



Australian Government

Tertiary Education Quality and Standards Agency

Application guide for authorisation to provide Australian courses offshore

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TEQSA

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Background

This guide reflects TEQSA's current process for registered and prospective higher education providers to follow when applying to become an 'authorised offshore provider' under Part 3A of the [Tertiary Education Quality and Standards Agency Act 2011](#) (TEQSA Act).

We are undertaking a review of our regulatory risk framework that will inform the evolution of TEQSA's regulatory approach. This will ensure regulatory efforts are aligned with the most critical risks that require regulatory intervention, allowing TEQSA to most effectively prioritise our resources and regulatory activities. We are engaging in wider consultation with the sector about a revised regulatory risk and quality assurance framework.

The best way to stay informed about consultation opportunities and updates about TEQSA's approach to risk-based regulation is to sign up to our monthly [TEQSA e-News](#) update.

This guide will be updated as we further align our regulatory processes and operations to a revised regulatory risk and quality assurance framework.

Assessment scope

Registered and prospective higher education providers seeking to offer or confer Australian higher education awards for courses delivered at offshore premises must apply to TEQSA for authorisation under section 44E of the [TEQSA Act](#).

TEQSA's assessment of an application for authorisation to provide Australian courses offshore covers the following standards of the [Higher Education Standards Framework \(Threshold Standards\) 2021](#) (Threshold Standards):

Section	Standards
Admission	1.1
Learning Outcomes and Assessment	1.4
Qualifications and Certification	1.5
Facilities and Infrastructure	2.1
Diversity and Equity	2.2
Wellbeing and Safety	2.3
Course Design	3.1.4
Staffing	3.2
Learning Resources and Educational Support	3.3
Academic and Research Integrity	5.2
Delivery with Other Parties (if applicable)	5.4
Corporate Governance	6.1
Corporate Monitoring and Accountability	6.2.1
Academic Governance	6.3

If we identify unmitigated risks to quality and integrity in offshore delivery during our assessment that affect standards beyond the specified assessment scope, our regulatory response and assessment will be proportionate to those risks and tailored to the specific circumstances.

We will contact you if we need more information, or if the scope of our assessment changes, giving you the chance to provide additional details and address our concerns before we reach a decision on the application.

Please refer to our website for more information about [how we regulate](#).

Procedural fairness

TEQSA is committed to affording procedural fairness to applicants before deciding on an application that adversely and directly affects their rights and interests. These include:

- giving an applicant notice of each prejudicial matter that may be considered against them
- giving an applicant a reasonable opportunity to be heard on those matters before an adverse decision is made
- the adverse decision will be soundly based on the facts and issues that were raised during the application process, and this will be apparent in the records of the decision.

The precise requirements for procedural fairness can vary from one situation to another. The required procedural steps may vary according to the nature of the matter being dealt with and the facts and issues in dispute. The steps TEQSA will take in each situation will be tailored to ensure that they are consistent with procedural fairness requirements that apply to the situation.

Overview

Stage 1

Prepare your application

The evidence requirements for all applications for authorisation to provide Australian courses offshore are specified in this application guide and published on TEQSA's website. You are encouraged to review relevant resources, published guides and guidance notes in preparing your application.



Stage 2

Submit your application

The application must be in the approved form and accompanied by the required evidence and the relevant application fee.



Stage 3

TEQSA's assessment

TEQSA's assessment team assesses the application and documents its findings. This stage may involve requests for additional information, or an expansion of assessment scope consistent with identified risks.



Stage 4

Findings and recommendations

The assessment team makes recommendations to the TEQSA decision maker.



Stage 5

Decision

Decision on the application is made by the TEQSA decision maker. TEQSA notifies the applicant of the outcome, and the reasons for the decision.



Stage 6

Publication

TEQSA publishes the decision, and the reasons for the decision, on the National Register.

Application process

Stage 1 Prepare your application

In preparing your application, TEQSA highly recommends that you closely review the requirements of the [TEQSA Act](#) and [Threshold Standards](#) to understand your obligations. The outcomes of your institutional governance and quality assurance processes should demonstrate how you comply with each of these obligations.

Applications by prospective higher education providers for authorisation to provide Australian courses offshore must be accompanied by an application for [provider registration](#).

Evidence requirements

TEQSA has recently revised its approach to the evidence it requires for application-based assessments.

Our intention is to reduce the required volume of evidence, such that a detailed and comprehensive self-assurance report, together with evidence of oversight of quality and integrity in the recruitment, admission, and support of students, the delivery of Australian courses and conferral of Australian awards offshore, compliance with offshore laws and regulatory systems, and management of third-party arrangements (TPAs) by the peak governing body, will typically be sufficient to demonstrate compliance with the [Threshold Standards](#).

Where TEQSA establishes that mechanisms for oversight are satisfactorily robust, it should not be necessary to seek further evidence.

Applications for authorisation to provide Australian courses offshore should include the following evidence:

- A written submission of no more than 10 pages outlining how the provider's governing body has assured itself of the integrity of its oversight of quality and integrity in the provision of Australian courses offshore, and that it continues to comply with the [Threshold Standards](#) (**self-assurance report**)
- An index listing any supporting evidence referenced throughout the self-assurance report (**index**)
- Where delivery is to be undertaken with a third party, details of the arrangement including proposed division of responsibilities and quality assurance arrangements, with supporting evidence (**third-party arrangement details**)
- A document listing the Australian courses to be delivered offshore with their TEQSA course IDs (where accredited by TEQSA), and details of the planned delivery site(s), including: street address, city, state, country, postcode, phone number, website, and whether the delivery site is owned/leased by the provider, or by another provider (**course and delivery site details**).

In completing your application, you are asked to submit the documents requested above. Any additional supporting evidence should be listed in the self-assurance report index and made available to TEQSA if requested.

Self-assurance report

In preparing the report, you should consider the risks relevant to recruitment, admission, and support of students, delivery of Australian courses and conferral of Australian awards, compliance with offshore laws and regulatory systems, and management of third parties, and individual provider and sector-wide risks to quality and integrity in offshore delivery. We encourage all providers to review the [key considerations for providers preparing a self-assurance report for authorisation to provide Australian courses offshore](#).

Stage 2 Submit your application

Submitting your application

Section 44B of the [TEQSA Act](#) outlines the requirements for applying for authorisation to provide Australian courses offshore.

Applications for authorisation to provide Australian courses offshore are to be:

- **In the approved form.** The *authorisation to provide Australian courses offshore* form is available in the [Provider Portal](#).
- **Accompanied by any information, documents and assistance that TEQSA requests.** The information and documentation that we request is documented above, unless otherwise specified.
- **Accompanied by the relevant fee.** Fees are determined under s158 of the TEQSA Act. Please visit our website for more information on our [application fees](#).



The application will only be considered received by TEQSA once **the approved form, requested evidence and fee payment** have been received.

TEQSA expects that most of the evidence you are referencing in your application and self-assurance report will be existing documents that have been produced and used for internal purposes. We encourage providers to use URLs and hyperlinks where possible for information that we can easily download from your website. We ask that you do not use URLs or hyperlinks for any internal systems, for example, SharePoint or other document management solutions.

If you are referencing documents that have already been submitted to TEQSA, please identify in the index where this is the case. It will generally be unnecessary to submit these documents again. Please use the naming conventions described in TEQSA's guide on [naming conventions for evidence](#).

When the application is ready, submit it to TEQSA via the Provider Portal. Be sure to include:

- all required information and evidence
- a signed declaration.

Providing false or misleading information in an application is a serious offence under the TEQSA Act.

Confidentiality and accuracy of information

TEQSA has statutory obligations in relation to confidentiality, however, we operate within a public accountability framework. Where you consider that your information should be treated as confidential by TEQSA, you should contact us before providing the information. For further details, see our [approach to confidential information](#).

Payment of assessment fees

After you submit your application, you will receive an invoice as final confirmation of your application and request for payment. Note that TEQSA does not have an online payment facility.

TEQSA will only commence assessing your application after it has been submitted in the approved form with the requested evidence, and the fee has been paid.

Application fees do not attract GST. TEQSA's ABN is 50 658 250 012.

Stage 3 TEQSA's assessment

Section 44C of the [TEQSA Act](#) outlines the process for making decisions on applications for authorisation to provide Australian courses offshore.

TEQSA will assess whether the application and outcomes described in the supporting evidence confirm continuing compliance with the Threshold Standards.

TEQSA's assessment focuses on the effectiveness of the provider's monitoring, review and improvement processes in ensuring key risks to quality and integrity in the provision of Australian courses offshore are being effectively identified and managed.

Requests for further information

TEQSA may request further information, documents or assistance from you throughout the assessment process. For example, you may be asked to provide evidence from your index, address apparent gaps or clarify aspects of your evidence, or explain how certain policies and procedures are implemented in practice. We will ask you to respond to requests for further information via the [Provider Portal](#).

Should TEQSA request documents that are written in a language other than English, TEQSA will require these to be translated by an authorised translator accredited as a 'Professional Translator' for the source language into English by the National Accreditation Authority for Translators and Interpreters (NAATI).

External advice

In some circumstances, TEQSA may choose to obtain external discipline or governance advice to assist with our analysis of specific parts of an application. External advice may inform TEQSA's understanding and assessment of application material but does not form the basis for regulatory decisions made by TEQSA.

Wherever external advice is sought as part of the assessment process, you will be given an opportunity to state whether you consider there to be a potential or real conflict of interest with any of the proposed suppliers in relation to your application. TEQSA will take this into account before deciding which supplier to engage.

Site visits

TEQSA may visit one or more of your delivery sites or headquarters if required. We may conduct these virtually or in-person. At this visit, we may, for example, inspect facilities, equipment and resources, or clarify how relevant procedures, policies and operations are implemented through interviews with key personnel.

Site visits are another way of collecting evidence, and TEQSA will use observations and discussions held during a site visit in our assessment and decision-making to supplement or validate your written evidence. At the site visit, we may interview various groups including students, staff, and members of corporate and academic boards.

Assessment timeframes

TEQSA's assessment timeframes are subject to a range of factors that can affect the time taken to make our assessments, including:

- the regulatory history of an existing provider, including the outcomes of previous assessments relevant to the application
- the strength and relevance of evidence presented by the applicant
- the risk of non-compliance with the Threshold Standards and the ability of the provider to demonstrate it has mitigated those risks
- the time taken by the provider to respond effectively to requests for information
- the level of resourcing available to TEQSA
- whether an adverse outcome is being considered.

Enquiries about your application

TEQSA has specialist contact teams across the agency that are best placed to assist you in a timely and efficient manner when you have a specific enquiry about one of our functions.

For enquiries relating to applications for authorisation to provide Australian courses offshore, please contact the Assessment Manager handling your application, or the Transnational Education team at tne@teqsa.gov.au.

Stage 4 Findings and recommendations

If the assessment team finds that the requirements of the Threshold Standards are met, it will recommend the TEQSA decision maker approve the application.

If the assessment team finds that the requirements of the Threshold Standards are not met based on identified concerns, and the concerns form the basis for a recommendation to reject the application, we will provide you with reasons for the proposed rejection. Our obligations to notify providers of a proposed rejection are set out in subsection 44C(6) and section 44D of the [TEQSA Act](#).

The assessment team will review any commentary and information you provide before presenting final recommendations to the TEQSA decision maker.

Stage 5 Decision

The TEQSA decision maker will consider the recommendations made by the assessment team and reach a decision. In reaching a decision, the decision maker will have regard to the 3 basic principles for regulation set out in Part 2 of the TEQSA Act. These are regulatory necessity, reflecting risk, and proportionate regulation.

The TEQSA decision maker may decide to:

- approve the application
- approve the application, but impose conditions on the authorisation

or

- reject the application.

When considering whether to impose conditions, or to reject your application the decision maker will consider any representations made by you in response to the reasons set out by TEQSA.

Notifying you of the decision

TEQSA will send you a Notice of Decision within 30 calendar days of making a decision to approve or reject your application. The notice will include the details of any conditions placed on the authorisation as part of the assessment outcome.

In some cases, we may also request further information and/or may notify you of areas that may be explored further in future regulatory processes or compliance activities. TEQSA may also make observations about areas for improvement to support quality enhancement.

If your application is rejected, or if conditions are imposed on the authorisation as part of the assessment outcome, we will provide you with reasons for the decision and details of any relevant review rights.

Our obligations to notify providers of our decisions are set out in section 44D of the [TEQSA Act](#).

Review of decisions

Certain decisions made by TEQSA are reviewable. Please refer to our website for more information about [reviews of TEQSA decisions](#).

Cost recovery

TEQSA is required to fully recover costs for most regulatory activities in accordance with the Australian Government Cost Recovery Policy. The relevant charges for various compliance activities undertaken by TEQSA, including the charges for monitoring compliance with a condition or voluntary undertaking imposed on a registration, course accreditation, or authorisation to provide Australian courses offshore are set out on the part of TEQSA's website concerning the [registered higher education provider charge \(RHEP charge\)](#).

Stage 6 Publication

Public report

TEQSA normally publishes reports of all decisions about provider registration, course accreditation, and authorisation to provide Australian courses offshore to facilitate transparency of our processes, regulatory decisions and the reasons for those decisions.

A public report contains the name of the applicant to which the decision relates, the decision that has been made and the main reasons for the decision, and the legislative provision(s) which were the subject of the findings that informed the decision. If your application is rejected or conditions are imposed on the course, TEQSA will consider any feedback you may have given on the draft public report before this is published on the National Register.

Refer to TEQSA's [policy about public statements on TEQSA's regulatory decisions and processes](#) for more information on our approach.

Updating the National Register

Where an application has been approved, or where review rights have expired following a decision to reject an application or to impose conditions, the relevant entry on the National Register will be updated. Where conditions are imposed on the authorisation to provide Australian courses offshore as an outcome of the assessment, details of those conditions will also be published.

Please refer to our website to access the [National Register](#).

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TEQSA
teqsa.gov.au