

**SCHEDULE 2 - GENERAL INFORMATION**

1. **Purpose of this document**

This document has been prepared to assist Registered Training Organisations (**RTOs**)who have received a noticerelating to the commencement of a Financial Viability Assessment under Part 4.3 of the *Education* *and Training Reform Act* 2006 (Vic) (**ETR Act**).

This is not an AQTF compliance audit. There is a separate process for these audits if your institution is applying for re-registration.

1. **What do Financial Viability Assessments involve?**

Section 4.3.17(2)(a) of the ETR Act makes it a condition of your institution's registration that it complies with the RTO Standards (including the AQTF Essential Conditions and Standards for Continuing Registration).

Condition 5 of the AQTF Essential Conditions and Standards for Continuing Registration requires your institution to be able to demonstrate to the VRQA that it is financially viable. In addition to these requirements the VRQA Guidelines for VET Providers (**Guidelines**) also require applicants for re-registration to supply information about financial viability to the VRQA

The Financial Viability Assessment (referred to as an '**assessment'**) will assess whether your institution meets the requirement under Condition 5 of the Standards and the relevant Guidelines. The VRQA has appointed specialist external advisers to assist it in making this assessment.

1. **Your obligation to assist with the assessment**

The assessment relates to compliance with a condition of your institution's registration as an RTO as well as its eligibility for re-registration. It is therefore in its interests to fully cooperate with this process, as a refusal or failure to supply relevant information may lead to a finding that there is no evidence on which the VRQA can conclude that the relevant criteria are being met.

It is also a condition of registration under section 4.3.17(2)(f) of the ETR Act that an RTO provide the VRQA with any information reasonably required by it in response to a Production Notice.

**4**. **VRQA authorised officers**

These officers are appointed under section 5.8.1 of the ETR Act and carry identification cards issued by the VRQA. They have powers to enter the premises of RTOs, to make relevant enquiries, and inspect, examine or copy documents for the purposes of completing the assessment.

You should note that it is an offence under section 5.8.4 of the ETR Act to obstruct, delay or intimidate an authorised officer. Penalties apply.

**5. Notifying you of the outcomes of the assessment**

The findings of the assessment will be relevant to any application your institution wishes to make for continuing registration.

As set out in the covering notice, your institution will be given an opportunity to comment on the draft assessment report and will receive a copy of the final report.

You institution may also be invited to address significant issues affecting its ongoing financial viability. In serious cases, the VRQA reserves the right to take further action under the ETR Act.

**6. Sharing information**

The VRQA and other bodies may share information arising out of this assessment. The VRQA does this under section 4.9.4 of the ETR Act which enables it to disclose to the Commonwealth Government, other registering bodies, and the Department of Education and Training (DET) information it has about RTOs.

**7. Confidentiality of information provided to the VRQA**

We recognise that your institution is likely to be concerned about the confidentiality of any commercially sensitive information that is to be provided to it as part of the assessment process or in response to a Production Notice.

Subject to any statutory or other legal obligations, the VRQA will use its reasonable endeavours to preserve the confidentiality of any information that is marked appropriately and is provided to them by your institution. However, the onus is on your institution to mark all such information appropriately and to establish that such information is, in fact, confidential.

The VRQA may be compelled by law to disclose information that you provide to it. Where necessary and appropriate, your institution will be consulted before any of its information is disclosed to a third party by the VRQA and its professional advisors. This is discussed further, below.



**8. The Application of the FOI Act**

The Freedom of Information Act 1982 (Vic) (**FOI Act**) applies to documents that are in either the physical or the constructive possession of the VRQA. These may include documents provided to and held by the VRQA's professional advisers in connection with the assessment or in response to the Production Notice.

Documents obtained from your institution for the purposes of the assessment may be exempt under the FOI Act if they contain commercially sensitive information and disclosure would be likely to expose your institution to any unreasonable disadvantage.

You should therefore ensure that you clearly identify any documents containing commercially sensitive information and to mark such documents as ***'Strictly Commercial in Confidence'****.*

Any personal information (such as student names and addresses) provided to the VRQA by your institution is likely to be exempt from production under the FOI Act or protected under Privacy laws (see further below). Other exemptions may be relevant in specific circumstances.

If you have specific queries about the disclosure of any documents you should seek your own independent professional advice.

**9. Privacy Statement**

The assessment process may involve the collection of personal information by the VRQA for the purpose of assessing whether the RTO complies with the relevant criteria for registration under Part 4.3 of the ETR Act.

That Act requires the collection of this information to enable the VRQA to assess whether the RTO complies with the relevant Standards and should continue to be registered.

You are able to request access to the personal information that the VRQA holds about you and seek to have it corrected.

Requests for access to personal information should be made to the FOI officer of the VRQA on (03) 9032 1532.

**10. Further information**

If you have any general queries please contact the VRQA on (03) 9637 2806.