

Compliance - Regulatory Reporting Procedure

Section 1 - Summary

(1) This Procedure outlines the responsibility for and processes involved in Victoria University's (VU) regulatory obligations relating to:

- a. reporting material changes;
- b. appointment of Accountable Executives;
- c. declarations of interests and fit and proper persons;
- d. responding to regulator requests for information and assessments;
- e. providing an annual declaration on compliance to ASQA; and
- f. conducting an internal audit of compliance against the Dual Sector VET Funding Contract.

(2) These requirements are set by the following regulators:

- a. the [Tertiary Education Quality and Standards Agency](#) (TEQSA);
- b. the [Department of Education](#) (DOE) ([Commonwealth Register of Institutions and Courses for Overseas Students](#) - CRICOS);
- c. the [Australian Skills Quality Authority](#) (ASQA);
- d. the [Victorian Registration and Qualifications Authority](#) (VRQA); and
- e. the [Victorian Department of Education and Training](#) (DET).

Section 2 - HESF/ASQA/ESOS Alignment

(3) [Tertiary Education Quality and Standards Agency Act 2011 \(Cth\)](#) - Sections 7A, 25A, 29, 59 and 60

(4) [Higher Education Standards Framework \(Threshold Standards\) 2021](#) (HESF) - Standard 6.1.2.a.

(5) [National Vocational Education and Training Regulator Act 2011 \(Cth\)](#) - Sections 23, 25, 35, 186

(6) [Standards for Registered Training Organisations \(RTOs\) 2015](#) - Standard 7.1(b) and Schedule 3

(7) [Education Services for Overseas Students Act 2000 \(Cth\)](#) - Sections 7A and 11

(8) [National Vocational Education and Training Regulator \(Data Provision Requirements\) Instrument 2020](#)

Section 3 - Scope

(9) This Procedure is applicable across the University's course delivery operations including when dealing with partnerships in Australia and offshore.

Section 4 - Definitions

(10) **Accountable Executive** – A member of the senior executive appointed as the Principal Executive Officer (PEO) or principal contact for regulatory purposes by the Vice-Chancellor.

(11) **Fit and Proper Person Declaration** – A self-declaration for individuals that includes questions designed to assess that persons who exercise a degree of control or influence over the management of education and training services are people with whom the public is likely to have confidence in their suitability to manage or be involved with an organisation that provides or assesses national qualifications.

(12) **Material change** – An event that has happened or is likely to happen that will significantly affect VU's ability to meet TEQSA or ASQA requirements. It includes notifications under section 17A of the [Education Services for Overseas Students Act 2000 \(Cth\)](#).

Section 5 - Policy/Regulation

(13) [Compliance Management Policy](#)

Section 6 - Procedures

Part A - Roles and Responsibilities

| Roles | Responsibilities |
|--|--|
| Council members | Upon initial appointment and annually complete: <ul style="list-style-type: none">• A Declaration of Private Interests; and• A TEQSA Fit and Proper Person Declaration. |
| Vice-Chancellor's Group (VCG) | Upon initial appointment and annually complete: <ul style="list-style-type: none">• A Declaration of Private Interests; and• A TEQSA and/or ASQA Fit and Proper Person Declaration. Identify Reportable Occurrence(s) that require Material Change Notifications (MCNs) and notify the relevant Accountable Executive. Support Accountable Executive(s) in the preparation of MCNs and regulator requests for information (RFIs) and compliance assessments. |
| Vice-Chancellor (VC) | Nominate and approve Accountable Executive(s) (i.e. principal executive officers (PEOs) or principal contacts) for TEQSA and ASQA including for CRICOS. |
| Senior Deputy Vice-Chancellor and Chief Academic Officer | Act as Accountable Executive for TEQSA including for CRICOS. Review and approve submission of MCNs to TEQSA. Coordinate and approve responses to TEQSA RFIs and compliance assessments. Notify relevant Governance committees of MCNs, RFIs and compliance assessments. |

| Roles | Responsibilities |
|---|---|
| Chief TAFE Officer | <p>Act as Accountable Executive for ASQA.</p> <p>Review and approve submission of MCNs to ASQA, other VET regulators and VRQA.</p> <p>Coordinate and approve responses to audits, RFIs, and compliance assessments by ASQA, DET, other VET regulators and VRQA.</p> <p>Notify relevant Governance committees of MCNs, audits, RFIs and compliance assessments.</p> <p>Provide an Annual Declaration on Compliance to ASQA.</p> <p>Conduct an internal audit of the Dual Sector VET Funding Contract each calendar year.</p> <p>Submit the Quality Indicator (QI) Summary to ASQA by 30 June each calendar year for the previous year.</p> |
| Chief Risk Officer | <p>Support the Accountable Executive for TEQSA on submission of MCNs and RFIs to TEQSA in line with current regulatory requirements.</p> <p>Coordinate the completion and maintain records of the annual TEQSA and/or ASQA Fit and Proper Person Declarations for VCG and other senior executives.</p> <p>Maintain records of the Vice-Chancellor appointed Accountable Executives and MCNs to TEQSA.</p> |
| Director, Academic Quality and Standards | <p>Coordinate the following activities and maintain records:</p> <ul style="list-style-type: none"> • Annual Declaration on Compliance to ASQA; • Internal audit of the Dual Sector VET Funding Contract; • Quality Indicator Summary; and • MCNs, responses to audits, RFIs and compliance assessments by ASQA, DET, other VET regulators and VRQA in line with regulatory requirements. |
| Director, Governance and Secretariat | <p>Coordinate the completion and maintain records of Declaration of Private Interests and TEQSA Fit and Proper Person Declarations for Council members upon initial appointment and annually.</p> |
| Chief Human Resources Officer | <p>Ensure that upon initial appointment senior executive staff complete a Declaration of Private Interests and a TEQSA and/or ASQA Fit and Proper Person Declaration.</p> |
| Manager, Corporate Finance Services | <p>Coordinate the completion and maintain records of annual Declaration of Private Interests for VCG and other senior executives.</p> |
| Executive Director, Business Intelligence | <p>Conduct Learner Questionnaire (LQ) twice a year and Employer Questionnaire (EQ) once a year and provide the data to the Chief TAFE Officer to summarise and submit to ASQA.</p> |
| All Staff | <p>Notify any identified or suspected Reportable Occurrence that has or may occur to the Chief Risk Officer and/or the relevant Accountable Executive immediately.</p> |

Part B - Material Change Notifications

(14) Material Change Notifications (MCNs) must be reported to:

- a. TEQSA: No later than 14 days after Victoria University would have reasonably been expected to have become aware of the reportable event(s); and
- b. ASQA: As soon as practicable, and within than 90 calendar days of the event(s).
- c. For all other authorities please refer to relevant regulatory requirements.

(15) MCNs must be submitted:

- a. TEQSA: To materialchanges@teqsa.gov.au with a copy to the Case Manager.
- b. ASQA: Using the [asqanet](#) portal

(16) VCG members are responsible for ensuring that any Reportable Occurrence arising from their portfolio that requires a MCN is identified and notified to the relevant Accountable Executive.

(17) MCNs submitted to TEQSA, ASQA, other VET regulators and VRQA must be reviewed and approved by the Senior Deputy Vice-Chancellor and Chief Academic Officer or Chief TAFE Officer respectively in line with regulatory requirements.

Part C - Reportable Occurrence

(18) A Staff member who identifies or suspects that a Reportable Occurrence has or may occur must immediately report the occurrence to the Chief Risk Officer and/or the relevant Accountable Executive.

(19) If the Chief Risk Officer and Accountable Executive determine that a MCN is required in accordance with TEQSA or ASQA requirements, the relevant VCG member and/or designated subject matter expert will draft the MCN with advice from Risk and Compliance.

(20) Reportable Occurrence(s) include:

- a. Any changes in business ownership, financial status, legal name or type of legal entity;
- b. Change of Chief Executive Officer (CEO), Principal Executive Officer (PEO) or Principal Academic Leader;
- c. Change of Corporate address/location change;
- d. Events that would affect the fit and proper status of Council members or key senior staff, e.g. Party to a civil or criminal action before court or proceedings before a professional registration/licensing body or subject of an inquiry or investigation of a government department, regulatory body or former employer that could reasonably raise an expectation of interference with public duties;
- e. Changes that may impact on good standing such as allegations of research misconduct and unscheduled compliance audits by other regulators or government department;
- f. Changes that may impact on financial viability such as significant changes to the provider's existing, new or anticipated revenue sources or the appointment of an external administrator, liquidator or receiver;
- g. New arrangements to deliver a course of study in whole, or in part, through a third party (onshore and offshore);
- h. Significant issues arising from third party arrangements such as failures of the control and reporting systems put in place by VU to monitor third party delivery or failures on the part of the third party to ensure that course delivery meets relevant regulatory requirements including HESF;
- i. Any events that may have significant impact on students, including:
 - i. Changes in course delivery sites including new delivery sites;
 - ii. A change or lapse in the professional accreditation status of a course;
 - iii. Major changes to the terms and conditions of enrolment;
 - iv. Discovery of a contract cheating incident involving multiple students;
 - v. Critical incidents and other material breaches in safety (e.g. an investigation into a sexual assault on campus identifies failures in policies and processes designed to protect students);
 - vi. Recurring incidents of sexual assault or sexual harassment; and,
- j. Any other significant events that happen or are likely to happen that would significantly affect VU's ability to comply with regulatory requirements (e.g. a cybersecurity attack that disrupts VU's information technology systems and key services).

Part D - Declaration of Interest and Fit and Proper Person Checks

| | Declaration | Timing and Coordination |
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| Council Members | Declaration of Private Interests TEQSA Fit and Proper Person Declaration | Initial Appointment - Governance and Secretariat Annually - Governance and Secretariat |
| VCG Members and other senior executives | Declaration of Private Interests TEQSA and/or ASQA Fit and Proper Person Declaration | Initial Appointment - People and Culture (TEQSA and ASQA Fit and Proper Person Declaration) Annually - Risk and Compliance (TEQSA and ASQA Fit and Proper Person Declarations) Annually - Finance (Declaration of Private Interests) |

(21) Council and VCG members may seek advice from the General Counsel regarding potentially declarable events.

(22) Council members must notify any declarable events that occur between annual declarations to the Director, Governance and Secretariat.

(23) VCG members must notify any declarable events that occur between annual declarations to the Chief Risk Officer.

Part E - Annual Declaration on Compliance

(24) The Chief TAFE Officer will ensure that processes are in place for the Annual Declaration on Compliance to be submitted to ASQA by 31 March each year and to maintain records of such declarations.

Part F - Internal Audit against the Dual Sector VET Funding Contract

(25) The Chief TAFE Officer will ensure that processes are in place to conduct an internal audit of compliance with the Dual Sector VET Funding Contract (the Contract) during each calendar year, in accordance with any requirements of the Department of Education and Training (DET). The first internal audit must be completed within six months after the commencement date of the Contract.

(26) This internal audit will be conducted by Academic Quality and Standards.

(27) Each internal audit must be :

- a. signed by the Chief TAFE Officer (i.e. CEO of the Training Provider); and
- b. provided to DET on request.

(28) If an internal audit reveals non-compliance with the Contract, the Chief TAFE Officer must:

- a. develop a rectification plan within a reasonable timeframe to rectify the non-compliance within a reasonable timeframe;
- b. provide DET with a copy of the rectification plan on request; and,
- c. report any material non-compliances to relevant Governance Committees.

Part G - Quality Indicators

(29) The Executive Director, Business Intelligence will ensure that processes are in place to conduct a Learner Questionnaire (LQ) twice a year and Employer Questionnaire (EQ) once a year to meet the requirements of the [National Vocational Education and Training Regulator \(Data Provision Requirements\) Instrument 2020](#).

(30) The Chief TAFE Officer will organise the data from the LQ and EQ to be summarised and submitted to ASQA by 30 June each year for the previous calendar year.

Part H - Appointment of Accountable Executives

(31) The Vice-Chancellor will nominate and approve Accountable Executives (i.e. principal executive officers (PEOs) or principal contacts) for TEQSA and ASQA including for CRICOS.

(32) Appointments and changes will be notified in accordance with the regulator requirements.

(33) A declaration by the Accountable Executive must be made to the relevant regulatory body at the time of appointment as PEO or principal contact and subsequently when submitting applications.

Part I - Regulator Requests for Information and Assessments

(34) The Senior Deputy Vice-Chancellor and Chief Academic Officer will ensure that processes are in place to collate information and prepare responses to RFIs and compliance assessments from TEQSA.

(35) The Chief TAFE Officer will ensure that processes are in place to collate information and prepare responses to audits, RFIs and compliance assessments by ASQA, DET, other VET regulators and VRQA.

(36) Responses to regulators must be approved by the Senior Deputy Vice-Chancellor and Chief Academic Officer or Chief TAFE Officer prior to submission.

(37) Risk and Compliance and Academic Quality and Standards will provide support with regard to submission of MCNs and responses to regulator RFIs, compliance assessments and audits and maintain records.

(38) Accountable Executives will ensure that Governance Committees are informed of MCNs, RFIs, compliance assessments, audits and any outcomes.

Status and Details

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| Status | Current |
| Effective Date | 20th December 2022 |
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| Approval Authority | Chief Financial Officer |
| Approval Date | 19th December 2022 |
| Expiry Date | Not Applicable |
| Accountable Officer | Diana Ortisi Chief Financial Officer +61 3 9919 5210 |
| Responsible Officer | Anne Siegers Chief Risk Officer anne.siegers@vu.edu.au |
| Enquiries Contact | Niluka Griffin Senior Compliance Officer +61 3 9919 4067 |

Glossary Terms and Definitions

"CRICOS" - The Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) is the register prescribed under section 14A of the ESOS Act.

"VET" - Vocational Education and Training.

"TEQSA" - Tertiary Education Quality and Standards Agency is an Australian government agency that regulates and assures the quality of Australia's higher education sector.