

# Smart and Skilled: Consumer Protection Strategy

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## Acknowledgement of Country

We recognise the Ongoing Custodians of the lands and waterways where we work and live. We pay respect to Elders past and present as ongoing teachers of knowledge, songlines and stories.

We strive to ensure every Aboriginal and Torres Strait Islander learner in NSW achieves their potential through education.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

Smart and Skilled: Consumer Protection Strategy

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# 1 About the Strategy

All Smart and Skilled students and potential students (consumers) have the right to expect that the training they receive is consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract.

The Consumer Protection Strategy:

- defines the rights and obligations of students and consumers with respect to their training under Smart and Skilled
- defines the consumer protection obligations of a training provider with a Smart and Skilled contract
- explains the measures the NSW Department of Education (the Department) has implemented to protect the rights of students receiving training under Smart and Skilled
- describes the Smart and Skilled complaints handling and dispute resolution process
- lists other agencies that may assist in the complaints handling process.

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## 2 Rights and obligations

The Consumer Protection Strategy is based on a set of principles regarding the rights and obligations of consumers and the obligations of Smart and Skilled training providers to protect the rights of consumers.

### 2.1 Consumer rights and obligations

A Consumer has a right to:

- expect that the education and training they receive will be of a quality consistent with the national VET regulator's requirements (the Australian Skills Quality Authority) and the requirements of the Smart and Skilled contract (available on <https://www.nsw.gov.au/education-and-training/resources/smart-and-skilled-terms-and-conditions> )
- be informed about personal information that is collected about them and the right to review and correct that information
- have access to a training provider's consumer protection complaints system.

A consumer has obligations that include but are not limited to:

- providing accurate information to their training provider
- behaving in a responsible and ethical manner.

### 2.2 Training Provider obligations

A Smart and Skilled training provider has obligations that include but are not limited to:

- providing the training and support necessary to allow a consumer to achieve competency
- providing a quality training and assessment experience for all consumers
- ensuring their organisation, staff and agents meet public expectations of ethical behaviour at all times
- conducting marketing activities with integrity, accuracy and transparency and without financial incentives or other inducements to consumers
- ensuring prospective consumers are properly informed about their subsidised training entitlements, their fees and their responsibilities and obligations
- providing a clear and accessible feedback and consumer protection system including an identified consumer protection officer
- maintaining procedures for protecting a consumer's personal information.

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## 3 Training provider responsibilities

A Smart and Skilled training provider must implement a consumer protection and complaints handling system in line with the Australian Skills Quality Authority's requirements (available on [www.asqa.gov.au](http://www.asqa.gov.au)), the NSW Quality Framework and the Smart and Skilled contract.

The Smart and Skilled Operating Guidelines (available on [Smart and Skilled NSW Contracts and policies for training providers | NSW Government](#)) requires a training provider to:

- have established, documented and accessible consumer feedback and complaints handling policies and procedures
- identify a dedicated consumer protection officer and list their contact details
- provide consumers with details of the pathways for resolving or escalating complaints.

A Smart and Skilled training provider is also required to include the Smart and Skilled website details and **1300 772 104** on all public information, enrolment forms and student induction material so that all consumers are aware of their rights and options for making a complaint or providing feedback about their training.

A Smart and Skilled training provider will also be expected to obtain a signed declaration from each student to confirm receipt of this information.

The following publications are available on <https://www.nsw.gov.au/education-and-training/vocational>

- Smart and Skilled NSW Quality Framework

Includes measures to ensure consumers are well informed of their rights and given a clear avenue for complaint.

- Smart and Skilled Operating Guidelines

Outlines the consumer protection measures required of Smart and Skilled training providers.

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## 4 Consumer protection measures

The Department, through Training Services, will assist with complaints relating to training under Smart and Skilled. For complaints outside the scope of Smart and Skilled, Training Services will direct a consumer to the relevant agency.

Smart and Skilled consumer protection measures give consumers a central place to seek assistance with a complaint relating to a Smart and Skilled training provider.

The measures include:

- provide information and advice on consumer rights
- facilitate discussions between the consumer and their training provider with a view to resolving complaints
- provide suggestions to parties about referrals to other government agencies.

Training Services administers these measures.

### 4.1 Information and advice for consumers

The Skills NSW Website (<https://education.nsw.gov.au/skills-nsw/students-and-job-seekers/support-to-help-with-your-studies/smart-and-skilled-consumer-protection>) provides information on: Smart and Skilled consumer protection measures including:

- resolving issues or concerns
- who to contact
- complaints and disputes handling process
- student rights and obligations

Links to the following forms are also available on the Smart and Skilled Consumer Protection website:

- Online enquiry and feedback form: <https://www.nsw.gov.au/departments-and-agencies/department-of-education/contact-training-services#toc-submit-an-online-inquiry-or-feedback>
- Complaints and compliments form: <https://www.nsw.gov.au/education-and-training/resources/tsnsw-complaint-or-compliment>



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# Consumer protection measures

## 4.2 The complaints process

### Step 1: Consumer discusses complaint with training provider

A consumer must first make their complaint to their training provider. This is the first point of contact for all complaints.

Where Training Services receives a complaint, we will ask the consumer if they have complained to their training provider and if their training provider responded.

### Step 2: Consumer contacts Training Services

If a consumer cannot resolve their complaint with their training provider, then they contact Training Services by:

- submitting a complaint form <https://www.nsw.gov.au/education-and-training/resources/tsnsw-complaint-or-compliment>
- phone on 1300 772 104
- email [SmartandSkilled.Enquiries@det.nsw.edu.au](mailto:SmartandSkilled.Enquiries@det.nsw.edu.au)
- in person at a Training Services regional office <https://education.nsw.gov.au/skills-nsw/contact-us>

### Step 3: Training Services offers dispute assistance

Training Services will ask a consumer a series of questions to understand their complaint.

A Training Services officer will investigate the complaint and will attempt to resolve the matter through information and mediation. They may also provide the consumer with options about which other government agencies may be able to assist with their complaint.

The officer will contact the consumer's training provider and the consumer to help them to resolve the matter. They will try to get each party to understand and respect each other's different points of view, negotiate differences and discuss possible solutions. These discussions and communications may take place through letters, emails, telephone conferences, video conferences or in-person meetings. The officer will decide what is most appropriate.

A resolution of any complaint or dispute is not guaranteed. The officer will inform the consumer and provider when they believe Training Services has done all it can to assist the parties. Then it is up to the parties to seek a more formal process to resolve their dispute.



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## Consumer protection measures

### **4.3 Information obtained through the dispute assistance process**

The Department may use any information that Training Services receives, including through its involvement in any dispute assistance process, in any actions against any individual, including a training provider.

The Department may also provide that information to any third party, including another state or Australian Government agency.

### **4.4 Involvement in the dispute assistance process**

Training Services' involvement in any dispute assistance process does not impact the Department's rights or ability to enforce any rights under the Smart and Skilled contract or at law.

# NSW Department of Education

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T: 1300 772 104

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