

## Consumer Protection Policy

### Australian Consumer Law

First Base Training 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.

First Base Training has implemented this *Consumer Protection Policy* and aligned *Consumer Protection Strategy* to protect the needs and interests of all clients. These arrangements are in line with the *NSW Consumer Protection Strategy*:

<https://www.nsw.gov.au/education-and-training/resources/smart-and-skilled-consumer-protection-strategy>

A designated *Consumer Protection Officer* has also been implemented:

First Base Training Consumer Protection Officer

Bryton Law

(02) 9687 8216

[Bryton.law@firstbasetraining.com.au](mailto:Bryton.law@firstbasetraining.com.au)

### Guarantee

As a course services provider, First Base Training 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.

First Base Training 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.

First Base Training does not provide any guarantee that:

- A student will successfully 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 First Base Training .

### Testimonials and other References

Where First Base Training makes reference 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. First Base Training ensures all testimonials are true and correct before using them to endorse products.

All First Base Training students provide consent to the use of photos and other images that are taken at First Base Training learning activities and events, through the relevant release clause in the First Base Training *Enrolment Form*. Usage in these instances is generally one off, group images for general operational and promotional purposes.

Students are able to 'opt out' of this release if they wish and advise this at enrolment.

Various First Base Training 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*.

## Consumer Protection Strategy

### First Base Training Obligations

First Base Training 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 a clear and accessible feedback and consumer protection system, including a designated and identified consumer protection officer;
- Ensures that our students are properly informed of their subsidised training entitlements, fees, responsibilities and obligations
- Maintains procedures for protecting consumers' personal information – please refer to the *Privacy* section of this manual 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

First Base Training 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 First Base Training's consumer protection complaints process.

Clients' obligations include:

- Providing accurate information to First Base Training ; and
- Behaving in a responsible and ethical manner.

### NSW Smart & Skilled

First Base Training includes the Smart and Skilled website details and contact number so that all students are aware of their rights and options for making a complaint or providing feedback about their training.

<https://education.nsw.gov.au/skills-nsw>

Phone: 13 28 11

### Publicly Available

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

### Unsolicited Consumer Agreements

First Base Training or its contracted third party representatives may, from time to time, engage in marketing promotions that result in *unsolicited consumer agreements*. Such promotions may include telephoning prospective students for course service offerings or approaching prospective students in public areas outside of First Base Training premises.

First Base Training representatives who make unsolicited contact with potential students in order to sell them course services comply with:

- Limited hours for contact;
- Disclosure requirements when making an agreement;
- Criteria for the agreement, including that it must be in writing; and
- Restrictions on supplying services above a certain value, and on requesting payment during the cooling-off period.

## Permitted Contact Hours

First Base Training representatives maintain compliance with the permitted hours for telemarketing, regulated under the *Do Not Call Register Act 2006* and associated telemarketing standards. First Base Training 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.

## Provision of the Written Agreement

When a First Base Training representative negotiates an unsolicited consumer agreement:

- The representative informs the client of their termination rights before the agreement is made;
- The client is given a written copy of the agreement; and
- Both parties sign the agreement and any amendments.

Information about termination rights is provided to clients by First Base Training in writing and is:

- Attached to the agreement;
- Transparent – expressed in plain language, legible and clear, and
- The most prominent text in the document, other than the text setting out First Base Training name and logo.

If negotiated in person, the written copy of the agreement is provided to the client immediately after it is signed. If negotiated by telephone, the written copy is provided to the client:

- In person, by post, or electronically (if the client agrees); and
- Within five business days of the agreement occurring.

## Statement of Fees

First Base Training's *Statement of Fees* is transparent – expressed in plain language, legible and clear - and clearly states:

- The client's cooling-off and termination rights;
- The full terms of the agreement;
- The total fees payable, including fees for all additional items;
- First Base Training's
  - Business address (not a post box number);
  - Australian Business Number (ABN) or Australian Company Number (ACN); and
  - Email address.

## Consumer Protection Complaints

If an individual feels that First Base Training or one of its third party representatives has breached its obligations in the undertaking of marketing and sales activities, they may raise a complaint. We encourage individuals to discuss the situation with their First Base Training representative in the first instance, before making a complaint.

The complaints handling process is as follows:

1. The individual is required to complete a *Complaints and Appeals Form* which is included in the Student and Trainers Handbook. Once the form has been completed, the form should be submitted to the Consumer Protection Officer for actioning.

First Base Training Consumer Protection Officer  
Bryton Law  
(02) 9687 8216  
[Bryton.law@firstbasetraining.com.au](mailto:Bryton.law@firstbasetraining.com.au)

If required, the student has the right to have a third party/support person assist them through the Complaints Process, this may be due to language barriers or simply at the students' request.

2. First Base Training will investigate the circumstances included in the complaint and respond to the individual as soon as possible (and within 30 calendar days) regarding its findings and actions following this investigation.
3. The Complaint is discussed with all parties involved in the grievance, in order to find a solution agreeable to all parties. Grievances should be kept confidential, in order to protect the complainants
4. Each appellant:
  - Has an opportunity to formally present his or her case
  - Is given a written statement of the complaint outcomes, including reasons for the decision
5. If a solution cannot be found the matter is brought before senior management for resolution, agreeable to all parties. If Senior Management is party to the grievance, they will not take part in any discussions or decisions made and the matter will be referred to the CEO.
6. If First Base Training determines that the complaint process cannot be finalised within 60 calendar days the General Manager will:
  - Confirm this in writing to the complainant, including reasons why more than 60 calendar days is required
  - Will regularly update the complainant or appellant on the progress of the matter
7. After considering this response, if the individual is still not satisfied, they have a right to request a review by an independent party or escalate their complaint directly to the relevant *Consumer Protection Agency* for investigation:
- 8.

Jurisdiction	Contact Details
New South Wales	<p>NSW Fair Trading 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a></p> <p><i>Smart &amp; Skilled Subsidised Students</i> Smart &amp; Skilled Subsidised Students can also contact the Smart and Skilled customer support centre to seek assistance, ask for advice, make a complaint or provide feedback. 13 28 11</p> <p>Support is also available in person at a State Training Services Centre: <a href="https://education.nsw.gov.au/skills-nsw/contact-us">https://education.nsw.gov.au/skills-nsw/contact-us</a></p>

9. Alternatively, a complaint may also be lodged with the ASQA complaints handling service for complaints against RTOs:

Australian Skills Quality Authority

[www.asqa.gov.au](http://www.asqa.gov.au)

Phone: 1300 701 801

## Promotional Methods

First Base Training internal and third-party representatives maintain compliance with a range of regulatory requirements when undertaking promotional activities.

### Do Not Call Register

First Base Training representatives who make unsolicited contact with potential students in order to sell them course services comply with the *Do Not Call Register Act 2006* and associated telemarketing standards.

### Third Party Representatives

First Base Training ensures that any third-party agreements that include the making of telemarketing calls and marketing faxes require compliance with the Act.

### Telemarketing and Research Calls Industry Standard

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*

First Base Training 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*

First Base Training representatives making telemarketing 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, First Base Training representatives also provide:

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

#### *Providing for the termination of calls*

First Base Training 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*

First Base Training 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*

First Base Training provides individuals with certain information when calls are conducted. Exactly when the provision of information is needed differs, depending on whether it is a research call or other telemarketing call.

Telemarketing Calls	
Information that must be provided as soon as the call starts:	<ul style="list-style-type: none"> <li>• The given name of the person calling;</li> <li>• The purpose of the call; and</li> <li>• If the telemarketing company is calling on behalf of another business, the name of that business.</li> </ul>

<p>Information that must be provided on request if applicable, but does not need to be provided if the consumer doesn't ask for it:</p>	<ul style="list-style-type: none"> <li>• The full name or staff ID of the person calling;</li> <li>• 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;</li> <li>• If the person is not making the call as an employee of a company or business, their own 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);</li> <li>• If the telemarketing company or business is calling on behalf of another business, the contact details of that business;</li> <li>• The name and contact details of the person responsible for dealing with inquiries and complaints about (as applicable):</li> <li>• The person making the call;</li> <li>• The telemarketing company or business they are calling from; and</li> <li>• The business on behalf of which the telemarketing company or business is calling.</li> </ul>
<p>Information that must be provided within a reasonable time frame (not exceeding 7 days) if the consumer asks for it:</p>	<ul style="list-style-type: none"> <li>• Where the person calling obtained the telephone number, or that it was from a private individual;</li> <li>• The name of the person the call was intended for (if applicable); and</li> <li>• The name and contact details of any organisation that provided the information to the person calling (if applicable).</li> </ul>
<p><b>Research Calls</b></p>	
<p>Information that must be provided as soon as the call starts:</p>	<ul style="list-style-type: none"> <li>• The given name of the person calling; and</li> <li>• The purpose of the call.</li> </ul>
<p>Information that must be provided on request or, if the consumer doesn't request it, before the end of the call:</p>	<ul style="list-style-type: none"> <li>• If the research company is calling on behalf of another business, the name of that business.</li> </ul>
<p>Information that must be provided on request if applicable, but does not need to be provided if the consumer doesn't ask for it:</p>	<ul style="list-style-type: none"> <li>• The full name or staff ID of the person calling;</li> <li>• 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;</li> <li>• If the person is not making the call as an employee of a company or business, their own 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);</li> <li>• If the research company or business is calling on behalf of another business, the contact details of that business;</li> <li>• The name and contact details of the person responsible for dealing with inquiries and complaints about (as applicable):</li> <li>• The person making the call;</li> <li>• The research company or business they are calling from; and</li> <li>• The business on behalf of which the research company or business is calling.</li> </ul>
<p>Information that must be provided within a reasonable time frame (not exceeding 7 days) if the consumer asks for it:</p>	<ul style="list-style-type: none"> <li>• Where the person calling obtained the telephone number, or that it was from a private individual;</li> <li>• The name of the person the call was intended for (if applicable); and</li> <li>• The name and contact details of any organisation that provided the information to the person calling (if applicable).</li> </ul>

## Fax Marketing Industry Standard

The *Fax Marketing Industry Standard 2011* sets rules about when and how fax marketing can occur. Specifically, it includes requirements for:

- When marketing faxes cannot be sent;
- Information that must be provided on a marketing fax;
- Providing an opt-out functionality; and
- Limiting the number of marketing faxes that can be sent to a number over a particular period.

The standard applies where fax marketing includes:

- Offer, advertise or promote goods or services, land or an interest in land, or a business or investment opportunity, or to promote a supplier or potential supplier of such goods or services;
- Solicit donations;
- Conduct opinion polling; or
- Carry out standard survey-based research.

### *Prohibited times for the sending of faxes*

First Base Training does not send a marketing fax, or cause a marketing fax to be sent on:

- A weekday before 9.00 am or after 8.00 pm;
- A Saturday before 9.00 am or after 5.00 pm; or
- A Sunday or national public holiday.

The times set out above refer to the time of day at the fax recipient's usual residential address.

### *Information that must be provided on a marketing fax*

A First Base Training marketing fax includes the following information:

- First Base Training name and Australian Business Number (ABN) of the relevant First Base Training RTO entity;
- Contact details;
- The destination number that the fax is intended to be sent to; and
- The details of how the recipient can send an opt-out message including:
  - A statement to the effect that the fax recipient may opt out of receiving any future faxes from First Base Training by conveying an opt-out message to an opt-out address and
  - An opt-out address to which fax recipients can communicate an opt-out message.

The information required must be:

- Displayed in a clear and conspicuous manner;
- Included on the first page of the fax at a minimum; and
- Displayed using a minimum size 10 font.

### *Opt-out facility*

A person can send to, leave at, or otherwise communicate an opt-out message to the opt-out address. First Base Training has in place processes to ensure that:

- The opt-out address provided in the fax is capable of receiving opt-out messages at all times; and
- It removes the fax recipients numbers from any list of Australian numbers used as soon as possible, and no later than seven days, after receiving an opt-out message.

### *Limit on number of faxes to be sent to a recipient in a period*

First Base Training representatives make reasonable efforts to ensure that no more than ten (10) faxes that are authorised to be sent by the same fax advertiser is sent to a particular Australian number in any single 24-hour period.

## Managing Call Lists

First Base Training submits calling lists to the register for washing through the Telemarketer Access Portal:

<https://www.donotcall.gov.au/dncrtelem/index.cfm>

Washed lists identify which numbers are:

- Registered, and therefore should not be called; and

- Not registered, and therefore may be called.

First Base Training relies on the validity of washing results for thirty (30) days from the date the register returns the washed list. Calling lists are kept in a valid 'washed' state by monitoring when the 30 day validity period of each list is about to lapse, and making sure that any numbers intended to be called after the end of the validity period are re-washed before the validity period ends.

First Base Training has clearly documented steps taken to ensure that numbers identified as being on the register are not called unlawfully, and that numbers identified as not being on the register are not called outside the 30-day validity period. Work instructions include:

- The process for preparing and washing lists;
- The timeframes within which key steps are to occur; and
- The process for rewashing unused numbers before the 30 day period expires.

The First Base Training National Sales Manager is responsible for the ongoing monitoring and maintenance of work instructions with all First Base Training representatives.

### **Campaign Records**

First Base Training representatives maintain the following records for at least twelve (12) months:

#### *Call Lists*

- Washing receipts provided by the register operator for each washed list (among other things, the receipts include a unique transaction ID, time and date stamps, and a summary of the quantity of numbers submitted and returned); and
- Copies of all files submitted for washing (in the format in which they were submitted) and all files as returned by the register operator.

#### *Call Records*

For each telemarketing call made or attempted, First Base Training representatives record:

- The telephone number called;
- The date and time of the call;
- The length of the call;
- The outcome of the call (for example, answered or unanswered);
- The client, campaign or service (as appropriate) for which the call was made.

These records are maintained for all calls and attempted calls (that is, not just calls that give rise to an outcome, or the final attempt to a number before it is abandoned).

#### *Campaign Records*

For each campaign, First Base Training representatives record:

- Details of the services marketed by telemarketing calls (for example, call scripts, brochures, information sheets)
- The names, addresses, contact details and roles of all parties who were involved in making the calls or causing them to be made;
- The carriage service providers who provided the outbound telephone service through which the calls were made
- If another person such as a contracted call centre or reseller made telemarketing calls under a telemarketing agreement, copies of all contracts and agreements relating to the making of telemarketing calls.

### **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, First Base Training representatives can send messages to past and current students without their consent, but only if the messages relate to goods or services supplied by First Base Training.

#### *Identification*

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

- Clear and accurate information on First Base Training 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 First Base Training.

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

### Prospective Client Expressions of Interest & Registrations

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