



Australian Government

Tertiary Education Quality and Standards Agency



Policy on public reporting of regulatory decisions

28 November 2013

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:

<http://teqsa.gov.au/sites/default/files/TEQSAPublicDisclosurePolicy.pdf>.

The policy has been guided by sector feedback gathered through a consultation process on TEQSA's approach to public reporting of regulatory decisions in the second quarter of 2013.

Background

TEQSA has published reports on all its regulatory decisions made since 1 July 2013, irrespective of the provider category in which a provider is registered or the particular circumstances of a provider, with the exception of decisions relating to an application for initial registration from an aspiring provider. Any reports on renewal of registration decisions prior to 1 July 2013 have been published with the agreement of the relevant provider.

These reports provide prospective students, current students and the wider public access to information about providers and the sector and provide transparency of TEQSA's processes, regulatory decisions and reasons for these decisions.

Reports are included on the National Register of Higher Education Providers ('the Register') to promulgate information to the public about registered providers. The Register is at: <http://www.teqsa.gov.au/national-register> and is the authoritative source of information on the status of registered higher education providers in Australia.

Policy principles

The extent of regulatory 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 regulatory principles (as set out in Section 13 of the TEQSA Act). The regulatory principles are: reflecting risk, regulatory necessity and proportionate regulation.

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

1. The balance between:
 - a. public, provider and stakeholder interests, and the protection of these interests from the perspective of current and prospective students
 - b. transparency and integrity of TEQSA's processes; and
 - c. legitimate privacy and confidentiality concerns of regulated entities.
2. How reporting will help meet the objectives of the TEQSA Act, including:
 - a. enhancing the reputation and competitiveness of Australian higher education
 - b. ensuring that students undertaking, or proposing to undertake, higher education have access to information about providers and the sector (taking into account information already available from other sources such as the *MyUniversity* and provider websites); and
 - c. providing quality higher education.
3. The need for TEQSA to be consistent in its approach to reporting across providers, irrespective of the provider category in which a provider is registered or the particular circumstances of a provider.

4. The need for TEQSA to avoid the publication of information that may unnecessarily prejudice a provider's ability to operate in the higher education sector, balanced against the interests of students.
5. The information already contained in the National Register, and the benefits of adding or linking any additional reporting to the National Register.
6. The need to maintain confidentiality to effectively investigate an issue, and whether any public comment might prejudice TEQSA's ability to investigate a matter or the right of a person or body to a fair hearing.
7. As is the case for other TEQSA processes, TEQSA will demonstrate procedural fairness in its reporting by allowing a provider a reasonable opportunity to comment on a draft public report (ordinarily 28 days unless this is not practicable), and by taking account of a provider's response in determining whether to publish a report and the content of the report. This opportunity to comment is additional to any representations that may have been made as part of the regulatory process prior to TEQSA making a final regulatory decision.
8. The need to ensure that timing of publication of regulatory decisions does not prejudice relevant legal review processes. Accordingly, TEQSA will not publish, apart from in exceptional circumstances, a public report on the National Register until the period for applying for review of the decision that is the subject of a report has expired, or in cases where a review application is made, until the review is completed. TEQSA will consider whether exceptional circumstances exist having regard to the three regulatory principles, and to the principles in TEQSA's Public Disclosure Policy.
9. Information published will relate to the outcomes of an assessment about a provider's compliance with the Threshold Standards, including risks of future non-compliance.
10. In addition to a public report, details of regulatory decisions will be published on the National Register consistent with the [Register Guidelines](#). Decisions that will be published on the Register include decisions about accreditation or registration as well as decisions to impose conditions. In such cases, all conditions will be listed in both the relevant public report and on the Register at the same time. Where a decision is reviewable, TEQSA will not include the details of the decision on the National Register until after the period for applying for review has expired, or after the review is completed (see also point 8).
11. Reporting practices will be regularly monitored, evaluated and revised to maintain currency and good practice, in line with TEQSA's commitment to continuous improvement generally.

Report formats

The format of each public report is structured to ensure that it is able to be read as a stand-alone document. Information about TEQSA and its processes is provided in each report. Each public report includes the following information:

- a. provider name
- b. relevant legislative provisions relating to the decision or decisions being reported
- c. report purpose (including relevant objects of the TEQSA Act)
- d. brief information about TEQSA's role (including reference to the regulatory principles and links to the TEQSA Act and Threshold Standards)

- e. the regulatory process to which the report relates and a summary of the main stages of the process
- f. decision reached and main reasons for the decision (including, as applicable, period of registration, provider category, period of accreditation, and any conditions imposed)
- g. 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).

Timeframes for publication

TEQSA will replace public reports relating to registration or accreditation decisions from the TEQSA website with updated reports to ensure that the National Register contains only public reports that reflect current regulatory decisions. Previous reports will be archived by TEQSA to form part of each provider's regulatory history, but will not appear on the Register or be made public.

Reference to conditions are removed from the National Register when TEQSA has satisfactory evidence that such conditions have been met in full by a provider and/or TEQSA has revoked the condition(s).

Further information

Further information about TEQSA'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