

Notifying Designated Authorities Policy

Policy Owner	College Director & Principal
Contact Officer:	Director Quality and Student Services
Policy Number:	QQAPO004
Approved by:	Senior Management Group
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Related Policies:	

1. Overview

- 1.1. This policy has been developed to ensure that Curtin College and its partner providers proactively notify designated authorities of any changes in ownership, high managerial agents or intention to relocate premises as required by the ESOS Act 2000 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007).
- 1.2. There are four separate areas of the National Code which relate to this policy:
 - Standard 14.3 – notify designated authority and students of intention to relocate premises at least 20 working days prior to the relocation.
 - Standard 15.1.a – notify designated authority of prospective changes to ownership as soon as practical prior to the change taking effect.
 - Standard 15.1.b – notify designated authority of prospective or actual changes to high managerial agents either prior to the change taking effect or within 10 working days after the change has taken effect.
 - Standard 15.2 - provide the designated authority with information on the new owner or high managerial agent for the purpose of making an assessment under Section 9(6) of the ESOS Act.
- 1.3. This policy has been developed in line with requirements set out in ESOS Act 2000 and the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (amendment effective July 2007).

2. Organisational Scope

- 2.1. This policy applies to Curtin College (Perth & Sydney).

3. Definitions

- 3.1. **Commonwealth Register of Institutions and Courses for Overseas Students** (CRICOS) is the Commonwealth listing of approved providers and the courses that may be offered to overseas students. Providers can only be registered on CRICOS where they have been approved by the federal government to provide courses of education or training to overseas students in that state.
- 3.2. **Designated Authority:** A person responsible under the laws of a state for approving providers to provide courses to overseas students in that state (see Section 5 of the ESOS Act)
- 3.3. **ESOS Act:** The Education Services of Overseas Students Act. This Act regulates the delivery of education services to international students.
- 3.4. **High Managerial Agent:** An employee, agent or officer of the provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in relation to the business of providing courses (see Section 5 of the ESOS Act). Examples of the categories of person to be captured under this amendment – officers with management responsibility, consultants, principals and include teachers.

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- 3.5. **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students (National Code):** outlines nationally consistent standards for the conduct of registered providers and the registration of their courses. The standards set out specifications and procedures to ensure that registered providers of education and training courses can clearly understand and comply with their obligations under the National Code. The National Code also identifies the roles and responsibilities of the Australian Government and state and territory governments in discharging their regulatory functions.
- 3.6. **Ownership / Management:** To be registered on CRICOS, a provider must be a resident of Australia (sections 9 and 16 of the ESOS Act 2000). A company must be incorporated in Australia, carry on business in Australia and have its central management and control in Australia. An unincorporated body must carry on its business in Australia and have its central management and control in Australia).
- 3.7. **Tertiary Education Quality & Standards Agency (TEQSA)** is the designated authority under the [Education Services for Overseas Students Act 2000](#) (ESOS Act).

4. Policy Principles

- 4.1. The principles which underpin this policy are as follows:
 - 4.1.1. Curtin College (Perth & Sydney) comply with the regulatory requirements of the ESOS Act and the National Code.
 - 4.1.2. Responsible staff will make all attempts to notify regulatory authorities within the time limits set out in this policy.
 - 4.1.3. All procedures will be made available to the public on the Curtin College websites (Perth & Sydney).

5. Policy Content

5.1. Notifying Designated Authorities of Intent to move

- 5.1.1. Designated authorities must be notified in writing of any intention to relocate either the Head Office location, or the campus locations at least 20 working days prior to the move. Relocations of colleges need to be made to the primary regulatory authority and relevant state authorities where applicable.
- 5.1.2. Enrolled students will be notified in writing (including electronic communications) of the intention to relocate premises at least 20 working days before the relocation. Enrolled students include those currently studying at the college, and any students who have been issued a Confirmation of Enrolment (CoE) to study at the College but have not yet arrived in Australia.

5.2. Notifying Designated Authorities of prospective changes in ownership or high managerial agent

- 5.2.1. Curtin College will advise the relevant designated authority in writing of any prospective changes to the ownership of the College, as soon as practicable prior to the change taking effect. 'As soon as practicable' means as soon as the registered provider is aware that changes to ownership / high managerial agents will take place.
- 5.2.2. Curtin College must advise the designated authority in writing of any prospective or actual change to the high managerial agents (as defined in Section 5 of the ESOS Act) of Curtin College as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.

5.3. Provide the designated authority with information on the new owner or high managerial agent for assessment (Section 9(6) of the ESOS Act).

- 5.3.1. Where the change of ownership does not result in a new legal entity, any new owners or managers will be subject to the 'fit and proper' test

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- 5.3.2. The 'fit and proper' test is designed to identify any past behaviour of a provider or its associates which may impact on its suitability to be registered to provide education and training to overseas students.

5.4. Notification of breaches by associates and high managerial agents to the Secretary

- 5.4.1. Curtin College must advise the Secretary as soon as practicable if it becomes aware that an associate or high managerial agent:
- (a) has been convicted of an offence under this Act or the ESOS Act at any time during the last 5 years; or
 - (b) has ever had their registration cancelled or suspended for any one or more courses for any one or more locations under this Act or the ESOS Act; or has ever had an Immigration Minister's suspension certificate issued in respect of the associate or agent; or
 - (d) has ever had a condition imposed on their registration under this Act; or
 - (e) was involved in the provision of a course by another provider who is covered by paragraph (a), (b), (c) or (d) at the time of any of the events that gave rise to the relevant prosecution or other action.

6. Administrative procedures

This policy and related documentation is accessible through the Curtin College website at: <http://www.curtincollege.edu.au>

- 6.1. Records of all notifications to regulatory authorities and to students will be kept for a period of seven (7) years. These records will be under the responsibility of the Principal Executive Officer or delegate and the Director of Quality and Student Services or delegate.
- 6.2. Curtin College (Perth & Sydney) will take all necessary steps to ensure that information contained in the notifications to designated authorities is disclosed to all those persons who have a right to the information.

7. Policy Dissemination and Staff Training

- 7.1. This policy and related procedures will be communicated to relevant staff through staff training and Curtin College website <http://www.curtincollege.edu.au>
- 7.2. The College Director and Principal or delegate is responsible for the training of staff in the application of this policy and for publishing the policy on the website.

Version:	Last changes:
V1 2 Jan 2016	<ul style="list-style-type: none"> • Updated definitions • Item 1.2 added reference to Standard 15.2 • Added points 5.3 and 5.4
V 1.1	<ul style="list-style-type: none"> • Update item 3.1 - name change of DEEWR to DIISTRE. • Update position title in item 6.1