



# Cancelled VET qualifications – Frequently Asked Questions – for Employers and the Public

The Australian Skills Quality Authority (ASQA) is the national regulator for Vocational Education and Training (VET) and is responsible for the registration of training providers. Training providers that do not comply with the conditions of their registration can have their registration cancelled, and all qualifications they have issued will be considered for cancellation.

## **When will employers or the general public know if affected qualifications have been cancelled?**

There are a number of steps in the process before ASQA makes any decision to cancel a qualification and the timing for any specific case will depend on a number of factors.

ASQA and the Department of Employment and Workplace Relations (DEWR) work with relevant Commonwealth agencies, industry regulators and state and territory governments to manage the impact on students, and on any workplaces affected.

Information on cancellations will be made available on the ASQA website: [www.asqa.gov.au](http://www.asqa.gov.au).

## **Can ASQA tell me if someone has had their qualification cancelled? If not, why not?**

For privacy reasons ASQA is not able to report on the outcome of individual cases to employers or the general public. ASQA will provide as much information as possible to state and territory governments and regulators to help any employers that are affected.

## **If someone has a cancelled qualification, have they committed fraud?**

No, if a qualification is cancelled it does not mean the student engaged in any fraudulent activity to obtain their VET qualification.

## **Can an employee be terminated if they were hired on the basis of a cancelled qualification?**

This will likely depend on the nature of the employment, whether the qualification is a mandatory requirement of the role and the terms of the person's employment which may be included in an award, enterprise agreement or contract.

Employers may like to seek legal advice on these matters or contact their industry peak body.

## **Do employers have to give any notice or pay out any entitlements if they terminate an employee with a cancelled qualification?**

Employer obligations to their employees will depend on the relevant terms of employment for each individual. An employee remains qualified until any cancellation decision by ASQA comes into effect. The loss of a qualification may be grounds for dismissal in some cases but is unlikely to affect the requirements around termination such as giving notice and paying out entitlements.

Employers may like to seek legal advice in relation to this matter or contact their industry peak body.

## **Do employers have to pay someone if they were employed under a false or fraudulent qualification?**

An employee remains qualified until any cancellation decision by ASQA comes into effect. While the qualifications cancelled through this process may have been fraudulent, that does not mean the student who was awarded the qualification engaged in any fraudulent activity.

ASQA's regulatory action to cancel qualifications does not change employer obligations in relation to their employee's pay and entitlements.

## **Do employers have to tell their clients that an employee was working without the required qualifications?**

Employer obligations to disclose this information to clients will depend on the regulations governing their sector and the terms of any contract or agreement they hold with their clients.

If employers do not have a legal obligation to disclose this information, there may still be an advantage in being transparent about the issue and how employers are managing it to address any concerns their clients may have.

## **I am an employer in a regulated industry. Do I have to tell the regulator if I engaged someone with a cancelled qualification?**

Whether there is an obligation to tell your regulator will depend on the specific regulatory arrangements in your sector and the conditions of your registration.

ASQA has been working with state and territory governments and other regulatory bodies so your regulator should be aware of the issue. For further advice about your specific situation contact your regulator directly.

## **I am an employer worried about the risk to my business and clients from untrained or ill-equipped staff. What should I do?**

As this is an ongoing issue it is important to monitor the qualification cancellations in case you or your employees are affected. If you are concerned, contact your regulatory body or seek further advice on how to manage risk to your business.