



Australian Government

Tertiary Education Quality and Standards Agency



Australian Government

Australian Skills Quality Authority

THIS MEMORANDUM OF UNDERSTANDING ("Memorandum")

is made on the day of 2016

BETWEEN

AUSTRALIAN SKILLS QUALITY AUTHORITY (ASQA) of 595 Collins Street, Melbourne, Victoria.

and

TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY (TEQSA) of 530 Collins Street, Melbourne, Victoria.

1. Purpose

1.1 This Memorandum is to record the parties' intentions to collaborate and cooperate to the extent possible in order to implement a coordinated regulatory approach for providers who are registered as (or who have applied to be registered as) both an 'NVR registered training organisation'¹ and a 'higher education provider'² (hereinafter referred to as 'multi-sector providers'). It is intended to support Government's deregulation initiatives to reduce unnecessary or duplicative regulation.

1.2 In addition to the matters covered by this Memorandum, the parties acknowledge that from time to time they may enter into specific arrangements for cooperation, such as staff secondments, mutual training arrangements and joint task forces.

2. Objectives

2.1 The parties will work together to develop a coordinated regulatory approach for multi-sector providers with the objectives of:

- (a) streamlining regulatory processes for multi-sector providers to the maximum extent possible given different and separate regulatory standards frameworks for the higher education and vocational education and training sectors;
- (b) reducing the potential for duplication that impacts on the regulatory burden and cost for multi-sector providers; and
- (c) using a customised regulatory approach that caters for the unique circumstances of each provider.

3. Operation of Memorandum

3.1 This Memorandum does not in any way conflict with the exercise of the parties' powers and functions under the *Tertiary Education Quality and Standards Agency Act 2011* and the *National Vocational Education and Training Regulator Act 2011*, or regulations or other instruments made thereunder. The parties agree that they will comply with their obligations under any applicable legislation, including confidentiality obligations under the parties' establishing legislation and the *Privacy Act 1988*.

¹ As defined in the *National Vocational Education and Training Regulator Act 2011*

² As defined in the *Tertiary Education Quality and Standards Agency Act 2011*

3.2 This Memorandum is not intended to create legally binding obligations on either party.

4. Principles

4.1 This Memorandum establishes broad principles to guide activities of the parties in planning, developing and managing an efficient and effective regulatory approach for multi-sector providers. The parties commit to:

- collaboration and cooperation in exercising powers and functions under their respective legislation;
- adopting, as far as possible, a streamlined regulatory approach;
- a risk-based, necessary and proportionate approach to regulation;
- consistent regulation of common standards within the Higher Education Standards Framework³ and the VET Quality Framework⁴; and
- a consistent approach to regulation under the *Education for Overseas Students Act 2000* and associated *National Code*.

5. Implementation of the Memorandum

5.1 The parties agree to give effect to the objectives of this MOU:

- identifying and using common data, documentation and other evidence to assess compliance with the Higher Education Standards Framework, the *Education for Overseas Students Act 2000* and the National Code, and the VET Quality Framework;
- developing inter-agency processes to facilitate sharing of comparable evidence;
- facilitate exchange of provider information;
- developing a facility to enable submission of CRICOS applications to one central point
- sharing provider risk assessments and regulatory decisions;
- giving due recognition to regulatory decisions and assessments made by the other party;
- conducting jointly managed regulatory processes where feasible, such as for renewal of registration applications, taking into account a provider's unique circumstances;
- sharing systems-based intelligence related to tertiary education;
- communicating jointly with multi-sector providers on matters pertaining to the regulatory and quality assurance activities of the parties where appropriate;
- issuing joint publications where appropriate;
- clarifying roles, responsibilities and accountabilities within each party for regulating multi-sector providers; and
- employing direct and timely communication between the parties on multi-sector provider regulatory and quality assurance matters.

6. Expected Outcomes

6.1 Expected outcomes from implementation of this Memorandum relevant to multi-sector providers are:

- clear and consistent regulatory expectations;
- streamlined data requests to minimise duplication;
- jointly managed regulatory processes, where feasible, for both agencies and providers; and
- a reduction of regulatory burden.

6.2 Expected outcomes for the parties are:

- potential efficiencies arising from common and/or shared processes;
- capacity building for cross-sectoral regulation; and

³ As defined by the *Tertiary Education Quality and Standards Agency Act 2011*

⁴ As defined by the *National Vocational Education and Training Regulator Act 2011*

- improved stakeholder satisfaction.

7. Costs

7.1 The parties will bear their own costs involved with and incidental to this Memorandum and all other agreements, contracts and documents contemplated by it.

8. Commencement

8.1 This Memorandum shall take effect from the date when it has been signed by the authorised representative of both agencies.

9. Review, Amendment and Termination

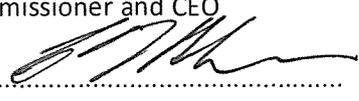
9.1 This Memorandum will be reviewed within three years of the date of signing.

9.2 This Memorandum may be varied only by the agreement of both parties.

9.3 Either party may terminate this Memorandum by giving 30 days written notice to the other party. The termination will take effect on the expiry of the notice, unless otherwise arranged by the parties.

9.4 This Memorandum will remain in force unless terminated by the parties.

SIGNATURES

Signed for the Tertiary Education Quality and Standards Agency by:	Signed for the Australian Skills Quality Authority by:
..... Mr Anthony McClaran Chief Executive Officer Mr Chris Robinson Chief Commissioner and CEO
Signature..... 	Signature..... 
Date <i>7 July 2016</i>	Date <i>7 July 2016</i>