

Changes to Registered Providers Ownership or Management Policy and Procedure

1 Purpose and Objective

- 1.1 The purpose of this policy is to formalise enactment of compliance by the International Institute of Business and Information Technology (IIBIT) with the legislative and regulatory framework applicable to providers of international education services in Australia.
- 1.2 This policy specifically addresses the requirements of Standard 15 of the National Code of Practice for Providers of Education and Training to Overseas Students (National Code 2018) regarding changes to registered provider ownership or management. It also addresses Standard 8 of the Standards for Registered Training Organisations (RTOs) 2015 regarding interactions with the VET Regulator and compliance with legislation.

2 Scope

- 2.1 This policy and its associated procedures address regulatory requirements related to mandatory reporting of changes to the registered provider or its management.

3 Policy

Principles

- 3.1 IIBIT commits to compliance with the legislative and regulatory framework applicable to overseas students resident and studying in Australia.
- 3.2 IIBIT wishes to ensure that it appropriately recognises and implements specific legal and regulatory requirements relating to mandatory reporting to ASQA of changes to the registered provider or its management.

Legislative and regulatory requirements underpinning this IIBIT policy and procedures

- 3.3 Standard 15 of the National Code requires reporting to ASQA of any prospective changes to the ownership of IIBIT as soon as practicable, i.e. as soon as IIBIT becomes aware that changes in ownership will take place prior to the change taking effect, and any prospective or actual change to the high managerial agents (as defined in Section 5 of the ESOS Act) of IIBIT as soon as practicable prior to the change taking effect or within 10 working days of the change taking effect where the change cannot be determined until it takes effect.
- 3.4 IIBIT must provide the designated authority (ASQA) with information on the new owner or high managerial agent for the purpose of making an assessment under Section 9(6) of the ESOS Act.
- 3.5 Standard 8.5 Standards for Registered Training Organisations (RTOs) 2015 requires IIBIT to cooperate with the National VET Regulator by providing information about significant changes to its operations.

- 3.6 Standard 8.6 Standards for Registered Training Organisations (RTOs) 2015 requires IIBIT to comply with relevant legislation and regulatory requirements and to ensure that staff and clients are fully informed of these where they affect their duties.

4 Procedure

- 4.1 The Chief Executive Officer of IIBIT or his formally designated nominee will proactively notify ASQA about prospective and actual changes to the ownership and/or management of IIBIT within the timeframes specified by the legislation or ASQA. Where practicable, any such changes will be notified by IIBIT before they take place, but in any event will be notified no later than 10 (ten) days subsequent to the change(s) taking place.
- 4.2 If changes during the period of registration affect the legal entity of IIBIT, the new owner or entity will be instructed by IIBIT to seek a new CRICOS registration. In these situations, IIBIT will notify ASQA as soon as possible prior to the change taking place.
- 4.3 Where the change of ownership does not result in a new legal entity, any new owners or managers will be subject to the 'fit and proper person' test required under section 9(6) of the ESOS Act. In order to facilitate this assessment, IIBIT will provide ASQA with information on the new owner or high managerial agent.

5 Roles and Responsibilities

- 5.1 The Senior General Manager (Operations) carries responsibility for activating the IIBIT procedures relating to reporting requirements, under the general direction of the Chief Executive Officer.

6 Definitions

ASQA	Australian Skills Quality Authority
COE/ECOE	Confirmation of Enrolment/Electronic Confirmation of Enrolment
CRICOS	Commonwealth Register of Institutions and Courses for Overseas Students
DE	Department of Education
DESIGNATED AUTHORITY	A person responsible under the laws of a state for approving providers to provide courses to overseas students in that state
DIBP	Department of Immigration and Border Protection
ESOS ACT 2000	Education Services for Overseas Students Act 2000
HIGH MANAGERIAL AGENT	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 the business of providing courses (see Section 5 of the ESOS Act). Examples of the categories of person to be captured under this amendment – officers with management responsibility, consultants, principals and include teachers. The purpose of this is to prevent persons with a history of non-compliance with the ESOS Act, who are not providers or associates of providers (both currently captured by the legislation), from taking up positions of responsibility with other

providers. So, wherever an employee, consultant, principal, or teacher has sufficient responsibility within an organisation to make decisions with regard to the operation of the provider, a test of their suitability would be applied.

IIBIT	International Institute of Business and Information Technology
INTERNATIONAL STUDENT	A person holding an Australian Student Visa and defined as an Overseas Student in the ESOS Act.
NATIONAL CODE 20072018	The National Code of Practice for Providers of Education and Training to Overseas Students 201807.
NVR	National Vocational Education and Training Regulator Act 2011 (NVR Act)
OWNERSHIP / MANAGEMENT	To be registered on CRICOS, a provider must be a resident of Australia (sections 9 and 16 of the ESOS Act 2000). A company must be incorporated in Australia, carry on business in Australia and have its central management and control in Australia. An unincorporated body must carry on its business in Australia and have its central management and control in Australia.
SRTO	Standards for Registered Training Organisations (RTOs) 2015

7 Associated Information

Related Documents	<ul style="list-style-type: none"> Policy and Procedures, Handbook, website
Related Legislation	<ul style="list-style-type: none"> The Education Services to Overseas Students Act 2000 The National Code of Practice for Providers of Education Training to Overseas Students 2018 (the National Code). Standards for Registered Training Organisations (RTOs) 2015 National Vocational Education and Training Regulator Act 2011 (NVR Act)
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8 Change History

Version Control	Version 5.1	
Change Summary	V1 30/7/11	Overall Review
	V2 20/08/12	Overall Review
	V3 27/02/13	Overall Review
	V4 25/02/15	Update VET standards 2015
	V5 03/05/17	Formatting
	V5.1 08/08/19	Applied new template, plus minor editorials, GMASQA Approved

