



5.09 Consumer Protection Policy

Version	4
Approval Authority	Board of Directors
Approval Date	25/07/2019
Next Review	25/07/2022

1. Purpose

To protect the needs and interests of all clients in line with the *NSW Consumer Protection Strategy*.

2. Scope

This policy applies to the Board of Directors, employees, volunteers and contractors at Tamworth Community College. All workplace participants must, therefore, be aware of their obligations under this policy and take reasonable action to ensure ongoing compliance. Non-compliance with this policy may result in action, ranging from counselling to formal disciplinary proceedings.

3. Policy Statement

3.1. Australian Consumer Law

Tamworth Community College maintains compliance with the national Competition and Consumer Act 2010 (Cth) and associated Australian Consumer Law (ACL) requirements as specified in the Act and enacted in the Fair Trading Act 1987 & Fair Trading Regulations 2012 (NSW). The ACL protects clients and ensures fair trading in Australia. Under the ACL clients have the same protections, and businesses have the same obligations and responsibilities, across Australia.

Tamworth Community College has implemented this Consumer Protection Policy, aligned to the NSW Consumer Protection Strategy to protect the needs and interests of all clients. For specific details regarding the policy that sets out the requirements for the application and management of student fees for qualifications and part qualifications under the following Smart and Skilled programs, please access the following links:

www.training.nsw.gov.au/forms_documents/smartandskilled/contract/consumer_protection_strategy.pdf and

www.training.nsw.gov.au/forms_documents/smartandskilled/contract/2020_21/fee_administration_policy_20_21_v2.5.pdf

A designated Consumer Protection Officer has also been implemented:

Tamworth Community College Consumer Protection Officer

Name: Jade Vermeer, Finance and Administration Manager (or delegated authority in her absence)

Contact Details: 0267 630 630



3.2. Guarantee

As a course services provider, Tamworth Community College supplies services and guarantees that these services will be:

- Provided with due care and skill;
- Fit for the specified purpose; and
- Provided within a reasonable time.

Tamworth Community College ensures it uses an acceptable level of skill or technical knowledge and takes all necessary care to avoid loss or damage when providing course services.

Tamworth Community College does not provide any guarantee that:

- A student will complete a training product on its scope of registration; or
- A training product can be completed in a manner which does not meet the requirements of the Standards for RTOs 2015; or
- A student will obtain a particular employment outcome where this is outside the control of Tamworth Community College.

3.3. Testimonials and other References

Where Tamworth Community College refers to another person or organisation (such as testimonials or photos) in marketing or advertising material, it has gained consent from the person or organisation for the use of that reference. This includes references via text, statements, logos and photos. Tamworth Community College ensures all testimonials are true and correct before using them to endorse products.

Students can 'opt-out' of this release if they wish, with all 'opt-outs' recorded in the: Marketing/Advertising "opt-out" register.

Various Tamworth Community College contractual arrangements with government stakeholders, enterprise clients and other third parties may routinely include consent for the use of information and images in marketing collateral, including the use of organisational logos and other trademarks.

For more specific advertising and marketing purposes, client consent is obtained and recorded using the Marketing Consent Form. Completed Marketing Consent Forms are stored at: [P/Photo Gallery/Promotional Release Forms](#)

3.4. Consumer Protection Strategy

Tamworth Community College Obligations

TCC ensures it:

- Provides the training and support necessary to allow students to achieve competency;
- Provides a quality training and assessment experience for all students;
- Provides clear and accessible feedback and consumer protection system, including a designated and identified consumer protection officer;
- Maintains procedures for protecting consumers' personal information – please refer to the Privacy section of this policy for further information;
- Has established, documented and accessible consumer feedback and complaints handling policies and procedures; and



- Provides clients with details of these pathways for resolving or escalating complaints.

Clients Rights and Obligations

TCC clients have the right to:

- Expect that the quality of your training meets the standards, regulations and requirement set down by the Australian Skills Quality Authority (ASQA) and relevant government subsidy body (where applicable);
- Be informed about the collection of personal information and be able to review and correct that information; and
- Access TCC's consumer protection complaints process.

Clients' obligations include:

- Providing accurate information to TCC; and
- Behaving responsibly and ethically.

NSW Smart & Skilled

TCC includes the Smart and Skilled website details and 1300 number on all NSW relevant public information, enrolment forms and client induction material so that all students are aware of their rights and options for making a complaint or providing feedback about their training. www.smartandskilled.nsw.gov.au Phone: 1300 77 21 04

Publicly Available

All TCC consumer protection information is made available to all clients by being publicly published on the TCC website and included within the relevant handbook for each stakeholder group.

3.5 Consumer Protection Complaints

Complaints will be handled by the designated Consumer Protection Officer detailed in clause 3.1 of this policy.

3.6. Promotional Methods

TCC internal and third-party representatives maintain compliance with a range of regulatory requirements when undertaking promotional and research activities, which may include the Do Not Call Register Act 2006, Telemarketing and Research Calls Industry Standard. Specific procedures are detailed in the 5.09.1 Consumer Protection Procedure.

3.7. Third-Party Representatives

TCC does not engage any third party representatives for the purpose of the making of telemarketing calls and marketing faxes.

Research Calls

The Telemarketing and Research Calls Industry Standard applies to all voice calls made to Australian numbers that:

- Offer, advertise or promote goods, services, land, interests in land, business opportunities or investment opportunities;
- Advertise or promote suppliers or prospective suppliers of such things;



- Solicit donations; and
- Conduct opinion polling or standard survey-based research.

The industry standard establishes minimum requirements for those making telemarketing and research calls.

Permitted Contact Hours

TCC representatives do not undertake telephone or fax marketing to clients:

- On a Sunday or a public holiday;
- Before 9am or after 8pm on a weekday; or
- Before 9am or after 5pm on a Saturday.

Except in cases where consent has been given by the call recipient in advance to receive the call during the prohibited calling hours.

Provision of Information

TCC representatives making research calls, at the start of the call, provide their contact information, the name of the person or business that caused the call to be made and explain the purpose of the call.

On request, TCC representatives also provide:

- The source of the telephone number; and
- The name and contact details at TCC for dealing with consumer enquiries and complaints.

Providing for the termination of calls

TCC representatives will immediately terminate the call in a range of circumstances, including where the call recipient asks for the call to be terminated or otherwise indicates that he or she does not want the call to continue.

Requiring callers to enable calling line identification

TCC ensures that calling line identification is enabled at the time that the caller makes or attempts to make a call.

Provision of Information During Calls

TCC provides individuals with certain information when calls are conducted. Exactly when the provision of information is needed differs, depending on the nature of the research call.

Information that must be provided as soon as the call starts:

- The given name of the person calling; and
- The purpose of the call.

Information that must be provided on request or, if the consumer doesn't request it, before the end of the call:

- If the research company is calling on behalf of another business or agency, the name of that business or agency.



Information that must be provided on request if applicable, but does not need to be provided if the consumer doesn't ask for it:

- The full name or staff ID of the person calling;
- If the person is making the call as an employee of a company or business, the name and contact details of the person's employer;
- If the person is not making the call as an employee of a company or business, their full name or business name and contact details (details of a telephone number used principally for residential purposes are not required where the caller makes the calls from their residential address);
- If the research company or business is calling on behalf of another business, the contact details of that business;
- The name and contact details of the person responsible for dealing with inquiries and complaints about (as applicable):
- The person making the call;
- The research company or business they are calling from; and
- The business on behalf of which the research company or business is calling.

Information that must be provided within a reasonable time frame (not exceeding 7 days) if the consumer asks for it:

- Where the person calling obtained the telephone number, or that it was from a private individual;
- The name of the person the call was intended for (if applicable); and
- The name and contact details of any organisation that provided the information to the person calling (if applicable).

Electronic Marketing

The Spam Act 2003 prohibits the sending of unsolicited commercial electronic messages—known as spam—with an Australian link. A message has an Australian link if it originates or was commissioned in Australia, or originates overseas but was sent to an address accessed in Australia.

The Spam Act 2003 defines a commercial electronic message as:

- Offers, advertises or promotes the supply of goods, services, land or business or investment opportunities;
- Advertises or promotes a supplier of goods, services, land or a provider of business or investment opportunities; or
- Helps a person dishonestly obtain property, commercial advantage or other gain from another person.

The Act classifies an electronic message as 'commercial' by considering:

- The content of the message;
- The way the message is presented; and
- Any links, phone numbers or contact information in the message that leads to content with a commercial purpose—as these may also lead the message to be defined as 'commercial' in nature.

Messages sent without consent

As an educational institution, TCC representatives can send messages to past and current students without their consent, but only if the messages relate to goods or services supplied by TCC.

Identification

All commercial electronic messages sent by TCC representatives accurately identify TCC as the organisation that authorised the sending of the message. Information provided includes:

- Clear and accurate information on TCC that authorised the sending of the message — including the correct legal name of the organisation and an Australian Business Number; and
- Accurate information about how the recipient can contact TCC.

TCC ensures that this information remains correct and valid for at least 30 days after the message is sent.

3.8. Prospective Client Expressions of Interest & Registrations

All TCC promotional activities conducted by internal and third-party representatives are aimed at providing initial general-purpose information to prospective clients, to secure initial interest and/or registration for further information.

4. Definitions	•
5. Relevant Legislation	<ul style="list-style-type: none"> • Competition and Consumer Act 2010 (Cth) • Fair Trading Act 1987 • Fair Trading Regulations 2012 (NSW) • <i>Standards for RTO's 2015</i> • <i>Smart & Skilled Operating Guidelines</i> • Do Not Call Register Act 2006 • Fax Marketing Industry Standard 2011 • Spam Act 2003 • National VET Data Policy December 2020
6. Related Documents	• 5.09.1 Consumer Protection Procedure

7. Revision History

Version	Effective Date	Description of Revision	Approved
3	22/07/2020	• Minor word changing to scope to include “ranging from counselling to formal disciplinary proceedings up to and including dismissal”	
2	16/08/2019	• Reviewed and updated to new template	Board of Directors
Previous		• See original document for revision history	