



# Draft Practice Guide

## Information and Transparency

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### Compliance Standards for NVR Registered Training Organisations – Part 2 Compliance Requirements

#### Division 1 – Information and Transparency

#### What are the key concepts?

The following key concepts are covered in this practice guide:

Compliance requirements
<ul style="list-style-type: none"> <li>Marketing and advertising</li> <li>Guarantees and inducements</li> </ul>

#### Achieving these Compliance Requirements in practice

The following tables provide guidance on meeting the Compliance Requirements as well as risks to mitigate or avoid. These should be considered within the context, size, scale and student cohorts of your RTO's operations.

Marketing and advertising	
Requirement	Example activities and other considerations for compliance
<p>1. An NVR registered training organisation must ensure any advertisements or marketing materials published or disseminated by the organisation, a third party or an expert engaged by the organisation:</p> <ol style="list-style-type: none"> <li>include the organisation's registration code or a link to the part of the National Register where the organisation's registration code is located;</li> <li>where the advertisements or marketing materials refer to the organisation's services – accurately represent those services, including by distinguishing the types of training and assessment that will result in the issuance of AQF certification documentation from any other training and assessment delivered by the organisation or a third party;</li> <li>include accurate information regarding any financial support arrangements</li> </ol>	<ul style="list-style-type: none"> <li>You can demonstrate how you ensure that all marketing and advertising materials are quality assured against the Standards, factual and accurate before being distributed.</li> <li>You have evidence of regular reviews of your marketing and advertising materials to ensure they remain accurate and current, including when: <ul style="list-style-type: none"> <li>a training product is superseded, removed, or deleted</li> <li>there are changes to your scope of delivery</li> <li>there are changes to your training or assessment strategies</li> <li>the delivery mode or location changes.</li> </ul> </li> <li>Where financial support arrangements are available, you ensure that the marketing and advertising of those arrangements is clearly stipulated, including: <ul style="list-style-type: none"> <li>who is providing the funding arrangement</li> <li>whether there are additional costs associated with the funding arrangement</li> </ul> </li> </ul>

<p>available in respect of the services referred to in the advertisements or marketing materials; and</p> <p>d. do not refer to or imply a connection with another person unless the consent of that person has been obtained.</p> <p>Note: Section 2C of the Acts Interpretation Act 1901 provides that the term “person” includes a body politic or corporate as well as an individual.</p> <p>2. Where the advertisements or marketing materials refer to a training product, an NVR registered training organisation must ensure the advertisements or marketing materials:</p> <p>a. include the code and title of the training product as published on the National Register;</p> <p>b. accurately represent the training products on the organisation’s scope of registration;</p> <p>c. only refer to a training product that is no longer current while it remains on the organisation’s scope of registration and new enrolments are permitted; and</p> <p>d. only represent that completion of a training product will lead to a licensed or regulated outcome where this has been confirmed by the relevant industry regulator.</p> <p>3. Where advertisements or marketing materials refer to services that an NVR registered training organisation has engaged an expert or third party to deliver – the organisation must ensure the advertisements or marketing materials identify which services will be delivered by the expert or third party, including where an expert or third party is:</p> <p>a. recruiting prospective VET students on behalf of the organisation; or</p> <p>b. delivering training and assessment on behalf of the organisation.</p>	<ul style="list-style-type: none"> <li>○ whether the arrangement will impact other entitlements students may be receiving.</li> <li>● Where government funding is being used, you ensure your marketing meets any additional requirements stipulated in the funding contract.</li> <li>● You retain evidence that you have gained prior consent of any person/s featured in your advertising or marketing materials.</li> <li>● You can show how you obtain confirmation from relevant licensing bodies or regulators that students will be eligible to obtain a license before marketing training products as leading to licensed outcomes.</li> <li>● Where a third party has been engaged, you ensure that all marketing and advertising clearly states what is being delivered by you and what is being delivered by the third party.</li> <li>● You collect feedback from students about whether they received the services that were advertised and use that information to review your marketing materials and practices.</li> </ul>
<b>Known risks to compliance</b>	
<ul style="list-style-type: none"> <li>● Not remaining aware of all the marketing and advertising material that is in circulation that relates to your RTO.</li> <li>● Omitting the full title or code of a training product in your advertising.</li> <li>● Not clearly distinguishing on your advertising or marketing materials what is Nationally Recognised Training (in accordance with <i>Schedule 2 – Nationally Recognised Training Logo and Conditions of Use Policy</i>) and what is non-accredited training.</li> <li>● Marketing training products that are superseded and no longer able to accept enrolments.</li> <li>● Marketing training products that are deleted or removed from the National Register.</li> <li>● Neglecting to update advertising and marketing materials when delivery changes.</li> <li>● Using images on your advertising or marketing materials of facilities or resources which do not accurately depict those used by your RTO.</li> <li>● Failing to ensure that your advertising and marketing content complies with Australian Consumer Law, such as ensuring that your RTO: <ul style="list-style-type: none"> <li>○ is honest in its dealings</li> <li>○ can prove any claim you make or advertise</li> <li>○ only makes claims that are true, accurate and based on reasonable grounds.</li> </ul> </li> </ul>	

<b>Guarantees and inducements</b>	
<b>Requirement</b>	<b>Example activities and other considerations for compliance</b>
<p>An NVR registered training organisation must not make any verbal or written guarantees that a VET student:</p>	<ul style="list-style-type: none"> <li>● You can demonstrate how you ensure that your staff, including those engaged by third parties, do not make verbal or written guarantees to students (including prospective students) about the outcome of their training.</li> </ul>

<p>a. will successfully complete a training product;</p> <p>b. can complete a training product in a manner which is inconsistent with any of the requirements set out in an instrument made under section 185 of the Act, as in force from time to time; or</p> <p>c. will obtain a particular employment outcome, where obtaining such an employment outcome is not within the organisation's control.</p>	<ul style="list-style-type: none"> <li>You ensure that your marketing is consistent with the requirements of the training product/s being advertised, including: <ul style="list-style-type: none"> <li>the expected duration of training</li> <li>any mandatory work placement components.</li> </ul> </li> <li>Where pathways are available to complete the training product in a shorter duration, you ensure that advertising makes clear any criteria for that pathway to be available.</li> <li>You ensure that your marketing does not state or imply that students will obtain a guaranteed employment outcome from their training, unless that outcome is within your organisation's control.</li> </ul>
	<p style="text-align: center;"><b>Known risks to compliance</b></p> <ul style="list-style-type: none"> <li>Implying students can complete their training faster without specifying how (e.g. pathways for existing competencies).</li> <li>Implying that students will obtain a particular employment outcome or licence where this is outside of your control.</li> <li>Enrolling students into a training product that is not appropriate for them.</li> </ul>

## Self-assurance questions

1	How do you ensure that marketing and advertising materials are quality assured against the compliance requirements before being distributed?
2	How will you maintain evidence of all your RTOs marketing and advertising materials if copies are requested by ASQA?
3	Do you offer any training that is not nationally recognised? If yes, how are you distinguishing between that training and Nationally Recognised Training in your advertising?
4	How are you ensuring students are fully informed of any funding arrangements associated with their training, and any associated conditions?
5	How often are you checking your advertising and marketing materials to ensure they remain accurate and current? How do you ensure your third parties dispose of outdated materials when new ones are produced?
6	Are you offering licensed or regulated courses? If yes, how do you ensure that your staff only represent that completion of a training product will lead to a licensed or regulated outcome where this has been confirmed by the relevant industry regulator?
7	Are you engaging any third parties to deliver services to students? If yes, how does your marketing and advertising material provide clarity to students about what elements of their training will be delivered by you, and what will be delivered by the third party?
8	How are you collecting feedback from students and industry to ensure your marketing is creating accurate perceptions and expectations of the training experience?
9	How do you ensure that your staff, including those engaged by your third parties, are not stating or implying guaranteed outcomes, or offering inappropriate inducements, to prospective students?