



Guidance Note: *Varying a Period of Registration or Accreditation*

Version 1.1 (26 August 2019)

Providers should note that Guidance Notes are intended to provide guidance only. They are not definitive or binding documents. Nor are they prescriptive. The definitive instruments for regulatory purposes remain the TEQSA Act and the Higher Education Standards Framework as amended from time to time.

When would TEQSA vary a registration or accreditation period?

This guidance note covers the processes of TEQSA either shortening or cancelling a higher education provider's period of registration or accreditation of course(s) of study because a provider has:

- failed to meet the requirements of the *Higher Education Standards Framework (Threshold Standards) 2015* (HES Framework) in relation to its registration or accreditation of a course, or
- breached a condition imposed on its registration or accreditation.

At its discretion, TEQSA may also vary periods of registration or accreditation for other purposes by mutual agreement with a provider, such as for the purposes of aligning regulatory requirements and minimising regulatory impact on providers. This could include granting an extension under either section 37A or section 57A of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act). These circumstances are subject to a separate policy (the *Extensions to the period of provider registration or course accreditation policy*) and are not the subject of the remainder of this note

Relevant legislation

The relevant legislative framework is:

- the TEQSA Act, as amended from time to time, and
- the HES Framework.



Basic principles of regulation

When making a decision to shorten or cancel a period of registration or course accreditation, TEQSA considers the relevant evidence about a provider. In doing so, TEQSA complies with the basic regulatory principles set out in the TEQSA Act of *reflecting risk*, *proportionate regulation*, and *regulatory necessity*.

- Reflecting risk
 - TEQSA takes into account (as applicable) the following aspects of the provider's operations, (as well as the history of persons related to the provider as applicable):
 - scholarship
 - teaching and research
 - internal quality assurance
 - student experiences
 - financial status and capability
 - previous compliance with the HES Framework, the TEQSA Act and its associated provisions and other laws regulating education
 - risks of the provider not complying with the HES Framework and its associated provisions.
- Proportionate regulation
 - TEQSA considers whether shortening or cancelling a registration or course accreditation is proportionate to any non-compliance or risk of future non-compliance with the HES Framework or the TEQSA Act and its associated provisions.
- Regulatory necessity
 - TEQSA considers whether shortening or cancelling a registration or course accreditation would burden the provider any more than necessary.

Registration

The power to shorten or cancel registration applies in all of the circumstances listed in S98(a) to (d) of the TEQSA Act.

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) or stop delivering by the new date.

Before making a decision to shorten a period of registration, TEQSA will give the provider an opportunity to comment on the basis on which such a decision is being considered and will consider the provider's response.

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 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 for the provider to respond to TEQSA in relation to the proposed decision. TEQSA must consider this response.

When making a decision to cancel registration TEQSA will also consider what transitional arrangements need to be made, including for any third-party arrangements the provider currently has in place, to ensure that students' interests are appropriately addressed.

Once a higher education provider's registration has been cancelled, the provider 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.

Course accreditation

TEQSA accredits courses of study offered by registered higher education providers where the provider does not have the authority to accredit its own courses. All accredited courses of study must meet and continue to meet the requirements of the HES Framework.

TEQSA may shorten or cancel the accreditation of a course(s) of study after considering other options for addressing a provider's non-compliance with the Standards. TEQSA may take this action for a failure or breach as listed in S98(a) to (d) of the TEQSA Act

If a course accreditation has been cancelled, the provider must stop delivering the course to students from the date of effect of the cancellation.

If an accreditation is shortened, the provider must apply to renew the accreditation of the course at an earlier time (either 180 days before the new date set by TEQSA or a shorter time period that TEQSA allows) or stop delivering the course from the new date. A higher education provider must not:

- falsely represent that it offers a course of study leading to a higher education award
- falsely represent that a course of study is accredited, or
- provide a course of study, which leads to a regulated higher education award, where the course of study is not accredited.



Before making a decision to shorten a period of course accreditation, TEQSA will give the provider an opportunity to comment on the basis on which such a decision is being considered and will consider the provider's response.

Note to providers with self-accrediting authority (limited or unlimited): while TEQSA does not accredit a course where a provider has authority to self-accredit the course, such providers should note that TEQSA may impose conditions restricting or removing the provider's authority to self-accredit a course (in compliance with the principles of part 2 under the TEQSA Act).

Review of decisions

Decisions to vary a provider's registration or course accreditation may be reviewed by the Administrative Appeals Tribunal under part 10 of the TEQSA Act.

National Register

TEQSA maintains the [National Register](#) of higher education providers. The National Register is the means by which TEQSA publishes information about the status of a provider, including whether a higher education provider's registration or course accreditation(s) have been shortened or cancelled.

Public reporting

Information about TEQSA's approach to publicly reporting its decisions is available at <https://www.teqsa.gov.au/for-providers/resources/policy-public-reporting-regulatory-decisions>.

Further information

Providers should contact their TEQSA Case Manager in the first instance.

Resources and references

TEQSA (2016), *Explanations of terms in Part A of the HES Framework 2015*, <<http://www.teqsa.gov.au/explanations-hes-framework-terms>>.

TEQSA (2016), *Extensions to the period of provider registration or course accreditation policy*, <<https://www.teqsa.gov.au/latest-news/publications/extensions-period-provider-registration-or-course-accreditation-policy>>



TEQSA welcomes the diversity of educational delivery across the sector and acknowledges that its Guidance Notes may not encompass all of the circumstances seen in the sector. TEQSA also recognises that the requirements of the HESF can be met in different ways according to the circumstances of the provider. Provided the requirements of the HESF are met, TEQSA will not prescribe how they are met. If in doubt, please consult your TEQSA case manager.

Version #	Date	Key changes
1.0	19 August 2016	Made available as beta version for consultation. Replaces previous information sheets on 'shortening or cancelling' a period of registration or accreditation.
1.1	26 August 2019	Amended in response to consultation feedback.