

**National Guidelines for Higher Education  
Approval Processes**

**Guidelines for overseas higher education  
institutions seeking to operate in Australia  
(relating to National Protocols A and E)**

As approved by MCEETYA  
October 2007

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## Introductory Information

### 1. Purpose

These guidelines are a sub-set of the *National Guidelines for Higher Education Approval Processes* which give effect to the *National Protocols for Higher Education Approval Processes* (the National Protocols), a revised version of which was approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on 7<sup>th</sup> July 2006.<sup>1</sup> The National Protocols promote common principles, criteria, processes and standards for higher education approvals throughout Australia and also apply to Australian institutions delivering Australian higher education qualifications offshore. The National Protocols and the National Guidelines protect the standing of Australian higher education nationally and internationally by assuring students and the community that higher education institutions in Australia have met identified requirements and are subject to appropriate government regulation.

The National Protocols and the National Guidelines apply to:

- all higher education institutions operating, seeking to operate or purporting to operate in Australia. No institution may operate or purport to operate as a higher education institution in Australia or offer a higher education course in Australia without approval;
- Australian approved institutions delivering Australian higher education qualifications offshore; and
- arrangements in which some aspects of an institution's higher education operations are carried out by other entities, such as through partnerships with other institutions, providers or business entities, the formation of companies, sub-contracting of services, or franchising.

These guidelines relate to Protocols A and E of the National Protocols and describe the requirements and processes for overseas higher education institutions, including universities, seeking approval to operate in Australia and offer overseas qualifications.

The guidelines cover use of the title 'university' in circumstances other than as an Australian university. An institution approved under these guidelines may use the term 'university' in its title only when the conditions associated with the approval specify that this is permitted.

Arrangements are in place for mutual recognition across jurisdictions of decisions for overseas institutions to operate in Australia (see Section 11 below).

### 2. Definitions

Appendix 1 contains a glossary which explains the terms used in these guidelines. Unless stated to the contrary, terms have the same meaning as in the National Protocols. Appendix 2 lists the acronyms used in the guidelines.

### 3. Relationships with other guidelines and legislative processes

Approved higher education institutions in Australia must comply with a range of requirements and legislative processes with respect to their operations and reporting. These guidelines focus specifically on the requirements and processes set out in the National Protocols for overseas higher education institutions operating in Australia.

#### 3.1 National Guidelines for Higher Education Approval Processes

Other guidelines describe requirements and processes for the approval of higher education institutions to operate in Australia and offer Australian qualifications which comply with the Australian Qualifications Framework (AQF)<sup>2</sup>, as defined by the National Protocols. They are:

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<sup>1</sup> See: [www.mceetya.edu.au](http://www.mceetya.edu.au)

<sup>2</sup> See section 3.2 for a list of AQF higher education qualifications.

- Guidelines for the registration of non self-accrediting higher education institutions and the accreditation of their higher education course/s (relating to Protocols A and B);
- Guidelines for awarding self-accrediting authority to higher education institutions other than universities (relating to Protocols A and C); and
- Guidelines for establishing Australian universities (relating to Protocols A and D).

All Australian higher education delivery must comply with Protocol A.

If an overseas higher education institution seeking to operate in Australia wishes to offer Australian qualifications which comply with the AQF, it must apply for approval through the relevant guidelines listed above. If it wishes to offer overseas qualifications in Australia, it must apply through the following guidelines for overseas institutions. An overseas institution may offer both overseas qualifications and Australian qualifications which comply with the AQF, in which case it must seek approval as an overseas higher education institution for its overseas awards under these guidelines in addition to seeking approval to offer Australian qualifications on a non self-accrediting basis through the *Guidelines for the registration of non self-accrediting higher education institutions and the accreditation of their higher education course/s*. In such cases, the Government Accreditation Authority may arrange both assessment processes concurrently and possibly use only one assessment panel.

### **3.2 The Australian Qualifications Framework**

Australian qualifications must comply with the Australian Qualifications Framework (AQF) which is a unified system of national qualifications in post-compulsory education and training.<sup>3</sup> The AQF provides qualification titles and descriptors, including nationally agreed characteristics of learning outcomes, against which Australian accreditation takes place and which are set out in detailed guidelines in the AQF Implementation Handbook.

The AQF defines Australian qualifications to which Australian approval processes apply. The Australian qualifications to which higher education approval processes apply are:

- Diploma and Advanced Diploma (may also be approved under VET processes – see below);
- Associate Degree;
- Bachelor Degree;
- Graduate Certificate;
- Graduate Diploma;
- Masters Degree; and
- Doctoral Degree.

Separate approval processes are required for registration as a provider of Vocational Education and Training (VET) courses. Courses approved through VET processes lead to the following qualifications:

- Certificate I, II, III and IV;
- Diploma;
- Advanced Diploma;
- Vocational Graduate Certificate; and
- Vocational Graduate Diploma.

### **3.3 CRICOS approval**

Institutions seeking to offer courses for overseas students in Australia must also become registered on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS)

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<sup>3</sup> See: [www.aqf.edu.au](http://www.aqf.edu.au)

through a separate application process. Institutions intending to deliver courses to international students should allow time for CRICOS approval.

#### **4. Government Accreditation Authorities**

Government Accreditation Authorities are listed on the AQF *Register of Recognised Education Institutions and Authorised Accreditation Authorities* and are responsible for higher education approvals. Part 3 of the National Protocols outlines the obligations on Government Accreditation Authorities.

Each jurisdiction within Australia has enacted legislation to give effect to the National Protocols. The administration of this legislation is undertaken by the Government Accreditation Authority in each jurisdiction. The legislation specifies the responsible decision-maker who will consider advice from the relevant Government Accreditation Authority in arriving at a decision about an application for approval to operate as an overseas higher education institution in Australia. The Government Accreditation Authority provides information for applicants, administers the approval process and provides an officer for each assessment panel.

#### **5. Fees**

Fees associated with higher education approval processes will be specified by the Government Accreditation Authority.

#### **6. Enacting the approval**

The Government Accreditation Authority will arrange for the approved overseas institution, its local agents (if any) and the courses it is approved to deliver in Australia to be listed in the relevant section of the AQF *Register of Recognised Education Institutions and Authorised Accreditation Authorities*.

#### **7. Duration of approvals**

Approvals are normally subject to review within a period of no more than five years. While it is standard procedure for approval to be granted for five years, in some cases there may be grounds for shorter periods of approval. The process for renewal of approval is described below (see Section 15).

#### **8. Marketing and public statements during the approval process**

An applicant in the process of seeking approval must refrain from making any public statement or advertisement which falsely implies that it has approval to operate in Australia before approval is formally granted by the responsible decision-maker. There are penalties for advertising as a higher education institution, offering or advertising a higher education award or conferring a higher education award in Australia before approval is formally granted through one of the sets of processes in the *National Guidelines for Higher Education Approval Processes*.

## Approval Processes

### **9. *Timeframe for approval***

As a general rule, initial applicants should allow at least six months between the time of making a complete and satisfactory application to the relevant Government Accreditation Authority and a decision being made by the responsible decision-maker.

Indicative timelines are shown in Figure 1 below. Please note that these are indicative only and may be extended by a number of factors, including the complexity of the application, as well as incomplete applications and consequent panel requests for additional information. The time taken for the applicant to provide any required additional or revised information will be added on to the indicative timeline. The timeline may also be extended by delays in responses from overseas accreditation authorities.

### **10. *Steps in the process***

The process of granting approval for an overseas higher education institution in Australia is presented as an overview in Figure 1 below. Further detail on each of the steps in the process follows.

#### **10.1 Initial contact with Government Accreditation Authority**

The applicant should become familiar with the guidelines and all documentation associated with the application process. The applicant should then contact the Government Accreditation Authority in the relevant jurisdiction if clarification on the approval process is needed and to apprise the Authority of the intention to seek approval.

An application must be made to the Government Accreditation Authority in the Australian jurisdiction in which the institution is seeking to establish its main operations. This becomes the primary jurisdiction for the purposes of the approval processes. If the institution intends operating in more than one Australian jurisdiction, the initial application is made in the primary jurisdiction.

#### **10.2 Application prepared and submitted**

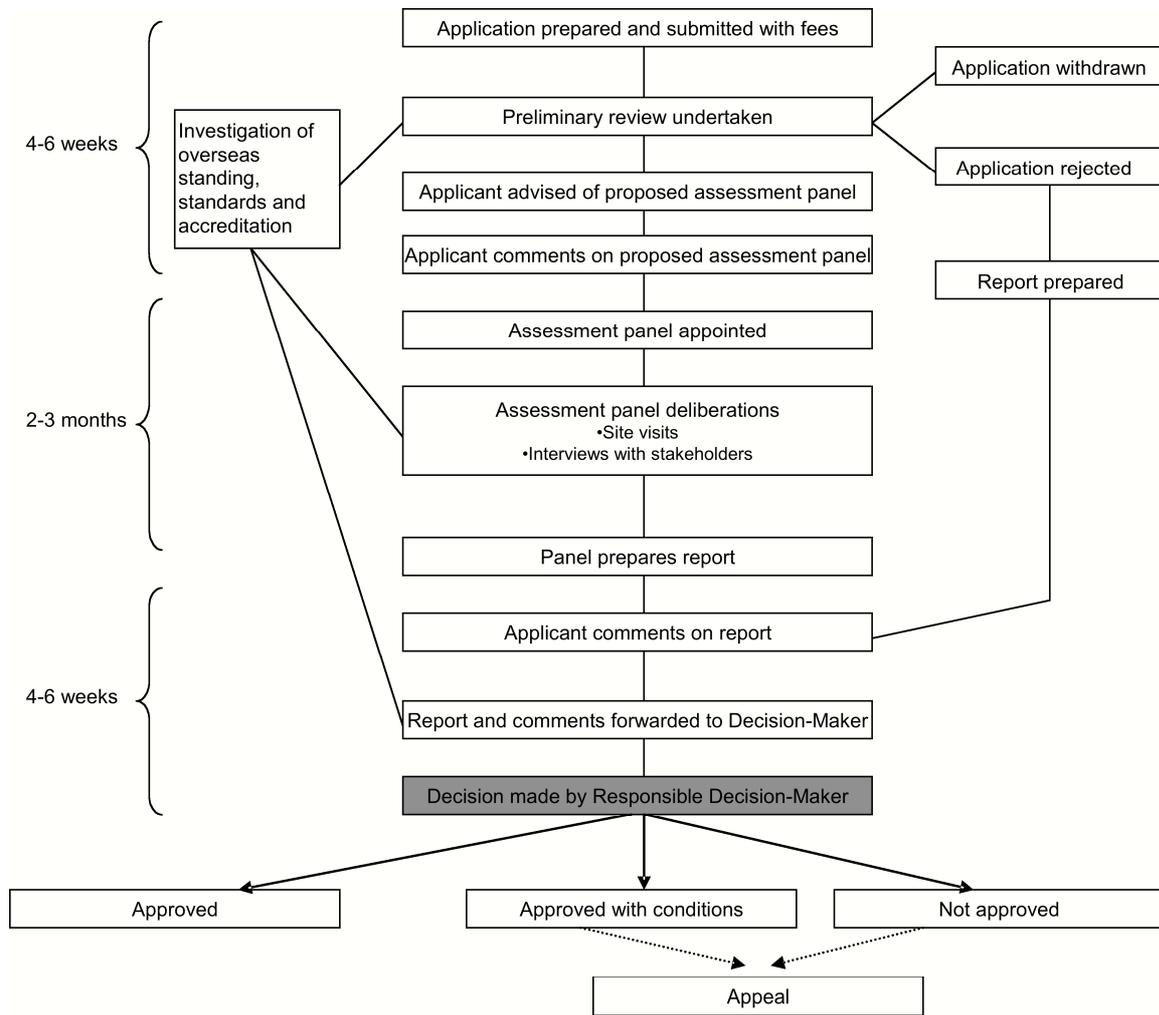
An application for initial approval for an overseas higher education institution to operate in Australia involves the preparation of a detailed and documented application which addresses in full the requirements as explained in the Requirements sections of these guidelines. The requirements in Section 17 relate to the institution's overseas operations. The applicant will address the requirements in Section 17 by providing documentation associated with its international standing and standards and with its overseas accreditation and quality assurance processes. These will be investigated as part of the approval process. The requirements in Section 18 relate to the institution's planned Australian operations and the application must directly address these requirements in detail for assessment by the panel.

The Requirements sections also provide initial applicants with information about the types of evidence to be presented in order to demonstrate compliance with the requirements. Note that the assessment panel will need evidence that requirements are met through the documentation provided by the applicant and through direct verification during a site visit and/or interviews if these take place as part of the assessment. The application should provide sufficient detail to enable an informed judgement to be made by a panel.

The applicant should present two copies of the application to the Government Accreditation Authority, together with the required fees. Receipt of the application will be acknowledged in writing.

The Government Accreditation Authority will maintain strict confidentiality with all applications and will not release information to inquirers without agreement from the applicant or unless in response to misleading public statements by the applicant or required to do so by law. Information on applications will be shared between Government Accreditation Authorities on a confidential basis.

**Figure 1: Overview of approval process**



### 10.3 Preliminary review

The Government Accreditation Authority will undertake a preliminary review of the application to determine if it provides an adequate basis for assessment by a panel through addressing fully the requirements in these guidelines.

As part of the preliminary review and/or at any stage during the assessment process, the applicant may be asked to clarify aspects of the application and/or provide additional information.

If additional information is requested, no further action will be taken by the Government Accreditation Authority until the applicant responds by providing the information. The application will be considered withdrawn if the applicant does not provide the information within three months of the request.

An application may be withdrawn by the applicant at any stage in the process.

Unless the application is withdrawn by the applicant, following the preliminary review the Government Accreditation Authority will:

- arrange for formal commencement of the assessment process; or

- recommend that the application not be approved on the grounds that it does not provide an adequate basis for assessment by a panel. In such a case, a report to this effect will be prepared for the responsible decision-maker and the applicant will be provided with a copy of the report as in Section 10.9 below.

The applicant will be notified of the number of copies of the application and additional information (if any) required for panel members.

#### **10.4 Government Accreditation Authority investigation**

In order to determine if the institution meets requirements 17.1 to 17.9 in Section 17, the Government Accreditation Authority will seek advice as appropriate on:

- international standing and standards of the body or bodies responsible for the institution's accreditation;
- international standing of the institution;
- ongoing quality assurance requirements and track record of the institution in the country or countries in which it is accredited; and
- international standing and standards for the institution's courses to be delivered in Australia.

#### **10.5 Applicant advised of proposed assessment panel**

An independent, expert panel will assess the application as it relates to the requirements in Section 18 and any other matters referred to it. Prior to the appointment of the panel, the applicant will be advised of the proposed membership and will have the opportunity to express in writing any reasons for concerns or reservations held about any of the proposed members of the panel on the grounds of conflict of interest, bias or competence. These reasons will be considered when appointing the panel. The responsible decision-maker or delegate reserves the right to make the final choice on composition of all assessment panels.

#### **10.6 Assessment panel appointed**

The panel will be appointed and the membership confirmed to the applicant.

The particular focus of the assessment panel's investigations and deliberations will be the local delivery arrangements of the overseas institution, including those with local partners or agents (if any), such as:

- local arrangements for academic oversight and quality assurance;
- financial and other arrangements for local delivery (e.g. facilities, staffing and student services); and
- protection of students in the event the institution ceases to operate.

The Government Accreditation Authority may refer other matters to the panel for its advice.

The role of the assessment panel is to:

- evaluate the application against the requirements in Section 18 and any other matters referred to it and to report to the responsible decision-maker on whether the application complies with these requirements; and
- provide advice on whether or not approval should be granted along with any suggested conditions which should be imposed on the approval.

The panel's composition will be relevant and appropriate to the application under consideration. The number of members appointed to an assessment panel will depend on the complexity and type of the application, the mode of delivery, and the nature and number of fields of study covered. The panel composition will be similar to that for an approval relating to an equivalent Australian institution.

The assessment panel will usually include at least one senior academic with experience in an Australian university. For an application from an institution similar to an Australian non self-

accrediting higher education institution, the panel will include members with experience in higher education governance and management at a senior level and university or other higher education academic experience and relevant expertise in the field/s of study of the institution. For a university-level application, the panel will have a majority of the members who are senior academic leaders with high-level experience in an Australian university. Such a panel will include significant representation from outside the jurisdiction in which the application is made. A panel established to assess an application from an institution equivalent to an Australian specialised university will also include significant senior academic leaders from the area/s of specialisation.

If the applicant plans to operate in more than one jurisdiction, one or more interstate members will normally be included on the assessment panel.

If an assessment panel identifies that additional expertise is needed, it may seek advice of persons outside its membership wherever necessary. Details of the source/s of this external advice will be included in the panel's report.

It is a requirement for each panel member to sign a declaration to maintain confidentiality, to protect ownership of intellectual property and to declare any conflicts of interest. Panel members must declare any past, present or proposed involvement with the business of the applicant and/or any past, present or proposed financial, professional or personal relationships with the applicant which might constitute a conflict of interest. Panel members should seek disqualification from membership of an assessment panel at any stage in the process if they have serious difficulty making objective decisions about the application.

Applicants must not contact members of an assessment panel directly unless advised to do so by the Government Accreditation Authority. Normally all matters will be directed through the officer nominated by the Government Accreditation Authority.

## **10.7 Assessment panel deliberations**

The assessment panel will be brought together to discuss the application in detail and assess whether sufficient written evidence is provided to demonstrate that the requirements are met. The panel will identify any issues or further information it wishes to follow up with the applicant.

Meetings of the assessment panel may be conducted face-to-face and/or via email, teleconference or videoconference.

If, at any stage in the assessment process, the panel considers that the application clearly does not meet the requirements for approval, the panel has the discretion to finalise its deliberations and prepare its report to the responsible decision-maker advising that approval not be granted. In such a case, the applicant will be provided with a copy of the report as in Section 10.9 below.

The assessment panel will arrange a site visit to inspect local facilities if they exist and interview staff if they have been appointed. If approval is being sought for delivery through a local partner or agent, the panel will visit the facilities and interview staff of the partner or agent. In some cases because of issues of time and cost, a sub-group of the assessment panel may conduct the site visit. The timing and format of the visit will be negotiated with the applicant. Typically the visit will include:

- time for the panel to question the key proponents about features of the application;
- an inspection of physical facilities (such as library and/or the provision of electronic resources, classrooms, specialised teaching spaces, student areas and administrative areas); and
- meetings with key academic staff and other staff involved in areas relevant to the application.

The panel chair may provide the applicant with feedback about the panel's findings, but comments made by the panel chair and panel members during a site visit or during other interactions with the applicant do not constitute the panel's final assessment.

## 10.8 Panel report

At its final meeting, the panel will formulate its advice to the responsible decision-maker regarding the application. A written report will be prepared which includes the panel's findings against the requirements. Panel advice will take one of the forms outlined in Section 10.11 below.

## 10.9 Applicant comments on report

Prior to the report's consideration by the responsible decision-maker, the Government Accreditation Authority will provide the applicant with a copy of the report and invite a response. The response must be received within four weeks of the date of dispatch of the report, although additional time for making a response may be requested. The response should focus on matters of accuracy and emphasis. The response may not include the submission of new material for assessment, other than pre-existing material which supports claims of errors of fact.

## 10.10 Report and comments forwarded to Responsible Decision-Maker

The responsible decision-maker will receive for consideration the applicant's response, the assessment panel's report and advice from the Government Accreditation Authority on the standing of the institution and its accreditation. The responsible decision-maker may seek additional advice, including from the assessment panel, when deliberating on the report, information and the applicant's response.

## 10.11 Decision made by Responsible Decision-Maker

After considering the material presented, the responsible decision-maker will make one of the following decisions:

1. Approve the application for a period of up to five years.
2. Approve the application for a period of up to five years with conditions which are relevant and reasonable to the application, taking into consideration the findings of the assessment process. Approval with conditions may be granted in cases where an applicant meets some requirements only at a marginal level or when other issues are identified which need to be monitored. Typically, institutions will be required to report on conditions as part of the annual reporting process (see Section 12 below). When conditions are set, there should be clear timelines, and subsequent action in the event of non-compliance should be specified.
3. Refuse approval of the application in which case the grounds for such a decision will be presented in the notification of the decision sent to the applicant.

The approval will specify the overseas qualifications which the institution is permitted to offer in Australia. If an overseas institution wishes to introduce new courses which are outside the limits of its approval, it must seek approval through the major change process described in Section 14.

The approval will specify that the institution must make it clear in all of its legal and marketing documentation within Australia that it is offering overseas higher education qualifications based on accreditation processes and standing in another country or countries.

The approval to operate will also be limited to the local partners or agents (if any) specified in the application. If the overseas institution wishes to deliver courses through different partners or agents, it must seek approval through the major change process described in Section 14.

The approval to operate in Australia will specify the title the institution may use and the conditions for use of that title. If the applicant is recognised as a university by an overseas accreditation authority, the standing and standards of which are acceptable in Australia, approval may be given to use the term 'university' in its title. If such an approval is granted, it will specify that the institution must make it clear in all of its legal and marketing documentation within Australia that the basis for use of the title 'university' rests on the institution's standing in another country (or countries) and that it is offering overseas higher education qualifications based on that standing. If the applicant is not recognised as a university overseas, it will not be permitted to use the term 'university' in its title in Australia unless it seeks approval to operate as an Australian university through the relevant guidelines and processes related to National Protocol D.

The approval to operate in Australia will outline the Australian quality assurance requirements with which the institution will be expected to comply taking into account that the institution will be subject to the quality assurance requirements of its overseas accrediting authority or authorities.

The applicant will be notified in writing of the outcomes of the approval process.

If the institution is refused approval to offer overseas qualifications in Australia, it may seek approval under the relevant guidelines to offer Australian qualifications as a non self-accrediting higher education institution.

## **10.12 Appeals process**

The Government Accreditation Authority will outline to the applicant the process through which an appeal of the decision may be made. An appeal may be lodged after the outcomes of the approval process have been conveyed in writing to the applicant.

## **11. *Mutual recognition across jurisdictions***

For institutions seeking approval to operate in more than one Australian jurisdiction, the process of mutual recognition must apply. The full approval process will take place in the primary jurisdiction and the secondary jurisdiction will focus only on the local delivery arrangements in the secondary jurisdiction. An application for mutual recognition may be made simultaneously to a primary jurisdiction and to one or more secondary jurisdictions, or subsequently to the secondary jurisdiction/s following approval in the primary jurisdiction. Although it may be progressed simultaneously, mutual recognition in the secondary jurisdiction/s cannot be finalised until approval has been finalised in the primary jurisdiction. The mutual recognition process will be delayed if the primary jurisdiction requires changes in the documentation during its assessment process.

An institution approved to offer one or more courses purely in distance mode may do so in all other Australian jurisdictions without the need for approval through mutual recognition. If there is any face-to-face component, the course delivery will be assessed in the secondary jurisdiction/s by mutual recognition.

The institution seeking mutual recognition will provide the secondary jurisdiction with a copy of the original application approved by the primary jurisdiction. It will also submit an application which outlines details of any changes to the institutional arrangements which have been made since approval in the primary jurisdiction or changes which are planned for delivery in the secondary jurisdiction.

The application must also directly address the requirements for mutual recognition outlined in Section 19 of these guidelines.

The process of mutual recognition may involve the secondary jurisdiction establishing an assessment panel to focus on areas of delivery and content which require local consideration as set out in the requirements for mutual recognition in Section 19.

The period of approval granted by the secondary jurisdiction will have the same end date as in the primary jurisdiction. If the primary jurisdiction revokes approval or changes the end date, the secondary jurisdiction will be notified and will take appropriate action.

## **Post-Approval Processes**

### **12. Annual reporting**

As a condition of approval, overseas institutions operating in Australia will be required to report annually to the responsible authorities in the jurisdiction where approval has been granted. If the institution operates across more than one jurisdiction, the Government Accreditation Authority in the primary jurisdiction will send the report to the secondary jurisdiction/s.

The Government Accreditation Authority will provide details of the reporting requirements and process.

### **13. Amending or revoking approval**

In response to concerns about the quality of an overseas higher education institution operating in its jurisdiction, the responsible decision-maker may investigate the activities of the institution and may place conditions on the continuation of its approval to operate within the jurisdiction. The responsible decision-maker may also revoke approval to operate at any time, based on evidence that the institution no longer meets one or more of the requirements specified in these guidelines. If such a step is contemplated, details of the reasons will be provided to the institution and the institution's comment will be sought, with a specified time limit, prior to a decision being made. Such action may follow concerns identified through the annual reporting process, an external quality audit or overseas accreditation processes or result from investigations of a complaint or grievance against the institution. Approval will be reviewed if the institution's overseas accreditation, which is the basis of the initial Australian approval, becomes invalid for any reason.

The decision may be appealed in accordance with provisions in Section 10.12.

### **14. Changes to the institution and/or its courses**

To maintain approval, the institution must continue to meet the requirements specified in these guidelines and the conditions associated with the approval granted to the institution. Changes to the operations of an overseas higher education institution may affect the approval status of the institution in Australia. Consequently, all major changes to institutional arrangements, both overseas and in Australia, must be reported to the Government Accreditation Authority in accordance with these guidelines.

#### **Major change**

A major change is one which significantly alters the circumstances of the operations of an overseas higher education institution approved to operate in Australia and may be planned or due to circumstances which are unplanned. Major changes may require the approval of the responsible decision-maker or delegate. Offering new courses in Australia which are outside the Australian approval granted to the institution is considered a major change which requires approval. Changes in arrangements with approved local partners or agents in Australia are also considered a major change which requires approval. If the changes relate to more than one jurisdiction, the Government Accreditation Authorities in the primary and secondary jurisdictions will confer to determine if separate processes for approval or notification are required in each jurisdiction.

Examples of major changes include:

- changes to the overseas accreditation status of the institution and/or its courses;
- merger with another body;
- changes in ownership of the institution;
- changes to arrangements with its approved partners or agents, including the addition of new partners or agents;
- any incident or circumstance which could be deemed to affect the probity of the institution, its staff or its agents particularly in relation to the 'fit and proper person' requirements;
- a significant decline in financial position; and/or

- addition of one or more courses which are outside the approval to operate in Australia granted to the institution.

If any circumstances of the institution in relation to the requirements specified in these guidelines change significantly, the institution should discuss with the Government Accreditation Authority whether a major change application is required.

#### **Process for a major change**

1. The institution contacts the Government Accreditation Authority to discuss the change as early as possible in the process.
2. The institution submits an application which includes precise details of the nature of and reasons for the changes, as well as the impact of those changes.
3. A preliminary review is conducted by the Government Accreditation Authority.
4. Additional information may be requested.
5. External advice may be sought to assist in assessing the application. This may include establishing an assessment panel or seeking advice from the chair or member/s of the previous assessment panel, a content expert or a financial expert.
6. The change will be noted, approved or rejected by the responsible decision-maker or delegate depending on the nature of the change. As a result of changes to the institution, the responsible decision-maker may review the institution's approval to operate in Australia. The change may also invoke or alter conditions placed on the approval to operate in Australia. If rejection of the application, approval with conditions or amendment to the approval to operate in Australia is contemplated, details of the reasons will be provided to the institution and the institution's comment will be sought, with a specified time limit, prior to a decision being made.
7. The applicant will be notified in writing of the outcome of the process.

The decision may be appealed in accordance with provisions in Section 10.12.

In addition to the provisions for seeking approval for major changes, there is a need for an institution to inform the Government Accreditation Authority of any changes which relate to administrative arrangements or record-keeping, such as changes in the name of institution, address or contact details.

### ***15. The process of renewing approval***

Approval to operate in Australia is normally granted for a period of up to five years after which the approval must be renewed or revoked. Applications for renewal are assessed against the same requirements as outlined in these guidelines with a major focus on demonstrating that outcomes are equivalent to those of the institution in other countries where it is approved to operate. Institutions operating in more than one jurisdiction will also need to apply to the secondary jurisdiction/s for a renewal of mutual recognition against the relevant requirements in Section 19 of these guidelines.

Applications for the renewal of approval must be submitted to the Government Accreditation Authority in time for the process for renewal of approval to be completed before approval expires.

Applications for renewal of approval will be considered against the relevant requirements in these guidelines but the evidence submitted should focus on outcomes since the previous approval. The institution's annual reports to the Australian Accreditation Authority, reports of any external quality audits and reports from the overseas accreditation authority/ies will provide much of the evidence required for renewal of approval. The Government Accreditation Authority will specify the additional information required for renewal of approval.

The process and timeline for the renewal of approval are similar to those for initial approval as outlined above. The Government Accreditation Authority may seek external advice to assist in assessing the renewal of approval. This may include establishing an assessment panel or seeking advice from the chair or member/s of the previous assessment panel, a content expert or a financial expert.

The decision may be appealed in accordance with provisions in Section 10.12.

## **16. *Marketing and public statements***

All higher education institutions in Australia must ensure that marketing of their services is carried out with integrity and accuracy. No false or misleading comparisons will be drawn with any other institution or its courses, nor should institutions make any inaccurate claims about their approval status or their association with any other institution or organisation.

An institution's publications, statements and advertising must describe accurately the institution, its operations, its courses and its Australian approval status.

The institution must comply with the conditions for marketing and describing the institution associated with the approval to operate in Australia. The institution must make it clear in all of its marketing documentation within Australia that it is offering overseas higher education qualifications based on accreditation processes and standing in another country or countries. If the institution is approved to use the term 'university' in its title, it must make it clear in all of its marketing documentation within Australia that the basis for use of the title 'university' rests on the institution's standing in another country (or countries) and that it is offering overseas higher education qualifications based on that standing.

In cases where an overseas institution is approved to deliver its courses with one or more local partners or agents, the responsibility for advertising the recruitment materials for the courses offered within Australia rests with the approved overseas institution.

## Requirements

These sections provide details of the requirements which must be met by an overseas institution for approval to operate in Australia and offer its overseas qualifications. The requirements elaborate on the criteria presented in the *National Protocols for Higher Education Approval Processes*. The number of the relevant criterion or criteria in the National Protocols from which the requirements are derived is listed in brackets.

These sections also provide details about evidence to be presented by applicants in order to demonstrate that the requirements are met.

Requirements 17.1 to 17.9 in Section 17 relate to the institution's overseas operations and will be addressed through providing documentation associated with the international standing and standards of the institution and its courses and the overseas accreditation processes to which the institution is subject. In addition to seeking advice and undertaking its own investigation of whether these requirements are met, the Government Accreditation Authority will consider evidence presented by the applicant in relation to requirements 17.1 to 17.9 in Section 17.

The requirements in Section 18 relate to the institution's planned operations in Australia involving the delivery of its overseas qualifications. The application for approval to operate in Australia should directly address the requirements in Section 18 in detail. The evidence presented by the applicant in relation to the requirements in Section 18 will be considered by the assessment panel to determine whether these requirements are met.

Section 19 provides details of the requirements which are assessed in an application for mutual recognition.

### **17. Overseas requirements for overseas higher education institutions seeking to operate in Australia.**

- 17.1 The institution is legally established in one or more overseas countries. (E1)<sup>4</sup>
- 17.2 The institution has a clearly articulated higher education purpose which includes a commitment to and support for free intellectual inquiry in the institution's academic endeavours. (A3)
- 17.3 The institution delivers teaching and learning which engage with advanced knowledge and inquiry. (A4)
- 17.4 The institution has governance arrangements, quality assurance processes and a staffing profile appropriate to its goals and academic purposes. (A5)
- 17.5 The institution has sound financial and business management practices and sufficient financial and other resources to sustain delivery of the institution's programs into the future. (A6)
- 17.6 The institution's academic staff are active in scholarship which informs their teaching and are active in research when engaged in research student supervision. (A8)
- 17.7 The institution provides sufficient support and infrastructure to support effective student learning. (A9)
- 17.8 The institution and the courses to be offered in Australia are of an appropriate standard and standing. (E2)
- 17.9 The institution offers courses which have been properly accredited either through appropriate, authorised self-accreditation or by an overseas accreditation authority which, in

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<sup>4</sup> Refers to the relevant criteria or criterion in the *National Protocols for Higher Education Approval Processes*.

the opinion of the Australian jurisdiction's decision-maker, has appropriate standing and authority. (E3)

Evidence to be provided by initial applicants includes:

- Documents which relate to the international legal status of the institution
- Documents which relate to the international standing and standards of the institution and its courses
- Copies of recent accreditation reports from the overseas accreditation authority
- Copies of external, independent reviews or external quality audits of the institution, its courses and its operations
- Documents which relate to the international standing and standards of the overseas higher education accreditation processes to which the institution is subject.

## **18. Local delivery requirements for overseas higher education institutions seeking to operate in Australia**

### **18.1 Fitness and legality (A1, E1, E5)**

Expected outcome: There is a reputable entity associated with all higher education courses and delivery at the institution's Australian sites.

- 18.1.1 The institution is a legal entity which has been established or recognised by or under an Australian legislative instrument.
- 18.1.2 The relationship between the institution and its local partners or agents (if any) is clearly documented in a legal contract or agreement which covers all relevant responsibilities.
- 18.1.3 The senior officers of the institution in Australia and local partners or agents (if any) demonstrate that they are 'fit and proper' persons. (see Appendix 3)
- 18.1.4 The local partners or agents (if any) disclose all details of the history of the entities, their predecessors and related entities, and their history of prior applications for approval to deliver education, and any prior involvement in education delivery indicates a track record of compliance and quality education provision.
- 18.1.5 The institution undertakes to comply with relevant Australian State/Territory and Commonwealth laws and regulatory requirements.

Evidence to be provided by initial applicants includes:

- Copies of documents related to legal status in Australia, such as Australian company registration or overseas company registration in Australia
- Documents, such as agreements or contracts, which define the relationship between the institution and local partners or agents (if any)
- A signed declaration by senior officers of the local institution and local partner or agents (if any) against the fit and proper person requirements in Appendix 3
- A statement of previous history of the local partner or agents (if any), their predecessors and related entities, and their history as any type of education institution, including all successful and unsuccessful applications for approval, both within Australia and overseas
- Declaration of compliance with key State/Territory and Commonwealth laws and regulatory requirements.

## 18.2 Protection of students (E6, A10)

Expected outcome: The rights and interests of students in Australia are safeguarded.

- 18.2.1 The institution has sufficient financial resources to sustain the delivery of the institution's programs at its Australian site/s.
- 18.2.2 The institution has financial and tuition safeguards in place for students at its Australian site/s, such as membership of an approved Tuition Assurance Scheme, financial underwriting and written tuition assurance agreements with another institution, should the institution cease to be able to provide a course or cease to operate as a higher education institution in Australia.
- 18.2.3 Students at the institution's Australian site/s are informed about their contractual arrangements with the institution and have access to information about all charges, conditions, refunds and tuition assurance arrangements.
- 18.2.4 Students at its Australian site/s have access to effective grievance procedures which enable them to make complaints about any aspect of the institution's operations without fear of reprisal and which provide access to an independent third party if internal processes fail to resolve the grievance.

Evidence to be provided by initial applicants includes:

- A detailed business plan for operations at the Australian site/s, incorporating a three year profit and loss projection, sources of funding, capital and asset plan, student enrolments, and risk assessment plan
- Documents which show arrangements are in place for students at the institution's Australian site/s in the event of closure of course/s or the entity, such as membership of an approved Tuition Assurance Scheme (TAS), written tuition assurance agreements from other higher education institutions, bank guarantee or other form of underwriting
- Copies of information provided to students at its Australian site/s regarding grievances, complaints, fees and charges, refunds of fees and tuition assurance, such as through website and/or student handbook
- Policy and procedures for student grievances at its Australian site/s, including costs for students.

## 18.3 Contribution to Australian higher education (A2)

Expected outcome: The institution contributes to the goals of higher education in Australia.

- 18.3.1 The mission and goals of the institution's Australian operations and its programs offered in Australia can be mapped against the goals of Australian higher education as stated in Part 1 (Introduction) of the *National Protocols for Higher Education Approval Processes* and no goal of the institution's Australian operations is incompatible with the goals of Australian higher education.

Evidence to be provided by initial applicants includes:

- Statement of mission and goals for the institution's Australian operations
- Planned public documentation of the institution's Australian operations showing mission, goals, purpose and programs
- Explanation of how the mission and goals of the institution's Australian operations and its programs offered in Australia map against the goals of Australian higher education.

## 18.4 Quality assurance (E4)

Expected outcome: Standards of higher education delivery within Australia are consistent with those for overseas delivery by the institution.

- 18.4.1 The institution maintains oversight of the conferral of awards in Australia and all academic matters in Australia, including student recruitment, admissions, progression, assessment and staffing.
- 18.4.2 The institution has mechanisms for ensuring that its standards and services for students in Australia are consistent with those overseas and in equivalent Australian higher education institutions.
- 18.4.3 The institution has effective mechanisms for monitoring and enhancing academic quality at its Australian site/s, including mechanisms for seeking and acting upon feedback from stakeholders within Australia.
- 18.4.4 The institution has mechanisms for benchmarking its educational delivery in Australia against performance at other sites where its courses are delivered and against equivalent Australian higher education institutions.
- 18.4.5 Any changes made to the courses for delivery in Australia do not substantially alter academic standards or learning outcomes for students.

Evidence to be provided by initial applicants includes:

- Policies and procedures to assure quality and consistency of all courses delivered in Australia, including evidence that the institution is maintaining oversight of the conferral of awards and all academic matters such as student recruitment, admissions, progression, assessment and staffing
- If teaching and/or other services in Australia are provided through a partner or agent, copies of contracts and agreements which ensure quality oversight by the approved overseas institution
- Copies of planned survey tools and examples of data to be collected and analysed to enhance quality at the Australian site/s
- Details of how educational delivery in Australia will be benchmarked against other sites at which the courses are offered and against equivalent Australian institutions
- Details of any changes made to the overseas accredited courses for delivery in Australia, and reasons for such changes.

## 18.5 Staffing (E4, E6)

Expected outcome: Students in Australia are taught and supported by staff with academic and professional expertise to facilitate quality learning outcomes.

- 18.5.1 The numbers, qualifications, experience, expertise and sessional/full-time mix of academic staff at the Australian site/s are appropriate for the nature, range and levels of the courses offered.
- 18.5.2 There are appropriately experienced academic staff available and clearly identified to provide leadership for key academic tasks at its Australian site/s, such as course co-ordination, quality assurance and course review.
- 18.5.3 The institution ensures that its academic staff are available and accessible for students seeking academic assistance at its Australian site/s.

- 18.5.4 The institution ensures that its teaching within Australia is normally carried out by academics with relevant qualifications which are higher than the level of the course being taught.
- 18.5.5 The numbers and expertise of administrative and support staff at the Australian site/s are appropriate to ensure all administrative and support functions are carried out effectively and students have adequate access to assistance when they require it.
- 18.5.6 The institution has strategies for enhancing teaching quality and other aspects of staff performance at its Australian site/s, such as through staff development and other professional development opportunities, including for sessional staff.
- 18.5.7 The institution supports academic staff at its Australian site/s, including sessional staff, to be active in scholarship which informs their teaching.
- 18.5.8 The institution supports academic staff who supervise research higher degree students at its Australian site/s to be active in research.
- 18.5.9 Academic staff at the Australian sites/s, including sessional staff, are actively engaged in scholarship and/or professional practice relevant to the fields in which they teach and at an appropriate level reflecting their seniority and responsibilities.
- 18.5.10 Academic staff who are principal supervisors of research higher degree students at the Australian site/s are active in research.

Evidence to be provided by initial applicants includes:

- Details of staff profile at the Australian site/s, including employment arrangements, length of service, qualifications, background and main area/s of responsibility
- Background of staff involved in the quality assurance, co-ordination and delivery of the institution's higher education courses at the Australian site/s
- Copies of policies and procedures relating to the availability of academic staff for consultation with students at the Australian site/s
- Student staff ratios at the Australian site/s
- Policies on staff recruitment and appointment at the Australian site/s
- Staff development policy, budget, plans and expenditure for staff, including sessional staff, at the Australian site/s
- Details of budget and other institutional strategies to support staff in research (if relevant) and scholarship at the Australian site/s
- Details of involvement by academic staff at the Australian site/s in various types of scholarly activity, such as membership of a discipline journal editorial board, acting as an anonymous peer reviewer, membership of academic societies, peer recognition (e.g. fellowship of an academy or other awards), and presentation of conference papers
- Details of involvement by academic staff at the Australian site/s in various types of relevant professional activity integral to the academic's discipline, such as membership of professional societies, consultancy work and creative endeavour
- Copies of documented policies and procedures for appointing supervisors of research students at the Australian site/s (if relevant), demonstrating the requirement for principal supervisors to be research active (noting that the definition of research active for this purpose must exclude research student supervision)
- For staff involved in research student supervision related to the Australian site/s, details of a record of successful research student supervision and details of research output, such as research publications and research income.

## 18.6 Facilities and student services (E4, E6)

Expected outcome: Student learning outcomes in Australia are enhanced through access to quality facilities, learning and information resources and support services.

- 18.6.1 The physical presence of the institution at its Australian site/s, as a minimum, provides a point of contact for students during normal office hours and is appropriate to the size, nature and higher education purpose of the institution at the Australian site/s.
- 18.6.2 The institution has arrangements at its Australian site/s to maintain contact with and support students who are remote from the campus, such as through a website, telephone, print and on-line resources, and email.
- 18.6.3 The institution has facilities at its Australian site/s, including classrooms, library, laboratories, administrative areas and staff office accommodation, appropriate in scope and quality for the size and nature of the institution in Australia, and the delivery methods and the types of courses it offers at its Australian site/s.
- 18.6.4 The institution provides an appropriate range and quality of student services at its Australian site/s, such as counselling, academic and career advice, IT support, and student learning assistance.
- 18.6.5 The institution has measures in place to prevent and detect cheating and plagiarism amongst its students at its Australian site/s and to deal appropriately with any instances of these practices.
- 18.6.6 The institution has effective mechanisms to identify students 'at risk' in terms of their academic progress and provides support for such students at its Australian site/s.
- 18.6.7 The range and quality of the learning and information resources provided to students at the institution's Australian site/s support effective student learning and are appropriate for the nature of the courses and their delivery.

Evidence to be provided by initial applicants includes:

- Details of physical and IT facilities at the institution's Australian site/s, including accessibility for students
- Details of all student services at its Australian site/s including information about accessibility for students
- Details of processes for review and improvement of facilities and student services at its Australian site/s
- Copies of contracts/agreements if services are out-sourced
- Copies of policies on academic misconduct and plagiarism which relate to its Australian site/s.
- Details of how 'at risk' students are identified at the Australian site/s and the academic counselling or other learning assistance and support available to students at the Australian site/s
- Details of library holdings, electronic resources and access to learning resources for students and staff at the Australian site/s
- Details of the assistance available the institution's Australian site/s to students in developing information literacy and in accessing resources
- Policies on the development and review of learning and information resources available at the Australian site/s, including details of budget available for maintaining and upgrading such resources.

## **19. Requirements for mutual recognition of an overseas higher education institution in a secondary jurisdiction**

### **19.1 Organisational**

Expected outcome: There is a legally accountable and reputable entity responsible for all higher education courses and delivery.

- 19.1.1 If the operation in the secondary jurisdiction involves a separate legal or business entity, its relationship with the approved entity is clear and indicates that the approved entity is legally responsible for all higher education courses and delivery.

Evidence to be provided by initial applicants includes:

- Documentation to indicate the legal and organisational relationship between the approved entity and the entity delivering the course/s in the secondary jurisdiction, such as a copy of the contract between the two parties (if relevant).

### **19.2 Quality assurance**

Expected outcome: Standards are consistent for all sites at which the institution delivers its courses.

- 19.2.1 The approved entity maintains oversight of the conferral of awards and all academic matters in the secondary jurisdiction, including staffing and student recruitment, admissions, assessment and progression.
- 19.2.2 The institution has mechanisms for ensuring that its standards and services for students in the secondary jurisdiction are consistent with those in the primary jurisdiction.
- 19.2.3 The institution has effective mechanisms for monitoring and enhancing quality in the secondary jurisdiction, including mechanisms for seeking and acting upon feedback from stakeholders within the secondary jurisdiction.
- 19.2.4 The institution has mechanisms for benchmarking its educational delivery in the secondary jurisdiction against performance at other sites where its courses are delivered.
- 19.2.5 No changes have been made to the course for delivery in the secondary jurisdiction unless required for professional registration and, if required, these do not substantially alter academic standards or learning outcomes for students.

Evidence to be provided by initial applicants includes:

- If teaching and/or other services in the secondary jurisdiction are provided through a partner or partners, details of contracts and agreements
- Policies and procedures to assure quality of all courses delivered in the secondary jurisdiction
- Details of survey tools and examples of data collected and analysed to enhance quality in the secondary jurisdiction
- Details of any changes made to courses for delivery in the secondary jurisdiction and the reasons for such changes.

### **19.3 Staffing**

Expected outcome: Students are taught and supported by staff with academic and professional expertise to facilitate quality learning outcomes and who contribute to the advancement of knowledge and understanding.

- 19.3.1 The numbers, qualifications, experience, expertise and sessional/full-time mix of academic, administrative and support staff in the secondary jurisdiction are appropriate for the nature, mode of delivery, range and levels of the courses offered.
- 19.3.2 The institution ensures that academic staff are available for students seeking academic assistance in the secondary jurisdiction.
- 19.3.3 The institution ensures that its teaching in the secondary jurisdiction is normally carried out by academics with relevant qualifications higher than the level of the course being taught.
- 19.3.4 The institution has strategies for enhancing teaching quality and other aspects of staff performance in the secondary jurisdiction, including for sessional staff, such as through staff development and other professional development opportunities.
- 19.3.5 Academic staff in the secondary jurisdiction, including sessional staff, are actively engaged in scholarship and/or professional practice relevant to the fields in which they teach and at an appropriate level reflecting their seniority and responsibilities.
- 19.3.6 Academic staff who are principal supervisors of research higher degree students in the secondary jurisdiction are active in research.

Evidence to be provided by initial applicants includes:

- Details of staff profile in the secondary jurisdiction, including employment arrangements, length of service, qualifications, background and list of subjects taught
- Details of staff involved in the quality assurance, co-ordination and delivery of the institution's higher education courses in the secondary jurisdiction
- Copies of policies and procedures relating to availability of academic staff for consultation with students in the secondary jurisdiction
- Policies on staff recruitment and appointment in the secondary jurisdiction
- Student staff ratios in the secondary jurisdiction
- Staff development policy, plans, budget and expenditure for staff in the secondary jurisdiction
- Details of involvement by academic staff in the secondary jurisdiction in various types of scholarly activity, such as membership of a discipline journal editorial board, acting as an anonymous peer reviewer, membership of academic societies, peer recognition (e.g. fellowship of an academy or other awards), and presentation of conference papers
- Details of involvement by academic staff in the secondary jurisdiction in various types of relevant professional activity integral to the academic's discipline, such as membership of professional societies, consultancy work and creative endeavour
- For staff involved in research student supervision related to the secondary jurisdiction, details of a record of successful research student supervision and details of research output, such as research publications and research income.

## **19.4 Facilities and student services**

Expected outcome: Student learning outcomes are enhanced through access to quality facilities, learning and information resources and support services.

- 19.4.1 The institution has facilities in the secondary jurisdiction, including classrooms, library/information resource centre, laboratories, administrative areas and staff office accommodation, appropriate in scope and quality for the size and nature of the institution, the delivery methods and the types of courses it offers.

- 19.4.2 The institution provides an appropriate range and quality of student services in the secondary jurisdiction, such as counselling, academic and career advice, IT support, and student learning assistance.
- 19.4.3 Students in the secondary jurisdiction have access to effective grievance procedures which enable them to make complaints about any aspect of the institution's operations without fear of reprisal and which provide access to an independent third party if internal processes fail to resolve the grievance.
- 19.4.4 The institution has effective mechanisms to identify students in the secondary jurisdiction who are 'at risk' in terms of their academic progress and the institution provides support for such students in the secondary jurisdiction.
- 19.4.5 The range and quality of the learning and information resources provided to students in the secondary jurisdiction support effective student learning and are appropriate for the nature of the courses and their delivery.

Evidence to be provided by initial applicants includes:

- Details of physical and IT facilities in the secondary jurisdiction, including accessibility for students
- Details of all student services in the secondary jurisdiction including information about accessibility for students
- Details of processes for review and improvement of facilities and student services in the secondary jurisdiction
- Copy of policy and procedures relating to student grievances, and copy of information provided to students about the procedures in the secondary jurisdiction, including costs to students
- Details of how 'at risk' students are identified in the secondary jurisdiction and the academic counselling or other learning assistance and support available to students in the secondary jurisdiction
- Details of library holdings, including electronic databases, in the secondary jurisdiction, and access to learning resources for students and staff
- Copies of contracts/agreements if services in the secondary jurisdiction are out-sourced.

## Appendix 1: Glossary

### Approval:

A process of assessment and review which enables a higher education course or institution to be recognised or certified as meeting appropriate standards.

### Course:

A sequence of study leading to the award of a qualification.

### Course accreditation:

The term 'course accreditation' includes the assessment and approval of courses of study which lead to higher education qualifications.

### Delivering Australian higher education qualifications offshore:

A higher education institution approved in Australia which operates offshore and is involved in the delivery of courses or parts of courses leading to AQF qualifications, the related components of that activity (such as educational delivery and assessment), and/or awarding AQF qualifications offshore (whether or not a course is provided).

### Field of study:

The term 'field of study' as used in the National Guidelines is a modified version of the Australian Bureau of Statistics' Australian Standard Classification of Education (ASCED) categories for a broad field of education (excluding the 'mixed field' classification). For the purposes of these guidelines, there are twelve broad fields of study:

- Mathematical and physical sciences (comprising ASCED narrow fields 0101 Mathematical Sciences, 0103 Physics and Astronomy, 0105 Chemical Sciences, 0107 Earth Sciences and detailed fields 019907 Pharmacology, 019909 Laboratory Technology and 019999 Natural and Physical Sciences n.e.c.)
- Biological sciences (comprising ASCED narrow field 0109 Biological Sciences and detailed fields 019901 Medical Science, 019903 Forensic Sciences and 019909 Food Science and Biotechnology)
- Information technology (comprising ASCED broad field 02)
- Engineering and related technologies (comprising ASCED broad field 03)
- Architecture and building (comprising ASCED broad field 04)
- Agriculture, environmental and related studies (comprising ASCED broad field 05 and narrow field 0611 Veterinary Studies)
- Clinical sciences and clinical physiology (comprising ASCED narrow fields 0601 Medical Studies, 0605 Pharmacy, 0607 Dental Studies, 0609 Optical Science and 0615 Radiography)
- Public health and health services (comprising ASCED narrow fields 0603 Nursing, 0613 Public Health, 0617 Rehabilitation Therapies, 0619 Complementary Therapies and 0699 Other Health)
- Education (comprising ASCED broad field 07)
- Management and commerce (comprising ASCED broad field 08 plus broad field 11 Food, Hospitality and Personal Services)
- Society and culture (comprising ASCED broad field 09)
- Creative arts (comprising ASCED broad field 10).

### Government Accreditation Authorities:

Those Commonwealth and State/Territory agencies listed on the Australian Qualifications Framework *Register of Recognised Education Institutions and Authorised Accreditation Authorities*.

### Green-field institution:

An applicant for which there is no existing education institution and/or facilities and premises on which the application is based. Assessment of the application is therefore made on the basis of detailed plans.

### Higher education qualification:

The qualifications covered by higher education legislation and processes are Australian Higher Education Qualifications defined as higher education qualifications in the Australian Qualifications Framework (AQF).

**Institution:**

The term 'institution' includes the full range of organisations, providers and divisions offering higher education qualifications.

**Jurisdictions:**

Those governments in Australia which have agreed to enact the National Protocols.

**Mutual recognition:**

Refers to approval by one jurisdiction (the 'secondary' jurisdiction) based on registration of an institution and accreditation of its course/s by another jurisdiction (the 'primary' jurisdiction).

**National Protocols:**

The *National Protocols for Higher Education Approval Processes* approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on 7<sup>th</sup> July 2006.

**Non self-accrediting institution:**

An institution which is registered as a higher education institution and whose courses are accredited by the Government Accreditation Authority.

**Operating in Australia and purporting to operate in Australia:**

'To operate' and 'purporting to operate' as a higher education institution in Australia includes both to provide courses or parts of courses in Australia leading to higher education qualifications, and the related components of that activity (educational delivery and assessment), or to award higher education qualifications (whether or not a course is provided). Electronic or distance education delivery of a higher education course/s in or from a jurisdiction is included in the definition of operating in Australia, although electronic or distance education delivery into a jurisdiction from outside Australia is not included. Conducting a business, using premises, mail and/or telecommunication devices 'to operate' or 'purport to operate' a higher education institution in Australia without approval is unlawful under legislation which enacts the National Protocols.

'Purporting to operate' in Australia means representing that the institution operates in Australia (as in the definition above), or has accreditation association with an Australian jurisdiction.

The requirements related to operating in or purporting to operate in Australia apply to an institution or an agent acting on behalf of the institution.

**Overseas higher education institution:**

An overseas higher education institution refers to a university or other recognised higher education institution whose legal origin is in a country or countries other than Australia.

**Quality assurance:**

Quality assurance refers to the policies, attitudes, actions and procedures necessary to ensure that quality is being maintained and enhanced. It requires actions internal to the institution, but may also involve actions of external bodies. It includes course design, staff development and the collection and use of feedback from students and employers. Quality assurance is also used as a general term to refer to the range of possible approaches to addressing concern for quality in higher education.<sup>5</sup>

**Quality audit:**

In the context of quality in higher education, quality audit is a process for checking that procedures are in place to assure quality, integrity or standards of provisions and outcomes.<sup>6</sup>

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<sup>5</sup> Based on the definition provided by the Australian Universities Quality Agency. See: [www.auqa.edu.au](http://www.auqa.edu.au)

<sup>6</sup> Based on definition provided by Standards Australia.

**Registration:**

The term 'registration' includes the approval of an institution to deliver one or more courses of study leading to a higher education qualification.

**Research:**

Research<sup>7</sup> comprises creative work and artistic endeavours undertaken systematically in order to increase the stock of knowledge, including knowledge of humans, culture and society, and the use of this stock of knowledge to devise new applications. Research is characterised by originality and includes creative activity and performance. It has investigation as a primary objective, the outcome of which is new knowledge, with or without a specific practical application, or new or improved materials, products, devices, processes or services. Research ends when work is no longer primarily investigative.

There are three broad types of research activity:

- Basic research is experimental and theoretical work undertaken primarily to acquire new knowledge without a specific application in view. It consists of pure basic research which is work undertaken to acquire new knowledge without looking for long term benefits other than advancement of knowledge and strategic basic research which is work directed into specific broad areas in the expectation of useful discoveries thus providing the broad base of knowledge necessary for the solution of recognised practical problems.
- Applied research is original work undertaken primarily to acquire new knowledge with a specific application in view. It is undertaken either to determine possible uses for the findings of basic research or to determine new ways of achieving some specific and predetermined objectives.
- Experimental development is systematic work, using existing knowledge gained from research or practical experience which is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed.

**Responsible decision-maker:**

Any Commonwealth, State or Territory Minister or other person with responsibility for higher education in Australian jurisdictions which have agreed to the National Protocols.

**Scholarship:**

Scholarship in relation to learning and teaching involves:

- demonstrating current subject knowledge and an ongoing intellectual engagement in primary and allied disciplines, and their theoretical underpinnings;
- keeping abreast of the literature and new research, including by interaction with peers, and using that knowledge to inform learning and teaching;
- encouraging students to be critical, creative thinkers and enhancing teaching understanding through interaction with students;
- engaging in relevant professional practice where appropriate to the discipline;
- being informed about the literature of learning and teaching in relevant disciplines and being committed to ongoing development of teaching practice; and
- focusing on the learning outcomes of students.

**Self-accrediting institution:**

A self-accrediting institution is one which has authority to accredit its higher education courses. Self-accrediting authority may be limited to certain fields of study and/or qualification levels. Self-accrediting institutions include Australian universities established or recognised under Protocol D,

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<sup>7</sup> Based on the ABS definition of Research and Development, with minor amendment to provide for more explicit recognition of performance and creative arts.

institutions with authority to self-accredit their higher education courses under Protocol C and a number of institutions established prior to the National Protocols<sup>8</sup>.

**Subject:**

A distinct module or component of study within a course. Each subject is identified by its title and contributes a fixed percentage towards the requirements for an award. Subjects are often allocated credit points which measure their workload. Subjects are typically completed in one semester.

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<sup>8</sup> Australian Maritime College, Australian Film, Television and Radio School, Batchelor Institute of Indigenous Tertiary Education and Melbourne College of Divinity.

## **Appendix 2: Acronyms**

|         |  |
|---------|--|
| ABS     | Australian Bureau of Statistics  |
| AQF     | Australian Qualifications Framework                                      |
| ASCED   | Australian Standard Classification of Education                          |
| CRICOS  | Commonwealth Register of Institutions and Courses for Overseas Students  |
| MCEETYA | Ministerial Council on Education, Employment, Training and Youth Affairs |
| TAS     | Tuition Assurance Scheme   |
| VET     | Vocational Education and Training  |

### **Appendix 3: Fit and Proper Person Guideline**

For the purposes of offering higher education courses and operating a higher education institution, an applicant and the institution's senior officers must fulfil the fit and proper person requirements. In determining whether a person meets the fit and proper person requirements, consideration will be given to whether the applicant or any senior officer:

- has had any criminal charges or convictions or has committed any drug offences;
- was or is an undischarged bankrupt or has certain arrangements outstanding under bankruptcy legislation;
- has ever been disqualified from managing corporations;
- was or is a prohibited person under Child Protection provisions; or
- has been suspended or removed from any register of higher education or vocational education and training institutions or courses for breaches of accreditation legislation or conditions.

These provisions must be maintained at all times during the period of the approval.

The requirement applies to an officer, director or substantial shareholder who is in a position to influence the management of the institution. A substantial shareholder is defined as a shareholder who owns 15% or more of the applicant entity or is entitled to receive 15% or more of any dividend paid by the entity.

By signing the declaration, the signatory is giving consent to the Government Accreditation Authority to investigate the status of the applicant and other relevant officers if necessary. This may entail searches by the Police or the Australian Securities and Investments Commission, as well as the exchange of information with other jurisdictions. The primary onus is on the applicant to disclose any relevant matters.

While the fit and proper person requirement does not extend to all staff of the institution other than those defined above, it is the responsibility of the institution to ensure the appropriateness of staff. Institutions should have in place mechanisms for screening staff prior to employment and procedures to ensure staff remain fit for their duties.