

Notifications of Changes to Institutional Operations, Ownership or Management Policy

Section 1 - Background and Purpose

(1) As a Registered Higher Education Provider and a Registered Training Organisation (RTO) La Trobe University must ensure compliance with the:

- a. [Education Services for Overseas Students Act 2000](#) ('ESOS Act' or 'Act');
- b. [Standards for Registered Training Organisations \(RTOs\) 2015](#) (herein referred to as RTO Standards) made pursuant to subsection 185 (1) of the [National Vocational Education and Training Regulator Act 2011](#) (the NVETR Act); and
- c. [Tertiary Education Quality and Standards Agency Act 2011](#) ('TEQSA Act').

(2) This Policy sets out the University's approach to managing its statutory notification obligations, as imposed under the aforementioned Acts and Sections 8.1(d)-(e) of the RTO Standards.

(3) For more information on the University's processes for managing and complying with statutory breach-reporting obligations for events that would significantly affect the University's ability to comply with the ESOS or TEQSA Acts and RTO Standards, see: [Compliance Breach Management Policy](#).

Section 2 - Scope

(4) This Policy applies to those University staff charged with regulatory liaison roles under the relevant Acts and Standards as outlined in Clause 1.

Section 3 - Policy Statement

(5) The University will inform the appropriate Designated Authorities of actual or prospective changes to its Related Persons and/or significant changes to its operations, as prescribed by law.

(6) As the University is a public body established under a law of the state of Victoria, issues of ownership do not arise. As a result, no statutory reporting of changes to ownership would be triggered under the ESOS Act or the RTO Standards, except where this relates to a separate entity owned in part or full by the University.

(7) The University will take reasonable steps to assure itself that any third party providers or agents with whom it enters into a contractual relationship are compliant with all relevant legislation and standards where they act on the University's behalf. Third party providers retain their own notification responsibilities under these legislation and standards.

Section 4 - Procedures

Part A - Overarching Responsibilities

(8) The University has separate and overlapping responsibilities in relation to notifications under the Acts and Standards within scope of this Policy.

(9) The University has a responsibility under each of these instruments to ensure the fitness and propriety of its senior staff.

(10) In accordance with the [Disclosure of Offence, Charge or Conviction Policy](#), the Executive Director, Human Resources (or their nominated delegate) is responsible for:

- a. ensuring the necessary fitness and propriety declarations (as prescribed under the applicable governing legislation) are completed for all designated positions including Associates, Executive Officer (RTO), High Managerial Agents and Key Personnel as part of the appointment process, and on a five-yearly basis thereafter; and
- b. notifying:
 - i. the Pro Vice-Chancellor (International) and the Executive Officer (RTO) as soon as reasonably practicable after becoming aware of any matters likely to be reportable under clause 11a, 11b or 17 below; and/or
 - ii. the Executive Director, Planning and Governance and the Executive Director, Student Services and Administration of any adverse matters affecting the fitness and/or propriety of Key Personnel.

Part B - Responsibilities Under Each Act/Standard

ESOS Act

(11) For the purposes of compliance with the ESOS Act, the University undertakes to notify TEQSA of the following changes to personnel:

- a. as soon as reasonably practicable before an actual or prospective change to a Related Person of the University, as defined in this policy, or in circumstances where the change cannot be determined until it takes effect, within 10 working days of that change. This notification will be accompanied with information on the new Related Person as necessary to satisfy TEQSA of both the candidate's and the University's continued fitness and propriety
- b. as soon as reasonably practicable after becoming aware of a Related Person of the University failing to meet the fitness and propriety standards prescribed under the Act.

(12) The University also undertakes to notify TEQSA:

- a. within 10 business days of any event that would significantly affect the University's ability to comply with the ESOS Act;
- b. within three business days in circumstances where the University defaults (at which time the Tuition Protection Service (TPS) Director will also be notified).

(13) Notification prescribed under clauses 11 and 12, will be made by the Pro Vice-Chancellor (International) who is the nominated delegate of the Vice-Chancellor for the purposes of managing the Universities responsibilities under the ESOS Act. See also clause 10 above.

Agents Compliance - Educational Agents and Partner Providers

(14) Under the National Code, La Trobe University remains responsible for ensuring its Agents (e.g. domestic and overseas educational agents) and Third Party Teaching Providers comply with the ESOS Act. The University discharges this obligation through:

- a. the completion of provider due diligence prior to entering into contracts;
- b. provisions in contracts with agents and third party providers; and
- c. undertaking cyclical reviews and audits.

(15) Under the National Code, La Trobe must publish and maintain the details of education agents with whom the University has a written agreement. This information will be stored in International Student Information System and PRISMS.

(16) For more information on the University's Agent management and educational partnerships practices, please see the:

- a. [Education Agent Management Policy](#);
- b. [Educational Partnerships Policy](#); and the
- c. [Educational Partnerships Procedure - Third Party Teaching Arrangements](#)

RTO Standards

(17) For the purposes of compliance with Standard 8 of the RTO Standards, substantial changes to operations, significant changes to ownership (where applicable), and/or details of events that would significantly affect the University's ability to comply with the RTO Standards will be notified to the National VET Regulator within 90 calendar days of the change occurring.

(18) Notification prescribed under clause 17, will be made in writing by the Executive Director of Student Services and Administration as the Designated Executive Officer of the RTO. See also clause 10 above.

TEQSA Act

(19) In accordance with the TEQSA Act, the University will notify TEQSA within 14 days of an event that would:

- a. significantly affect the University's ability to meet the Threshold Standards; or
- b. require the National Register of Higher Education Providers to be updated in respect of the University.

(20) Notification prescribed under Clause 19, will be made in writing by the Executive Director, Planning and Governance or their nominated delegate.

Section 5 - Definitions

(21) For the purpose of this Policy:

- a. Agents: for the purposes of the ESOS Act, an Agent of the provider means a person (whether within or outside Australia) who represents or acts on behalf of the provider, or purports to do so, in dealing with overseas students. In La Trobe's context, Agents refer to the University's overseas and domestic educational agents and institutional third party partners (Partner Providers).
- b. Associate: the Principal Executive Officer. In La Trobe's context, the Vice-Chancellor is La Trobe's Principal Executive Officer. The function of Associate has been operationally delegated to the Pro Vice-Chancellor

(International) for the purposes of compliance with the ESOS Act.

- c. Designated Authority: for the purposes of the ESOS and TEQSA Acts, this is the Tertiary Education Quality Standards Agency (TEQSA). For the purposes of the [National Vocational Education and Training Regulator Act 2011](#) this is the National VET Regulator.
- d. Executive Officer: for the purposes of the RTO Standards, a person, by whatever name called and whether or not a director of the organisation, who is concerned in or takes part in the management of the RTO. In La Trobe's context, the Executive Director, Student Services and Administration is the RTO's designated Executive Officer.
- e. High Managerial Agent: for the purposes of both the ESOS Act and RTO Standards this is an employee, agent or officer of the Provider with duties of such responsibility that his or her conduct may fairly be assumed to represent the provider in relation to business of providing courses. In La Trobe's context High Managerial Agents include the following designated positions:
 - i. Members of the Governing Body (Council)
 - ii. Deputy Vice Chancellors (Academic and Research)
 - iii. Pro Vice-Chancellor (International)
 - iv. Director, International Recruitment
 - v. Director, International Partnerships and Services
 - vi. Provost (ASSC)
 - vii. Provost (SHE)
 - viii. Associate PVC Academic Partnerships, College of SHE
 - ix. Associate PVC Academic Partnerships, College of ASSC
 - x. Vice-President (Strategy and Development)
 - xi. Chief Finance and Operations Officer
 - xii. Executive Director, Student Services and Administration
 - xiii. Pro Vice-Chancellor (Regional)
 - xiv. Pro Vice-Chancellor (Graduate and Global Research)
 - xv. Chief Marketing Officer
 - xvi. Personnel appointed to the position of Acting Chief Marketing Officer; and
 - xvii. RTO Course Coordinator(s).
- f. Key Personnel: for the purposes of the TEQSA Act, key personnel include persons who make or participate in making decisions that affect the whole, or a substantial part of the provider's affairs. In La Trobe's context, Key Personnel include:
 - i. Members of the Governing Body (Council);
 - ii. Members of the Senior Executive Group.
- g. National Code: means the [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#) (as amended from time to time).
- h. National VET Regulator: RTO Regulator established under the [National Vocational Education and Training Regulator Act 2011](#).
- i. TEQSA: Tertiary Education Quality Standards Agency.
- j. Threshold Standards: is a reference to the [Higher Education Standards Framework \(Threshold Standards\) 2015](#).
- k. Related Person: for the purposes of the ESOS Act, a Related Person of a Registered Provider is:
 - i. An Associate of the provider such as the Principal Executive Officer (i.e. CEO or equivalent), Chair of the Board (or equivalent) or Directors of the Board (or such equivalent); and/or
 - ii. High Managerial Agents of the provider.

(22) For Agents and Third Party Teaching Partners, Related Persons are to be determined by the provider and remain

outside of scope for the purposes of this Policy.

Status and Details

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