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Tertiary Education Quality and Standards Agency

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Dual-Sector Providers; Re-registration of CRICOS Providers

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Review Group

TEQSA Provider Briefing
17 August 2012

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Session Overview

- ▶ TEQSA and ESOS
- ▶ Regulation Arrangements from 1 July 2012:
 - ▶ Designated/Delegated Authority
 - ▶ Dual-Sector Provider Regulation
 - ▶ CRICOS Regulatory Activities
- ▶ CRICOS Re-registration
- ▶ Changes to the ESOS Act & the National Code



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TEQSA and ESOS

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TEQSA and the ESOS Act


- ▶ Section 134 of the TEQSA Act outlines TEQSA's functions and powers.
- ▶ Under paragraph 134(1)(m), TEQSA's functions include “such other functions as are conferred on TEQSA by or under this Act or any other Commonwealth law.”
- ▶ TEQSA's responsibilities under the ESOS Act constitute such a function.



TEQSA's approach to ESOS

Regulating providers under both the TEQSA Act and the ESOS Act reinforces the principles of whole-of-provider national regulation.

It allows for an integration of processes relating to TEQSA's responsibilities, aimed at streamlining and reducing the regulatory burden on providers.



Where possible, TEQSA has reduced the amount of information required of providers, when it is relevant to both TEQSA and CRICOS applications:

- ▶ An application for CRICOS Registration can be submitted concurrently with a higher education provider registration or a course accreditation application
- ▶ An application to add one or more courses of study to CRICOS can be submitted concurrently as part of a course accreditation application
- ▶ In both cases, information provided as part of the TEQSA application is not required to be included in the CRICOS application as well



Principles behind the development of the TEQSA CRICOS forms:

- ▶ The onus is on the provider to demonstrate that they meet the requirements of the ESOS Act and the National Code
- ▶ Compliance can be demonstrated in a number of ways – it is up to the provider to determine the evidence needed to support their application
- ▶ The forms support the principle of consumer protection, one of the 3 objectives of the ESOS Act.



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Regulation Arrangements from 1 July 2012



Designated/Delegated Authority

- ▶ Under the ESOS Act, TEQSA is the Designated Authority for:
 - ▶ registered higher education providers
 - ▶ ELICOS delivered by registered higher education providers and providers delivering ELICOS in partnership with a registered higher education provider
 - ▶ Foundation Programs
- ▶ TEQSA also has Delegated Authority - full registration, compliance and enforcement powers
- ▶ DIISRTE retains responsibility for the Annual Registration Charge and the Tuition Protection Service.



Dual-Sector Provider Regulation

- ▶ TEQSA and ASQA have regulatory responsibility for their respective sectors
- ▶ TEQSA is the main contact point for all CRICOS applications for dual-sector providers
- ▶ There is joint regulatory consideration of dual-sector provider registrations and applications for changes to scope
- ▶ This is a new model of regulatory cooperation



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CRICOS Regulatory Activities



CRICOS Regulatory Activities

- ▶ Registration
- ▶ Re-registration – more details later in presentation
- ▶ Adding a course of study on CRICOS
- ▶ Withdrawing a Course of Study from CRICOS
- ▶ Suspending/Cancelling CRICOS Registration



CRICOS Regulatory Activities

Approval for Changes to CRICOS Registration

Providers must seek approval from TEQSA to change:

1. Student capacity
2. Arrangements with other providers
3. Course duration



CRICOS Regulatory Activities

Notification of Changes to CRICOS Registration

Providers must notify TEQSA of the following changes:

1. Changes to PEO, Ownership or High Managerial Agent
2. An intention to relocate



CRICOS Fees

- ▶ In setting fees, TEQSA took account of the fees charged by the GAAs
- ▶ Some GAAs subsidised fees, others didn't, resulting in wide variation
- ▶ A review of all TEQSA fees in 2013 will include consultation with stakeholders



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CRICOS Re-registration



CRICOS Re-registration

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Section 9AH of the ESOS Act states the criteria that providers must satisfy to be re-registered on CRICOS. These criteria include:

- ▶ The principal purpose is education
- ▶ Demonstrated capacity to deliver education to overseas students to a satisfactory standard with a specific focus on business sustainability
- ▶ Compliance with the National Code, ELICOS and Foundation Standards (where applicable)
- ▶ Fit and proper person requirements



CRICOS Re-registration

There are 4 sections to the Application for CRICOS Re-registration Form:

Section 1: Provider details


Section 2: Provider standing

Section 3: Provider purpose and capacity

Section 4: Documentary evidence



CRICOS Re-registration

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- ▶ TEQSA is seeking information and evidence from providers that is both at an institutional level and a course level
 - ▶ It is up to the provider to provide evidence that supports their case for re-registration – this evidence may differ between providers
 - ▶ In some sections of the form, TEQSA has requested evidence based on a sample group of courses of study. TEQSA will nominate the sample of 3-5 courses.



CRICOS Re-registration

Re-registration and 5 Yearly Audits

- ▶ The Audit Report submitted by each provider with self-accrediting authority will form part of the provider history
- ▶ Effort will be made to avoid duplication of information requested in the re-registration process, if re-registration occurs within 12 months of completion of the Audit Report
- ▶ The need for both 5 yearly Audits and a rigorous re-registration process will be reviewed as part of the upcoming review of the National Code



CRICOS Re-registration

- ▶ Using a risk management approach, TEQSA will use the information submitted by providers to determine whether the provider has demonstrated compliance with the ESOS legislative framework.
- ▶ If compliance is demonstrated, re-registration will be for a period of 2-5 years.



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Changes to the ESOS Act and the National Code



National CRICOS Registration

Major change for-multi jurisdictional providers

- ▶ Will reduce duplication
- ▶ Adding new locations treated as a change of scope
- ▶ Course requirements
 - ▶ Must be approved for all locations
 - ▶ Capacity by location to be listed on PRISMS

Transition Arrangements

- ▶ TEQSA and ASQA are jointly working on an approach to consolidate registrations.



Future National Code Revisions

- ▶ Will be based on remaining Baird recommendations
- ▶ DIISRTE will finalise this work in the next 6 months in consultation with TEQSA, ASQA and the sector



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CRICOS Forms and Guides

- ▶ Available at www.teqsa.gov.au/cricos

Please read the guide before completing your application