



# Information Sheet :

## Shortening a period of registration or cancelling registration

The Tertiary Education Quality and Standards Agency (TEQSA) may make a decision to shorten the period of registration or cancel a provider's registration under the *Tertiary Education Quality and Standards Agency Act 2011* (the TEQSA Act).

Part 7 of the TEQSA Act states that where a higher education provider has:

- ▶ failed to meet the Threshold Standards; or
- ▶ breached a condition imposed on its registration,

then TEQSA may:

- ▶ shorten the period of the provider's registration; or
- ▶ cancel the provider's registration.

### Shortening registration

Shortening a higher education provider's registration involves bringing forward the date on which the registration is due to expire. In these circumstances, the provider must apply to renew its registration at an earlier time (either 180 days prior to the new date or such shorter period as TEQSA allows).

In the case of a decision to shorten a period of registration, TEQSA will consider any relevant representations made by the provider about the decision.

### Cancelling registration

Cancelling a provider's registration means the provider cannot continue its higher education operations from the date of effect of the cancellation.

Cancelling registration is the most serious administrative sanction available to TEQSA. For

this reason, TEQSA will generally only decide to cancel registration where there are no effective alternative regulatory remedies available.

Before making a decision to cancel a registered higher education provider's registration, TEQSA must give both the provider and the Minister of the relevant State or Territory responsible for higher education a written notice. The notice must state that TEQSA intends to make a decision to cancel the provider's registration for specified reasons and it must provide a reasonable opportunity to make representations to TEQSA in relation to the proposed decision. TEQSA must consider these representations.

When making a decision to cancel registration TEQSA will also consider appropriate transitional arrangements, including any arrangements the provider has in place, to ensure that students' interests are appropriately addressed.

Once a higher education provider's registration has been cancelled, it is prevented from applying again for registration for a period of two years after the date the cancellation takes effect. TEQSA may shorten this period if it considers it appropriate to do so.

### TEQSA's regulatory principles

When exercising its power in relation to a higher education provider, TEQSA complies with the basic principles for regulation in Part 2 of the TEQSA Act: *the principle of regulatory necessity, the principle of reflecting risk and the principle of proportionate regulation.*

- ▶ **Reflecting risk** – TEQSA has regard to the provider's history, its students' experiences, financial status and capability, its previous compliance with the Threshold Standards and the TEQSA Act (and other laws about

higher education), and the likelihood of its future compliance with Threshold Standards and the TEQSA Act.

- ▶ **Proportionality** – TEQSA considers whether shortening or cancelling a provider’s registration is proportionate to any non-compliance or risk of future non-compliance with the Threshold Standards or the TEQSA Act.
- ▶ **Necessity** – TEQSA considers whether shortening or cancelling a provider’s registration is necessary, having regard to matters including the risks to students.

TEQSA will comply with procedural fairness requirements in making an administrative decision that may adversely affect a provider.

## Review rights

Decisions to shorten or cancel a provider’s registration may be reviewed by the Administrative Appeals Tribunal under Part 10 of the TEQSA Act.

## The National Register

TEQSA maintains the National Register of higher education providers. The National Register is the means by which TEQSA publishes the status of a provider, including whether a higher education provider’s registration has been shortened or cancelled.

## Disclosure

For information about TEQSA’s approach to public disclosures of its regulatory decisions, see TEQSA’s Public Disclosure Policy at <http://www.teqsa.gov.au/for-providers/frequently-asked-questions-providers>

## Criminal offences and civil penalty provisions

The TEQSA Act includes offences and civil penalty provisions relating to registered higher education providers. The offences and civil penalty provisions include where the provider offers a regulated higher education award and is not a registered higher education provider (section 105) or where a provider represents that it offers or confers a regulated higher education award and it is not a registered higher education provider (section 106).

Any provider that has any questions in relation to the matters covered in this Information Sheet is encouraged to contact its Case Manager.

