

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Supplementary Budget Estimates 2015 - 2016**

Outcome: Agency: TEQSA

Department of Education and Training Question No. SQ15-000784

Senator Carr, Kim provided in writing

TEQSA - Refusal for Raffles College to enrol international students

Question

Is it true that TEQSA has refused Raffles College the capacity to enrol international students – essentially their CRICOS registration?

Is TEQSA currently acting in this area on delegated powers? Can you confirm that, if Parliament approves the legislation before Parliament, TEQSA will assume this power over CRICOS registration for higher education providers in its own right?

Would you agree that this area of responsibility has a fraught and complex history, and that, in it, there are many pitfalls and problems for any regulator?

Given that TEQSA's resources and staffing have been drastically reduced, can the Agency perform this function adequately? At the cost of which of its other functions will TEQSA be doing this?

Answer

The Tertiary Education Quality and Standards Agency (TEQSA) provided the following response.

On 11 June 2015, TEQSA decided not to make a recommendation under section 9AA of the *Education Services for Overseas Students Act 2000* (the ESOS Act) for the purposes of:

- (a) renewing Raffles College of Design and Commerce's (RCDC) registration to provide higher education courses to overseas students
- (b) adding RCDC's higher education courses at RCDC's new Parramatta premises to RCDC's registration.

These decisions had the effect that RCDC's registration on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) could not be renewed, and RCDC's CRICOS registration expired on 16 June 2015.

RCDC applied to the Federal Court of Australia for judicial review of TEQSA's decisions. The Federal Court dismissed RCDC's application and ordered that RCDC pay TEQSA's costs.

TEQSA currently has two roles in decisions about CRICOS registration. First, TEQSA is a 'designated authority' in its own right, responsible for deciding whether to make recommendations under section 9AA of the ESOS Act. Second, TEQSA is a delegate of the Secretary, responsible for making decisions about registration where a recommendation has been made under section 9AA. TEQSA understands that, if Parliament approves the legislation before Parliament, these roles will be combined and TEQSA will assume this power over CRICOS registration for higher education providers in its own right.

TEQSA has provided feedback on the proposed legislation that is currently before Parliament and does not propose to provide further comment on this matter.

TEQSA is confident of its continuing ability to assess CRICOS applications with sufficient care and attention. While sufficient care and attention can be maintained, TEQSA has stated previously that it expects, due to resourcing constraints, the time taken to assess applications to increase in the short term.