



Material change notification policy

Version 4.0 (June 2021)

Purpose

The policy outlines the circumstances in which providers are required to notify TEQSA of material changes and the method for notification.

Scope

This policy applies to all higher education providers.

Principles

1. The purpose of material change notifications is to ensure timely disclosure by providers on changes that may significantly impact their compliance with the *Higher Education Standards Framework (Threshold Standards) 2021* (HES Framework).
2. The obligation to notify TEQSA of material changes is specified in the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act):
 - Section 29(1)(a) of the TEQSA Act requires that a registered higher education provider must notify TEQSA if an event happens or is likely to happen that will significantly affect the provider's ability to meet the HES Framework.
 - Section 29(1)(b) of the TEQSA Act requires that a registered higher education provider must notify TEQSA an event that will require the National Register to be updated in respect of the provider. This includes changes to:
 - name of the legal entity
 - ABN
 - business name
 - head office, and
 - website address, as well as the
 - titles of courses accredited by TEQSA, or discontinuation of those courses.



3. The notification must be given no later than 14 days after the day that the provider would reasonably be expected to have become aware of the event.
4. Notifications do not constitute an application for approval to implement changes, as approval is not required. However, TEQSA will follow up if it considers there is a risk that Standards in the HES Framework have been or will be breached.
5. Providers subject to the *Education Services for Overseas Students Act 2000* (ESOS Act) and *National Code of Practice for Providers of Education and Training to Overseas Students 2017* (National Code) should be mindful of any notification requirements arising from changes in circumstances under the ESOS Act. Approval is required for some changes under the ESOS Act.
6. What constitutes 'significant' will depend on the individual circumstances of the provider. It is the responsibility of each provider to decide whether an incident significantly affects its ability to comply with the HES Framework.
7. Notwithstanding, TEQSA would expect providers to notify TEQSA of the following changes:
 - *changes that may significantly impact governance and status, such as changes to ownership or major shareholdings or changes of Chief Executive Officer, Principal Executive Officer or principal academic leader.*
 - *incidents that significantly impact the safety and well-being of students, such as recurring incidents of sexual assault or sexual harassment or critical incidents and other material breaches in safety.*
 - *changes that may impact on good standing, such as allegations of research misconduct under the Australian Code for the Responsible Conduct of Research or unscheduled compliance audits by another regulator or government department*
 - *changes that may impact on financial viability, such as significant changes to the provider's existing, new or anticipated revenue sources or the appointment of an external administrator, liquidator or receiver.*
 - *significant issues that arise with the delivery by other parties (onshore and offshore) such as failures of the control and reporting systems put in place by the primary provider to monitor third party delivery or failures on the part of the third party to ensure that course delivery meets the HES Framework.*
 - *major course changes (for providers without self-accrediting authority) such as changes to the titles of courses, a notable reduction in course duration or the introduction of new majors or specialisations¹.*
8. Providers are encouraged to contact their case manager if they are in any doubt about whether a particular event warrants a material change notification.
9. Notifications must be submitted via email to materialchanges@teqsa.gov.au.
10. In the event of multiple changes taking place at the same time, only one consolidated notification is required.

¹ When considering changes to a course of study providers are advised to refer to TEQSA's Guidance Note on Changes in a Course of Study and discuss proposed significant changes with their Case Manager to determine whether the proposed changes fundamentally change the nature of the course of study to the extent that TEQSA would require accreditation of a new course.



Contact

Providers can contact their case manager to discuss any queries regarding material change notifications.