

Memo

Queensland Curriculum and Assessment Authority

24 September 2024

VET

Number: 047/24

Changes to the *National Vocational Education and Training Regulator (NVR) Act 2011*

Purpose

To:

- inform all school registered training organisations (RTOs) about changes to the NVR Act in relation to
 - initial registration conditions
 - lapse of registration
- advise schools about the steps they need to take to respond to these changes
- advise schools that the QCAA will be running webinars about these changes in Term 4.

Background

The Australian Skills Quality Authority (ASQA) announced two changes to registration requirements for RTOs. The changes relate to initial registration conditions and lapse of registration.

These changes came into effect on 29 March 2024. The changes are outside the QCAA's delegation, therefore, ASQA is responsible for managing the processes relating to them.

Initial registration conditions

Under the NVR Act change, RTOs are given an initial period of registration for two years. This allows ASQA, as the regulator, to assess and manage the RTO's risk to ensure it demonstrates consistent performance and implementation against the Standards for RTOs 2015.

The scope of registration during the first two years cannot be adjusted.

Lapse in registration

Under the NVR Act change, an RTO's registration will automatically lapse if it does not deliver any training and/or assessment to VET students for a consecutive period of 12 months or more (the 'measurement period') across the entire scope of registration. This applies to any consecutive 12-month period after 1 January 2023.

RTOs can [request an extension to the measurement period](#), and this must be made to ASQA 90 days prior to 12 months non-delivery of VET across the entire scope of registration.

As part of the application, the RTO must provide details (with supporting evidence) of the circumstances outside its control that prevented it from providing training and/or assessment for 12 consecutive months. RTOs may include exceptional circumstances as part of their application, such as:

- prolonged illness of key staff and/or critical workforce shortages
- major fire, flood, or pandemic events.

Note: If ASQA lapses a school registration, the school can reapply to register as an RTO at any time through the QCAA VET application (app) via the [QCAA Portal](#).

What you need to do

Initial registration

Before [applying to the QCAA to become an RTO](#), ensure that you have nominated all qualifications your school intends to offer over a two-year period, at the time of the registration. ASQA will no longer permit qualifications to be adjusted in the first two years of registration.

Lapse of registration

All RTOs are required to report VET activity data annually. This includes RTOs with nil enrolments (nil return). If you have a nil return, you will need to submit this information via the National Centre for Vocational Education Research (NCVER) AVETMISS validation software (AVS) during the reporting collection period (January–February each year).

Attached is the NCVER factsheet that outlines how to complete this process.

Note:

- The QCAA cannot apply to ASQA to extend the measurement period on a school's behalf.
- If you have nil VET activity across your entire scope, you must submit a nil return to NCVER.
- If you wish to remain an RTO and you have nil enrolments for a 12-month consecutive period, you must apply for an extension to scope of registration via the ASQA website.
- If you withdraw your registration due to nil VET activity, you must report a nil return to NCVER. Failure to enter a nil return to NCVER may result in a breach of registration conditions and a subsequent fine from ASQA.
- If an extension to scope of registration is not received within the required timeframe, ASQA will lapse your registration. If your registration lapses, you will no longer be an RTO. ASQA will notify you if your registration as an RTO is not approved and lapsed.

Finding out more

- Review the [ASQA lapse of registration information](#).
- Register for the free QCAA webinars about these changes, and other changes announced by ASQA via the QCAA website: www.events.qcaa.qld.edu.au/Event.aspx?e=2465&r=310.
- Contact the QCAA via the VET app question functionality or phone (07) 3864 0381.

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How to submit a Nil return

This fact sheet explains how to submit a *Nil Return* via NCVER’s AVETMISS Validation Software.

Nil returns

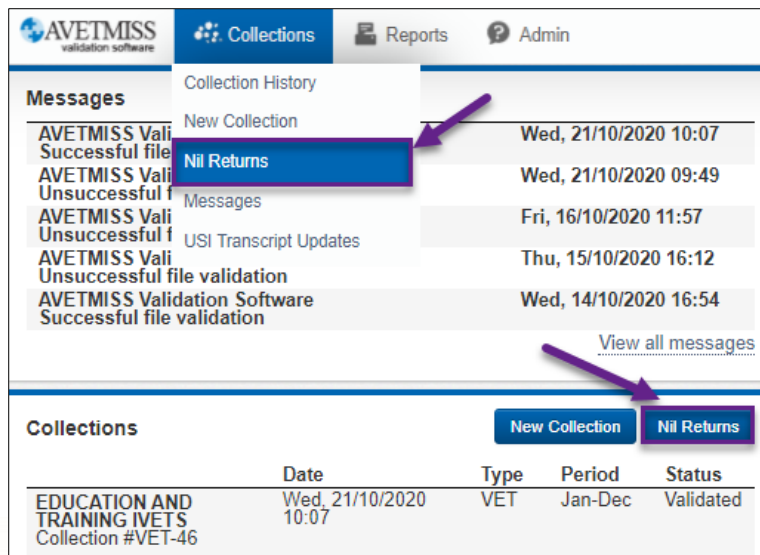
All Registered Training Organisations (RTOs) are required to report their nationally accredited training activity (AVETMISS data), at a minimum annually.

If your RTO did not deliver any nationally accredited training during a calendar year, you will need to provide a *Nil return* directly to NCVER. Once a *Nil return* has been successfully submitted no further action is required by you - you will have met your AVETMISS reporting requirements. NCVER will notify the appropriate registering body of your *Nil return*.

A Nil return can only be submitted to the annual AVETMISS reporting collection period (Jan-Feb each year) or when arrangements have been made to submit an early nil return on RTO closure. They cannot be submitted to NCVER during a quarterly collection.

How do I submit a Nil Return?

- Go to <https://avs.ncver.edu.au/avs/> and, if you have not already done so, **register** for the AVETMISS Validation Software (AVS). If your RTO is already registered for AVS you will need to ensure you have the correct user role(s) to submit a *Nil return* (*Data Submitter*, *Organisation Administrator* or *Primary Contact*). If you do not have the correct user role you will need to ask the registered *Organisation Administrator* or *Primary Contact* within your RTO to assign you the role of *Data Submitter*. For details on how to assign user roles within AVS please see the Admin section of the [AVS user guide](#).
- Once you have logged into AVS, you can lodge your *Nil return* by clicking on the *Nil returns* button on the home screen or by selecting *Nil returns* from the *Collections* drop down menu at the top of the screen which take you to the *Nil returns* screen.



3. Select the required details and submit your Nil Return:

- A. Organisation - if your account is linked to more than one RTO, ensure the correct organisation is selected. If your organisation name is not in the drop-down menu (only your email address), you do not have sufficient privileges to submit a *Nil return*. You will need to create a **NCVER registered AVS account** - see step 1.
- B. Type: VET Provider Collection
- C. Year: the current collection period which your RTO did not deliver any nationally accredited VET activity.
- D. Collection period: Jan - Dec
- E. Read the conditions, tick the box and complete name and position details (if not populated) declaring no activity was delivered by your RTO and that you understand NCVER will be storing this information and passing it on to your registering body.
- F. Select *Submit*.

Once you have successfully submitted your *Nil return* you will see the following message at the top of the screen:

Success: The Nil Returns notification has been submitted to NCVER.

Important:

- You will only be able to submit a *Nil return* for current/open collection periods e.g. if the Jan–Dec 2020 AVETMISS collection is open you cannot submit a Nil return for the 2021 AVETMISS collection.
- If you submit a *Nil return* in error, you will still be able to submit AVETMISS data to the same collection period via AVS as per the usual process. The data submission will override the *Nil return*.
- If you have already reported AVETMISS data to a particular collection during the year concerned, you will not be able to submit a *Nil return* for the same collection period.
- You do not need to submit a Nil return during the quarterly collection periods.

For detailed information on how to submit a *Nil return* please see the Nil returns section of the [AVS user guide](#).

What help is available?

NCVER has a range of support materials located on the [NCVER portal](#) with a dedicated [RTO Hub](#) to assist RTOs.

Please [subscribe](#) to our [Data Support Bulletin](#) for the latest information on changes to AVETMISS reporting including changes to validation rules and submission dates.

NCVER has a dedicated Client Support team to help you with your AVETMISS related queries can be contacted a number of ways:

Contacting the AVETMISS support team			
Fill out our contact form	Email: support@ncver.edu.au	Phone: 08 8230 8400	Toll free: 1800 649 452