justice and procedural fairness.

This Guideline is one of several that have been approved by the National Quality Council to support the operation of the national VET system. Registering bodies are working together to ensure that these guidelines are interpreted and implemented consistently. These guidelines include:

- AQTF 2007 *National Guideline for Risk Management*
- AQTF 2007 *National Guideline for Industry Regulator Engagement*
- AQTF 2007 *National Guideline for Responding to Complaints about Vocational Education and Training Quality*
- AQTF 2007 *National Guideline for Conducting Audits of the Interstate Operations of an RTO*.

Guidelines are available at www.training.com.au/aqtf2007.

Section 3 – Principles

Principle 1 – Fairness, openness and transparency

RTOs are provided with sufficient information about the requirements for registration and their obligations as registered training organisations. An RTO will be informed by the registering body of any action it proposes to take in relation to the RTO's registration before this occurs. An RTO will be given the opportunity to respond before actions are taken.

Principle 2 – Proportionality

Any action taken by a registering body in relation to an RTO's registration will be in proportion to the potential and actual risks to clients and their achievement of quality training and assessment outcomes from the RTO's operations.

Principle 3 – Consistency

Registering bodies will respond to identified non-compliance in accordance with this Guideline to ensure that RTOs are treated consistently. Registering bodies are working together to ensure that the Guideline is interpreted and implemented consistently across jurisdictions.

Principle 4 – Confidentiality

Audit findings and reports remain confidential to the registering body and the RTO, although the registering body is authorised under legislation to provide information about the RTO to another state or territory registering body.

Principle 5 – Accountability

Registering bodies will tell RTOs how they can challenge audit findings and appeal a decision made by their registering body.

Section 4 – Protocols

Support is provided for RTOs to meet their requirements

The registering body will help all of its RTOs to achieve compliance through strategies such as:

- providing information about the processes and requirements of the registering body
- facilitating access to relevant national documents concerning registration (for example, the AQTF 2007 *Users' Guide to Essential Standards for Registration*)
- providing and/or supporting workshops on registration requirements
- referring RTOs to additional relevant resources.

Each RTO is fully informed about audit findings and outcomes

The registering body will provide each audited RTO with a documented report from the audit. The report will inform the RTO of the outcomes of the audit, including whether the RTO is compliant with the AQTF 2007 *Essential Standards for Registration*, and its strengths and opportunities for improvement identified at audit.

If the RTO is non-compliant with any of the standards or conditions of registration, the registering body will provide clear information about:

- the nature and extent of the area(s) of non-compliance
- what action the registering body requires the RTO to take and timelines for this action
- how the RTO may raise any concerns about the audit process or outcome.

Non-compliance must be addressed

If an RTO is found by the registering body to be non-compliant with the AQTF 2007 *Essential Standards for Registration* or a condition of registration, the registering body must ensure that the RTO rectifies this non-compliance within a reasonable timeframe and takes steps to prevent its recurrence.

Non-compliance with the AQTF 2007 *Essential Standards for Registration* means that the RTO is not operating in accordance with the national standards that support quality training and assessment outcomes for clients of the VET system.

Risks from non-compliance must be managed

If the RTO does not satisfactorily rectify the non-compliance, the registering body will consider applying a sanction to manage actual or potential risks to consumers and to the integrity of the national VET system. The type of sanction will be determined by the nature and extent of non-compliance and the degree of risk it presents to consumers and the VET system. The registering body will also take into account factors such as the RTO's compliance history when determining which sanctions, if any, may be applied.

Sanctions placed on the RTO's registration are recorded on the National Training Information Service.

Natural justice and procedural fairness is upheld

The registering body will only apply a sanction in accordance with the requirements of its legislation. To ensure that the RTO is afforded natural justice and procedural fairness, the registering body will give the RTO reasonable opportunities to:

- respond to and dispute the audit findings and outcomes
- rectify non-compliance, where it is identified
- respond to the registering body about any proposed sanctions before they are applied
- appeal decisions made by the registering body.

Registration and compliance are managed by the registering body that registered the RTO

The registration of an RTO in one state or territory is recognised by all other Australian state and territory registering bodies. The audit of an RTO, decisions about compliance and the imposition of any sanctions on an RTO are the responsibility of the registering body that registered the RTO. If an RTO is operating interstate and an audit of that interstate site is required, this will be managed by the registering body that registered the RTO. Arrangements for the conduct of AQTF 2007 audits outside the state or territory in which the RTO is registered are described in the AQTF 2007 *National Guideline for Conducting Audits of the Interstate Operations of an RTO*.

Under state and territory legislation there is provision for a condition of registration to be imposed by another registering body in the form of a restriction on operations in that state or territory. This provision under legislation only applies if the registering body that registered the RTO fails to take appropriate action to address concerns about the RTO's operations in the interstate jurisdiction.

Section 5 - Categories of compliance

In considering the outcomes from an audit, the registering body will assess the RTO's overall level of compliance with the *AQTF 2007 Essential Standards for Registration* using the following categories.

Compliance

The requirements of the *AQTF 2007 Essential Standards for Registration* have been met based on the evidence reviewed.

Non-compliance

The requirements of the *AQTF 2007 Essential Standards for Registration* have not been met based on the evidence reviewed. There are three categories of non-compliance.

Minor non-compliance

The requirements of the *AQTF 2007 Essential Standards for Registration* have not been met based on the evidence reviewed but there is no or minor adverse impact on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.

Evidence indicates that:

- non-compliance does not demonstrate a serious breakdown of the RTO's systems for the provision of quality training and assessment
- continuous improvement systems are in place
- data from the quality indicators or other sources shows that clients are generally satisfied with services and outcomes from the RTO.

Significant non-compliance

The requirements of the *AQTF 2007 Essential Standards for Registration* have not been met based on the evidence reviewed and there are indications of a significant adverse impact on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.

Evidence indicates that:

- training and assessment systems are not sufficiently focused on quality training and assessment outcomes and meeting individual learners' needs in some areas of the RTO's operations
- systems to continuously improve the RTO's operations are inadequate
- data from the quality indicators or other sources shows that a range of clients have expressed dissatisfaction with services and outcomes from the RTO
- previously identified minor non-compliance has not been rectified or evidence of improvement within the applicable period has not been provided.

Critical non-compliance

The requirements of the *AQTF 2007 Essential Standards for Registration* have not been met based on the evidence reviewed and a critical adverse impact on learners and/or consumers of goods and services produced in the training environment or the current (or future) workplace is occurring or has occurred.

Evidence indicates that:

- training and assessment systems are not achieving quality training and assessment outcomes and are not meeting individual learners' needs
- there is a breakdown in, or absence of, effective management systems
- there is no systematic approach to continuous improvement
- data from quality indicators or other sources shows that there is widespread or persistent dissatisfaction with services and outcomes.

In extreme situations evidence from audit may indicate risk of injury or death to people in the training environment or the current (or future) workplace. In such instances, the level of risk and potential impact on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace warrants immediate rectification.

Section 6 – Categories of sanction

It is the responsibility of registering bodies to confirm that each RTO is operating in accordance with the requirements of AQTF 2007. The registering body will consider applying a sanction on an RTO's registration if the RTO is not compliant with the AQTF 2007 *Essential Standards for Registration* and has not addressed the non-compliance as required within the timeframe specified. A sanction is imposed not as a punitive measure but to manage actual or potential risks to consumers and to safeguard the integrity of the national VET system.

The type of sanction to be imposed will be determined by the nature and extent of non-compliance and the degree of risk it presents to consumers and the VET system. When determining which sanctions may be applied, the registering body will also take into account factors such as the RTO's compliance history.

The types of sanctions a registering body can place on an RTO's registration are described below. Sanctions are prescribed in state and territory VET legislation. When a sanction is placed on an RTO's registration it is recorded on the National Training Information Service.

Additional conditions on RTO registration

Additional conditions may be placed by the registering body on the registration of an RTO. An indicative list of these additional conditions is provided. Other conditions relevant to the nature and scope of an RTO's operations may also be applied. If it is necessary to apply a condition on an RTO it will be done in accordance with legislative requirements and registering body procedures. The RTO must:

- not enter into a contract to train apprentices and trainees
- must not take on any new enrolments for training recognised under the Australian Qualifications Framework (AQF) until approved as AQTF compliant
- not deliver training and/or assessment recognised under the AQF through online delivery mode
- not deliver training and/or assessment recognised under the AQF by distance delivery mode
- not deliver training and/or assessment recognised under the AQF at off-shore sites
- submit annually to the registering body a copy of the RTO's AQTF self-assessment or internal audit report
- submit annually to the registering body a report on the RTO's professional development activities
- not enter into any agreement with any other organisation to deliver or assess training recognised under the AQF.

Amendment of registration

An amendment imposed on an RTO by its registering body usually takes the form of:

- a reduction in the scope of registration or
- the addition of specific conditions required to continue registration.

Suspension of registration

A registering body may suspend an RTO's registration for a period of time for all or part of its scope of registration.

Where a suspension is in force the RTO must not, in relation to training recognised under the AQF:

- undertake any advertising
- recruit or enrol any new students
- solicit or accept any payment from anyone for their recruitment or enrolment
- start anyone's training or assessment.

If part of a training organisation's scope of registration has been suspended, the training organisation can continue training and assessment operations in the part of the scope that has not been suspended.

Cancellation of registration

Cancellation of registration terminates the ability of the training organisation to deliver training and assessment recognised within the AQF.

Section 7 – Managing RTO non-compliance

When an RTO is assessed as being non-compliant, the state and territory registering body must or may, as the case requires, take the actions described below. In determining its response, the registering body will take into account relevant factors such as the RTO's history of compliance with the *AQTF 2007 Essential Standards for Registration*.

If, following an audit, a registering body has concerns that an RTO may be in breach of state, territory or Commonwealth legislation, the registering body will refer the matter to the agency responsible.

Minor non-compliance

The registering body:

- must record each non-compliance in the audit report
- must indicate in the audit findings that the RTO is in minor non-compliance and outline the reasons for this finding, including the areas of non-compliance
- may require the RTO to either rectify the non-compliance within 20 working days or submit an improvement plan indicating how the non-compliance will be rectified within an agreed timeframe
- may require the RTO to provide evidence that it has rectified the non-compliance within that same period (or within such longer period as may be allowed)
- may check the rectifications made by the RTO at the next audit.

Sanctions will not be imposed for minor non-compliance provided identified non-compliance is rectified within the applicable period.

Significant non-compliance

The registering body:

- must record each non-compliance in the audit report
- must indicate in the audit findings that the RTO is in significant non-compliance and outline the reasons for this finding, including the areas of non-compliance
- must require the RTO to either rectify the non-compliance within 20 working days or submit an improvement plan indicating how the non-compliance will be rectified within an agreed timeframe
- must require the RTO to provide evidence that it has rectified the non-compliance within that same period (or within such longer period as may be allowed)
- must check the rectifications made by the RTO at the next audit.

The registering body will consider the application of a sanction if any significant non-compliance is not rectified within the applicable period or if any required evidence is not provided within the applicable period. Sanctions could include:

- the imposition of specific conditions on registration
- amendment of registration (including a reduction in the scope of registration).

Critical non-compliance

The registering body:

- must record each non-compliance in the audit report
- must indicate in the audit findings that the RTO is critically non-compliant and outline the reasons for this finding, including the areas of non-compliance
- must require the RTO to rectify the non-compliance within 20 working days, or within 24 hours where the audit has indicated risk of injury or death (or within such longer period as may be allowed).
- must require the RTO to provide evidence that it has rectified the non-compliance within that same period (or within such longer period as may be allowed)
- must check the rectifications made by the RTO at the next audit.

The registering body will consider the application of a sanction if any critical non-compliance is not rectified within the applicable period or if any required evidence is not provided within the applicable period.

Sanctions could include:

- the imposition of specific conditions on registration
- amendment of registration (including a reduction in the scope of registration)
- suspension of registration
- cancellation of registration.

Section 8 – Terminology

AQTF 2007 Essential Standards for Registration	The requirements an organisation must meet in order to become a registered training organisation (RTO) and maintain its registration. The AQTF 2007 <i>Essential Standards for Registration</i> comprise: <ul style="list-style-type: none">(a) standards and underpinning elements(b) conditions of registration(c) quality indicators.
Audit	A planned, systematic and documented process used to assess an RTO or training organisation's compliance with the AQTF 2007 <i>Essential Standards for Registration</i> . State and territory registering bodies conduct audits as a condition of registration. RTOs can conduct internal audits to assess their compliance with the standards and their own policies and procedures as part of their continuous improvement process.
Compliance	The requirements of the AQTF 2007 <i>Essential Standards for Registration</i> have been met, based on the evidence reviewed.
Non-compliance	The requirements of the AQTF 2007 <i>Essential Standards for Registration</i> have not been met, based on the evidence reviewed. There are three categories of non-compliance, each explained below.
Minor non-compliance	The requirements of the AQTF 2007 <i>Essential Standards for Registration</i> have not been met based on the evidence reviewed, but there is no or minor adverse impact on learners and or other consumers of goods and services produced in the training environment or the current (or future) workplace.
Significant non-compliance	The requirements of the AQTF 2007 <i>Essential Standards for Registration</i> have not been met based on the evidence reviewed, and there are indications of a significant adverse impact on learners and/or other consumers of goods and services produced in the training environment or the current (or future) workplace.
Critical non-compliance	The requirements of the AQTF 2007 <i>Essential Standards for Registration</i> have not been met based on the evidence received and a critical adverse impact on learners and/or consumers of goods and services produced in the training environment or the current (or future) workplace is occurring or has occurred.
Continuous improvement	A planned and ongoing process that enables an RTO to systematically review and improve its policies, procedures, products and services in order to generate better outcomes for clients and to meet changing needs. It allows an RTO to constantly review its performance against the AQTF 2007 <i>Essential Standards for Registration</i> and to plan ongoing improvements to its performance. Continuous improvement involves collecting, analysing and acting on relevant information collected from clients and other interested parties, including the RTO's staff.
Desk audit	An audit where an RTO or training organisation submits documents or information to the registering body to be assessed as evidence for compliance with the AQTF 2007 <i>Essential Standards for Registration</i> .
Excellence criteria	A set of criteria in the AQTF 2007 against which an RTO may self-evaluate for quality improvement, or be formally evaluated on a voluntary basis in order to seek recognition as either 'quality committed' or 'outstanding'.
Multi-site delivery	An arrangement in which an RTO manages delivery and assessment from a site or sites other than its head office.

National Quality Council (NQC)

A committee of the Ministerial Council for Vocational and Technical Education (MCVTE). The NQC has a role in:

- providing the Ministerial Council with advice on the operation of the AQTF 2007 and any changes to it that are considered necessary
- providing the state and territories' registering and course-accrediting bodies with information and advice on implementation of the AQTF 2007
- providing the Council with information and advice on the operation of the AQTF 2007 in each state and territory, including advice on their registration, audit and related processes, and on the Commonwealth processes that support the AQTF 2007.

Outcomes

The consequences of actions implemented by an RTO to achieve high-quality training, assessment and client services.

Quality indicators

Quality indicators are a set of three indicators which are part of the AQTF 2007 *Essential Standards for Registration*. When considered in the context of the RTO's business, data against the quality indicators provides a measure of the RTO's performance and the quality of outcomes it is achieving for clients.

Three quality indicators have been identified as being useful for the purpose of continuous improvement within RTOs and to inform the risk profile of RTOs as established by registering bodies. The quality indicators are:

- **Employer satisfaction**
(including satisfaction with competency development and the quality of training and assessment) This indicator focuses on employers' evaluations of learners' competency development, its relevance to work and further training, and the overall quality of training and assessment
- **Learner satisfaction** (learner engagement and competency development)
This indicator focuses on the extent to which learners are engaging in the types of activity that are likely to promote high-quality skills, as well as on learners' perceptions of the quality of their competency development and the support they receive from RTO.
- **Competency completion rate**
This will be calculated for qualifications and units of competency or modules delivered, based on data provided by RTOs about:
 - the number of enrolments in the previous calendar year
and
 - the number of qualifications completed and/or units of competency or modules awarded in the previous calendar year.

Registration and Accreditation Technical Committee

An AQTF 2007 committee approved by the NQC to support the operation of a national regulatory system administered through the state and territories' registering and course-accrediting bodies. The committee focuses on the implementation of national standards, guidelines and resources. It is not a policy-determining body and it refers policy issues and proposed solutions to the NQC's Quality Standing Committee.

Risk indicators

Performance risk indicators

Indicators that apply to all RTOs and relate to performance outcomes from audit compliance, data from quality indicators and complaints history. The risk category for each RTO (high, medium or low) is derived from these indicators and determines the level of regulatory action required to help each RTO to establish compliance with the AQTF 2007 *Essential Standards for Registration*.

Supplementary risk indicators

Indicators that relate to specific risks arising from aspects of each RTO's operations. These indicators further determine the scheduling and scope of regulatory arrangements.

Site audit

An audit conducted by a registering body at the premises of an RTO or training organisation and/or at locations where it delivers training and assessment.

AQTF 2007 National Publications

Registered Training Organisations will use these documents

AQTF 2007 Essential Standards for Registration

The Essential Standards apply to all RTOs from 1 July 2007. This publication lists AQTF 2007 requirements for RTOs including:

- three standards relating to training and assessment, client services and management systems
- a set of RTO quality indicators
- Conditions of Registration.

AQTF 2007 Users' Guide to the Essential Standards for Registration

This guide assists RTOs, registering bodies and auditors to interpret and apply the standards.

State and Territory Registering Bodies will use these documents

AQTF 2007 Standards for State and Territory Registering Bodies

This document lists the standards that apply to the Registering Bodies in each state and territory. It includes:

- three standards
- quality indicators for assessing registering body performance
- a set of operational protocols to ensure national recognition of registration decisions.

AQTF 2007 National Guideline for Risk Management

This guideline describes the nationally consistent risk management approach to be used by all state and territory registering bodies in decisions about scheduling and scope of audits.

AQTF 2007 National Guideline for Audit Moderation

This guideline provides a framework for capacity building and for the development and continuous improvement of auditor performance. It describes the moderation processes used to ensure that auditors have a consistent approach to audit.

AQTF 2007 National Guideline for Managing Non-Compliance

This guideline describes the nationally consistent approach each registering body uses to respond to the outcomes of audit that highlight any non-compliance with the *AQTF 2007 Essential Standards for Registration*.

AQTF 2007 National Guideline for Industry Regulator Engagement

This guideline describes how industry regulators can be engaged in the quality assurance arrangements. It sets out the roles and responsibilities of the registering bodies and regulators and includes a set of principles, protocols and options for industry engagement.

AQTF 2007 National Guideline for Responding to Complaints about Vocational Education and Training Quality

This guideline describes the nationally agreed complaint handling process available to resolve concerns about Vocational Education and Training Quality. It sets out principles, protocols and responses for investigating and resolving complaints and learning from the outcomes.

Auditors will use this document

AQTF 2007 Audit Handbook

This handbook is a key tool for auditors in applying the outcomes-focused audit model. The handbook describes the principles that underpin a nationally consistent, risk-managed approach to AQTF 2007 audits.

Auditors will also use the *AQTF 2007 Essential Standards for Registration* and the *AQTF 2007 Users' Guide to the Essential Standards for Registration*.

AQTF 2007 is underpinned by the principle of transparency. All stakeholders in the VET system should have access to documents detailing the different components of AQTF 2007. All national documents are available for download from the national website: www.training.com.au/aqtf2007.

Excellence Criteria are effective from 1 January 2008. The Excellence Criteria focus on encouraging and recognising overall high performance in training providers. Application for assessment against the Excellence Criteria is voluntary. The full suite of Excellence Criteria documents is also available from www.training.com.au/aqtf2007.

