



Australian Government

Tertiary Education Quality and Standards Agency

# Policy on public reporting of TEQSA's decisions

December 2017

**TEQSA**

# Contents

<b>Purpose</b>	<b>3</b>
<b>Background</b>	<b>3</b>
<b>Policy principles</b>	<b>3</b>
<b>Report formats</b>	<b>4</b>
<b>Timeframes for publication</b>	<b>4</b>
<b>Significant decisions</b>	<b>4</b>
<b>Further information</b>	<b>5</b>

# Purpose

This policy outlines TEQSA's approach to publicly reporting its regulatory decisions. It should be read in conjunction with TEQSA's Public Disclosure Policy, available at:

<https://www.teqsa.gov.au/latest-news/publications/teqsa-policy-public-disclosure>

# Background

The Agency publishes information about most of its decisions under the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act), consistent with the requirements of the Act and the terms of the National Register Guidelines at <https://www.teqsa.gov.au/national-register>.

The Agency publishes information about its regulatory decisions on the National Register of Higher Education Providers. The Agency also publishes public reports about specific decisions on the landing page for the provider or course to which a decision relates – these reports set out the provider's name, the relevant legislative provisions relating to the decision being reported, the decision and main reasons for the decision, a summary of the Agency's observations relevant to the decision and links to relevant information (including relevant objects of the TEQSA Act, information about TEQSA's role, and the Threshold Standards).

In October 2016 TEQSA began publishing lists of the decisions it has made.

In November 2017, following extensive consultation with the higher education sector, the Agency made a number of changes to the public reporting of its regulatory decisions. Among the changes were:

- a. making announcements and media releases about significant decisions;
- b. an updated set of guiding policy principles;
- c. publishing decisions to reject initial applications for registration as a higher education provider ;
- d. publishing decisions to reject applications for initial accreditation of a course of study;
- e. publishing information on the review status of decisions; and
- f. where a decision is later varied or substituted with another decision on review, publishing TEQSA's initial decision as well as the decision made on review.

These will take effect in January 2018.

# Policy principles

The extent of information that is reported publicly, and how this information is reported, is guided by TEQSA's objects (as set out in Section 3 of the TEQSA Act) and basic principles of regulation (as set out in Section 13 of the TEQSA Act). The basic principles are: reflecting risk, regulatory necessity and proportionate regulation.

Other factors guiding TEQSA's approach to public reporting are:

1. **Transparency** - TEQSA is committed to transparency in its regulatory and quality assurance activities in order to:
  - a. promote awareness of, and compliance with, the TEQSA Act, the Higher Education Standards Framework and other relevant legislation;

- b. promote confidence in TEQSA's approach to regulation and quality assurance and, more generally, in Australia's regulatory and quality assurance framework for higher education;
  - c. ensure that TEQSA is accountable for its regulatory and quality assurance activities; and
  - d. ensure that students and other stakeholders have current information about higher education in Australia, including TEQSA's work in the higher education sector.
2. **Compliance** - TEQSA will ensure that any publication of information is consistent with TEQSA's obligations under the TEQSA Act and other legislation.
3. **Fairness** - TEQSA will ensure that any publication of information is in accordance with principles of procedural fairness and does not prejudice a provider's right to have a decision reviewed.
4. **Consistency** - TEQSA will adopt a consistent approach to the publication of information.

## Report formats

Each public report includes the following information:

- a. provider name
- b. relevant legislative provisions relating to the decision or decisions being reported
- c. decision reached and main reasons for the decision (including, as applicable, period of registration, provider category, period of accreditation, and any conditions imposed)
- d. observations (as applicable, a summary of any concerns that TEQSA may have regarding the provider's ability to continue to meet the Threshold Standards into the future).
- e. Links to relevant information including relevant objects of the TEQSA Acts, information about TEQSA's role, the TEQSA Act and the Threshold Standards.

## Timeframes for publication

The National Register will be updated to reflect the Agency's regulatory decisions as soon as practicable after they have been made. The exceptions to this are decisions that are subject to a right of internal review (reviewable decisions made by a delegate of TEQSA). These decisions will be published at the end of the period within which an application may be made for the internal review of the decision, or at the end of the internal review process, whichever is the later.

## Significant decisions

The National Register of higher education providers is an important source of information about registered higher education providers and the courses of study accredited by TEQSA. However, it does not provide a mechanism by which those who may be interested in a particular decision can be made aware of that decision.

For instance, while a decision to reject an application for renewal of registration would be of substantial interest to current or prospective students of the relevant higher education provider, those students would only obtain that information from the National Register if they were already looking for that information, or otherwise knew to look for that information.

For these reasons, in addition to the information included in the National Register, the Agency will also publish news announcements and media releases about significant decisions made by TEQSA.

Significant decisions include decisions that will affect a large number of students, involve very significant compliance concerns, or involve a great deal of public interest. An example of a significant decision is TEQSA's decision to cancel the registration of Australian School of Management Pty Ltd, in light of the significant compliance concerns and the substantial amount of public interest in that decision.

Section 198 of the TEQSA Act does not provide TEQSA with the authority to include information about applicants which are not registered higher education providers on the National Register. Accordingly, TEQSA will publish decisions to reject applications for initial registration, and decisions to reject applications for course accreditation by entities which are not registered higher education providers, on our [Other Regulatory Decisions](#) page rather than on the National Register.

## Further information

Further information about the Agency's approach to public reporting can be obtained by contacting the relevant case manager or by directing an email enquiry to: [enquiries@teqsa.gov.au](mailto:enquiries@teqsa.gov.au)