

APPLICATION OF SANCTIONS

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Purpose

The Training Accreditation Council's (TAC or the Council) primary role is to assure the quality of training and assessment delivered in the Western Australian vocational education and training (VET) sector through effective regulation of WA registered providers.

The Council acknowledges that Western Australian registered providers have made a significant commitment to establishing and maintaining their obligations under the *Vocational Education and Training Act 1996* (VET Act). However, from time to time, providers are identified as presenting a significant risk to the VET sector due to their failure to comply with the Registration Standards 2025 (2025 Standards) and/or meet other criteria required for registration with the Council under the VET Act and the *Vocational Education and Training (General) Regulations 2009* (VET Regulations).

For registered providers that fail to comply with the requirements for continuing registration with the Council, the Council may vary, suspend or cancel registration, (VET Act, s.58B).

For the purpose of this policy and its application, the actions to vary, suspend, cancel or impose conditions on a provider's registration will be collectively referred to as 'sanctions'.

Scope

This policy is applicable to all providers registered by the Council and outlines the grounds on which the Council may apply sanctions and the types of sanctions that the Council may apply against a registered provider's registration.

Definitions

Approved VET course	A VET course that — (a) is accredited by the Council under Part 7A; or (b) is accredited under a corresponding law; or (c) is prescribed by the regulations
Approved VET qualification	A document, other than a prescribed VET qualification, that certifies that a person has successfully completed an approved VET course or a part of an approved VET course
Compliance	The requirements of the 2025 Standards and/or other criteria required for registration have been met based on the evidence reviewed.
Non-compliance	The requirements of the 2025 Standards and/or other criteria required for registration have not been met based on the evidence reviewed for the audit.
Prescribed VET qualification	A document that certifies that a person has a qualification of a prescribed type (e.g. apprenticeship or traineeship)

WA registered provider	Means a training provider that is registered by the Council under Part 7A of the Act.
Registration	A training organisation must be registered by a VET regulator in order to deliver and assess nationally recognised training and issue certification for nationally recognised training products. An RTO is required to meet the 2025 Standards and/or other criteria required for registration at all times during its registration.
Registered Training Organisation (RTO)	A training organisation listed on the National Register as a registered training organisation.
Scope of Registration	of a registered training provider, means — (a) the approved VET courses for which the provider is authorised to provide training or assessments or both by the provider’s registration; and (b) the approved VET qualifications and prescribed VET qualifications that the provider is authorised to confer by the provider’s registration

Policy Principles

Grounds for Applying Sanctions

Sanctions on a provider’s registration may be applied by the Council (r. 13 (3); r.17 (3); r.18; and r.19, VET Regulations) if the provider:

- does not meet the VET quality framework;
- was registered as a result of false or misleading information given by the provider;
- has requested or consents to the suspension or cancellation;
- has ceased to exist;
- has contravened a condition of registration for the provider;
- or a governing person in relation to the provider, is not a fit and proper person to be registered having regard to the matters in Regulation 12 (6);
- has not paid any annual fee in accordance with Regulation 15.

Types of Sanctions

The type of sanction to be imposed on a provider’s registration will be determined by the nature and extent of non-compliance and the degree of risk it presents to students, industry and the VET sector. The Council may apply any of the following sanctions:

- **Conditions**

The Council may impose any of the following conditions when registering or varying the registration of a provider (r.13 (3) of the VET Regulations):

- a) a condition that specifies or limits the approved VET courses for which the provider is authorised to provide training or assessments or both under the registration;*
- b) a condition that specifies or limits the approved VET qualifications and the prescribed VET qualifications that the provider is authorised to confer under the registration;*
- c) a condition that otherwise relates to or limits the operations that the provider is authorised to conduct under the registration.*

Conditions may include suspending enrolments, limiting training and assessment in the training products concerned, restrictions on certification or other provider operations.

- **Variation to Registration**

The Council may vary a provider's registration by the removal of approved VET qualification/s or approved VET course/s from the provider's scope of registration (r.17 of the VET Regulations).

If an approved VET qualification/s and/or approved VET course/s is removed from the provider's scope of registration, the provider is no longer be able to enrol new learners, continue to train or assess existing learners or issue Australian Qualifications Framework (AQF) certification documentation for removed VET qualification/s or VET course/s.

- **Cancellation of Registration**

Cancellation of registration terminates the provider's registration, and the provider ceases to be a registered training provider (r.18, r.19 VET Regulations). On cancellation of the registration, the provider will not be able to advertise, enrol students in, deliver and assess, or certify nationally recognised training.

- **Suspension of Registration**

The Council may suspend the whole or part of the provider's scope of registration, and...*may be on any terms the Council decides to impose* (r.19, VET Regulations). The effect of suspension (r.21, VET Regulations) is that:

- *A person must not, for any training or assessment that the provider, but for the suspension, would have been authorised to provide, do anything for any of these purposes:*
 - *recruiting or enrolling any person;*
 - *soliciting or accepting any consideration from any person for any person's recruitment or enrolment;*
 - *starting any person's training and assessment.*
- Unless exceptional circumstances justify the Council in refusing to impose the term, a suspension must include a term that the provider:
 - *may provide any training or assessment that the provider, but for the suspension, would have been authorised to provide, if it is provided under an agreement entered into by the provider before the suspension had effect; and*
 - *may solicit and accept consideration from a person for training and assessment provided, if it was provided under an agreement entered into by the provider before the suspension had effect.*
 - An RTO which has been suspended does not cease to be a registered provider. For the duration of the suspension, the RTO is expected to comply with all requirements of registration, including financial and reporting obligations.

For a suspension to be removed, see section titled **Removing a Sanction**.

Council Decisions

Decisions by the Council in relation to the application of sanctions on a provider's registration will be determined on a case by case basis and will depend on a range of factors, including:

- the specific nature of the non-compliance;
- evidence presented to the Council;
- impact on clients and stakeholders; and
- the level of impact on the quality of vocational education and training services.

Where the Council's decision is likely to have a significant impact on the operations of a provider (for example, where the operations of the organisation may cease following the cancellation of registration), the Council will invite the provider to meet with the Council.

- **When Council's Decisions have Effect**

A decision of the Council takes effect (S. 58F VET Act):

- if no appeal is commenced under section 58G of the VET Act, when the time for commencing an appeal has passed; or
- if an appeal is commenced under section 58G, should the appeal not be allowed under section 58J or is withdrawn; or
- on any later day the Council may specify.

Sanctions Published on National VET Register

If the Council determines to apply a sanction, once the decision takes effect the sanction (regulatory decision) will be published on the National VET Register.

Removing a Sanction

Under r.22 (2) VET Regulations, a provider may apply in writing to the Council for consideration to remove a sanction from its registration (excludes Cancellation of Registration and Variation to Registration). The Council may determine that a Compliance Monitoring Audit (CMA) is required before considering removing the suspension (r.26A (2) VET Regulations).

If a CMA may be required, a charge is payable (r.26A (3) VET Regulations).

Please refer to the Training Accreditation Council (TAC) website for further information on the [CMA Policy](#).

Sharing of Information

As provided for under the VET Act (Part 4, s.31) audit outcomes and audit reports may be provided to relevant government agencies for secondary purposes that are directly related to, or provide benefit to the Council's primary function of quality assuring vocational education and training.

Related Policies, Legislation and Other Relevant Documents

- *Vocational Education and Training Act 1996*
- *Vocational Education and Training (General) Regulations 2009*
- Standards for VET Regulators 2015
- Registration Standards 2025
- Compliance Monitoring Audit Policy

Policy Review and Approval

Council approval is required for this policy.

The policy will be reviewed annually from the date of endorsement.

Where amendments following a review are significant and change the overall intent of the policy, the policy will be submitted to the Council for endorsement.