Material Change Notification

1.0 Rationale

Acknowledge Education (AE) responsibility to determine which events (or combination of events) constitute a material change that will affect AE's ability to meet and comply with the various regulatory body's requirements.

2.0 Scope

This policy applies to all employees of AE.

3.0 Regulatory Context

3.1 National Code and the ESOS Act

Standard 11.3 of the National Code requires a registered provider to notify its ESOS agency of any proposed changes to the provider's registration for a course at least 30 days prior to the time at which those changes are to take effect. This includes proposed changes to:

- course duration, including holiday breaks
- modes of study, including on-line, distance or work-based training
- number of overseas students enrolled at the provider, within the limit or maximum number approved by the ESOS agency for the location
- arrangements with other education providers, including partners, in delivering a course or courses to overseas students.

Section 17A of the ESOS Act requires a registered provider to notify its ESOS agency (TEQSA or ASQA) of the following, within 10 business days after the event occurs:

- any occurrence of an event that would significantly affect the provider's ability to comply with the Act
- any prospective changes to the ownership of the registered provider as soon as practicable before the changes takes effect
- any prospective or actual change in relation to a related person of the provider. If the change cannot be determined until it takes effect, the registered provider is to notify the ESOS agency (TEQSA) within 10 business days of the change taking effect; or as soon as practicable before the change takes effect.

3.2 Higher Education Standards Framework (2021)

Section 29(1)(a) of the TEQSA Act requires that a registered higher education provider must notify TEQSA if an event happens or is likely to happen that will significantly affect the provider's ability to meet the HES Framework.

Section 29(1)(b) of the TEQSA Act requires that a registered higher education provider must notify TEQSA an event that will require the Register to be updated in respect of the provider.

Section 29(2) of the TEQSA Act requires that the notification must be given no later than 14 days after the day the provider would reasonably be expected to have become aware of the event.

3.3 National Vocational Education and Training Regulator Act 2011

Section 25 of the NVETR Act requires that the organisation notify the ASQA if

- an event occurs, or is likely to occur, that would significantly affect the organisation's ability to comply with the VET Quality Framework; or
- the name or contact details of an executive officer or high managerial agent of the organisation change; or
- there are, or are likely to be, other substantial changes to the operations of the organisation.

3.4 Education and Training Reform Act 2006

Section 4.3.5(1) of the Education and Training Reform Act 2006 requires a registered school to inform VRQA of any changes to a school's details contained in the State Register.

4.0 Material Changes Guidelines

AE recognises the obligations to advise regulatory bodies of any material change or event happening or likely to happen that will significantly affect its ability to comply with the various regulatory bodies requirements including the Tertiary Education Quality and Standards Agency (TEQSA) Higher Education Standards Framework, the Australian Skills Quality Authority ASQA VET Quality Framework, the Victorian Registration and Qualifications Authority (VRQA) Guidelines, *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code) and the 2024-2025 VET Funding Contract.

4.1 Reportable

It is a condition of continued registration that the AE notifies the relevant regulatory bodies of any material changes that it deems of such a nature to significantly affect operations and/or the administrative structure of the organisation. Activities that required t be reported are as follows:

Reportable Changes Activity	Responsibility
Change of Business address • Changes to head office address, phone, website • Changes to principal place of business	CEO or Executive Managers
Change to key staff or their contact details • A general enquiry contact who students and other interested parties can contact. • A registration enquiry contacts who we can contact if we require information about your registration. • People who take part in the management of your organisation (an 'executive officer'). • Academic Governance - change to the chair of the Academic Board • Corporate Governance - membership of a governing body	CEO or Executive Managers
Changes to legal or business name	CEO or CFO
Changes to scope of registration • add or remove courses • increase or decrease student capacity or student course fees • add or remove delivery locations • change course duration or delivery format • change a mandatory work-based training component for an existing course.	Dean
Changes to Financial status • Major shareholder entry or exit • Voluntary administration • Liquidation	CFO
Legal entity type, ownership, and mergers	CEO or CFO
Changes to delivery locations	Head of Operations
Academic Integrity - contract cheating incident involving multiple students, that suggests a systemic or widespread issue, is discovered.	Dean
Reputation/Good standing - A provider is advised of an unscheduled compliance audit by another regulator.	Head of Quality Assurance
Safety and wellbeing – a critical incident involving a under 18 or an investigation into a sexual assault on campus identifies failures in policies and processes designed to protect students.	Head of Operations

Reportable Changes Activity	Responsibility
Third party arrangements - addition of a new third-party provider or a provider becomes aware of serious mismanagement by a third-party provider.	Dean or Head of Operations
Courses - A provider fails to obtain professional accreditation for a course of study.	Dean
Information security - A phishing attack disrupts a provider's IT systems and key services.	IT Director
Changes to school registration • add an additional year level • add an additional campus • change a school's type of registration • change the proprietor of the school • change any other particular of its registration.	CIO or Director of Studies

All reportable material changes on approval from CEO are forwarded to the Head of Quality Assurance and notification to regulatory bodies is to be completed within 10 business days or as required by the regulator.

4.2 Non-Reportable

Not all Material Change events will require reporting to a regulatory body. However, due to the nature of the event, internal reporting and registering should take place. This is to ensure that the appropriate impact reviews have taken place and reported to the regulatory bodies if required.

7.0 Related Documents

Document Name
6.1.1 Governance Framework
6.1.3 Board of Directors Policy Framework
6.2.1 Delegations Framework
5.4.3 Delivering with Other Parties Framework

8.0 Document Information

Document Name	Material Change Notification
Document Number	6.1.4
Purpose	The purpose of this policy is to provide guidelines on the reporting requirements for notifiable material changes to the regulatory bodies
Audience	☒Staff | ☐Students| ☐Public

Category	Governance and Accountability
Subcategory	Corporate Monitoring and Accountability
Approval Date	23/10/2024
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Next Review Date	23/10/2025
Policy Advisor	Head of Quality Assurance
Approving Authority	CEO
Contact	Regulatory Compliance Officer Regulatorcompliancy@ae.edu.au

9.0 Document change and review log

Date	Version	By	Notes
20/10/2020	1	Head of Quality Assurance	Policy Created