



# Regulation Report

1 July to 31 December 2023

## Purpose of this report

This inaugural Regulation Report presents a year-to-date summary of ASQAs regulatory activity from 1 July to 31 December 2023.

The report presents information about our work as the national regulator of Australia's Vocational Education and Training (VET) sector.

Our role is to ensure quality VET so that students, industry, governments, and the community can have confidence in the integrity of national qualifications issued by training providers.

We apply best practice regulation which:

- adopts a whole-of-system perspective to build sector performance, capability and culture
- focuses on areas where the risk is greatest, using data and intelligence to guide our activity, and
- implements a collaborative approach to engagement and communication with all stakeholders.

We will continue to report quarterly on our activity and share additional information and insights about quality in the VET sector as our regulatory activities, data and analytics evolve.

## Our stakeholders

We have a large and diverse range of stakeholders that includes government, VET providers, students, industry bodies and a variety of other regulators and law enforcement. By maintaining networks across this stakeholder base, we ensure we can quickly identify and respond to changes in the sector.

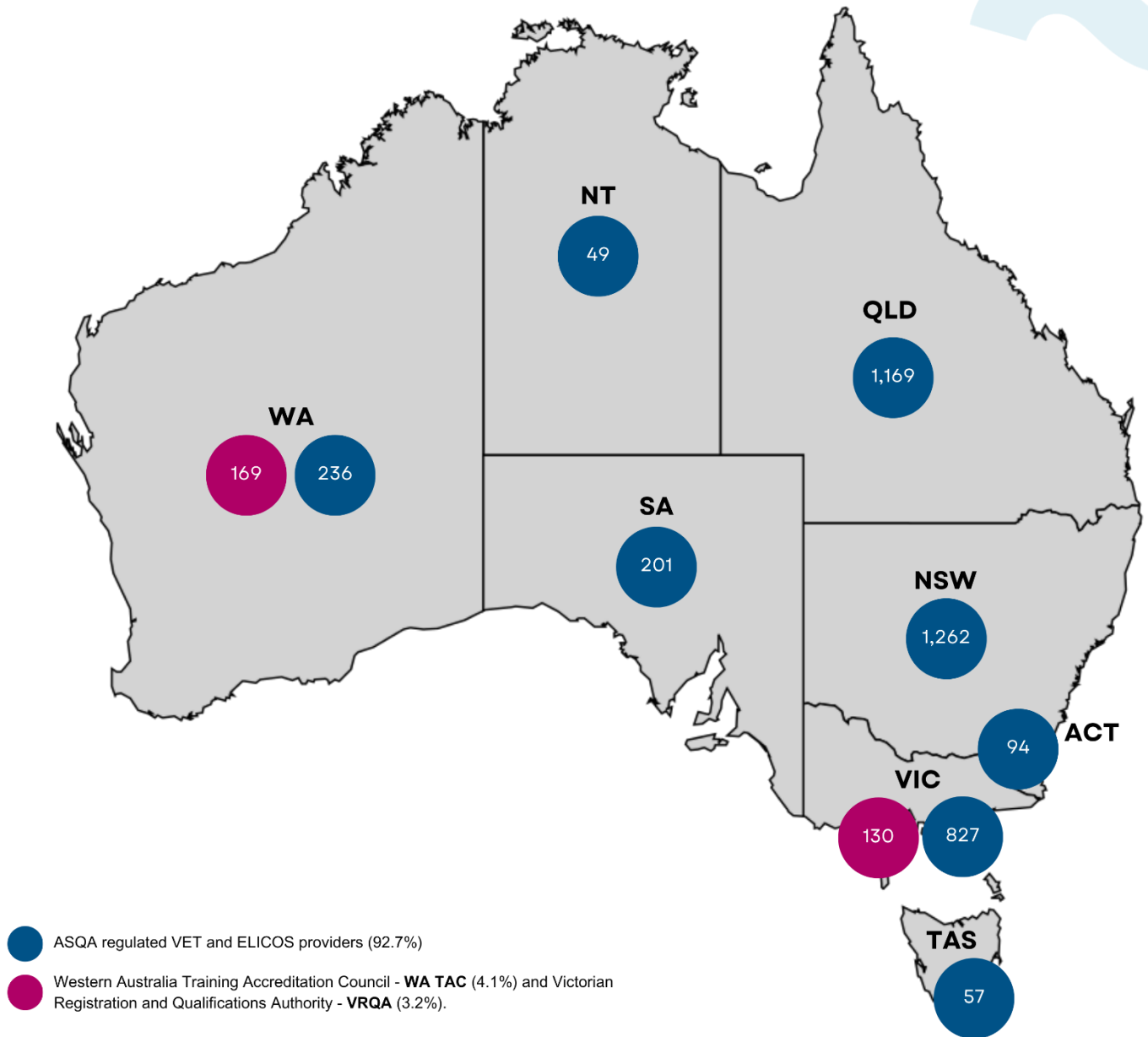
Our regulatory approach is underpinned by our [Regulatory Operating Model](#) and [Regulatory Risk Framework](#).

This applies across our regulation of:

- providers that deliver VET qualifications and courses (i.e. Registered Training Organisations [RTOs])
- providers that deliver VET courses to overseas students
- accredited VET courses and
- certain providers that deliver English Language Intensive Courses to Overseas Students (ELICOS).

# VET sector at a glance

As at 31 December 2023 we regulate 3,895 (92.7%) of the registered training organisations (RTOs), which comprise the national VET provider market.



Of the 3,895 providers we regulate:

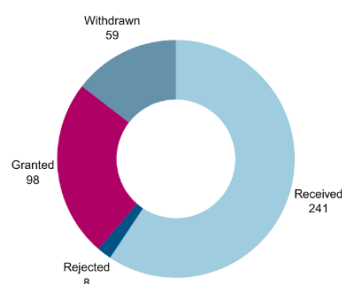
- 2,920 are approved to deliver VET to domestic students.
- 645 are also registered to deliver to both domestic and overseas students.
- 248 are also registered deliver to overseas students.
- 82 are registered to deliver English language courses to overseas students.

## Registering providers

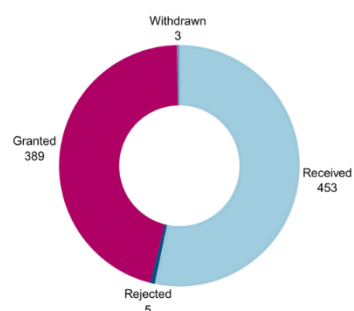
We assess applications for registration against criteria under our legislation to ensure students, employers, governments and the community have confidence in the providers we register. Providers must re-apply for registration before their registration period expires. When a re-registration application is received, we ensure that the provider remains committed and capable of delivering quality training. Providers may also apply to add or remove training products from their scope of registration.

When an application to change scope is made, we consider matters set out in the legislation in deciding whether to grant a change of scope. Providers may also exit the market in several ways - by applying to us to have their registration withdrawn, by letting their registration period expire, or by us cancelling their registration if we consider they have not met their regulatory obligations. Below outlines our registration activities and actions taken between 1 July 2023 and 31 December 2023<sup>1</sup>:

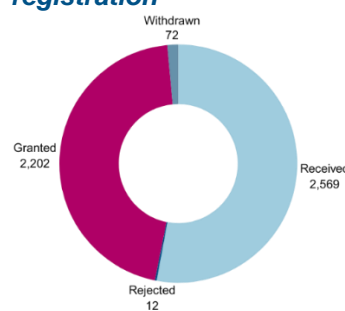
### Initial registration



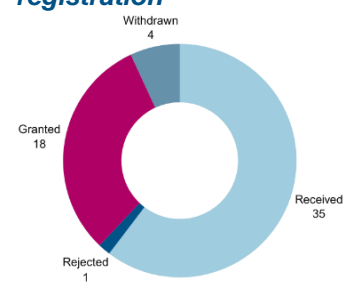
### Registration renewals



### Change of scope of registration



### Withdrawal of registration

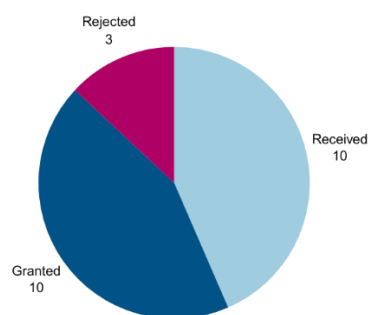


Of the 98 initial registration applications granted the number of new providers that entered the sector over the period included 42 RTOs approved to deliver to domestic students, 20 RTOs approved to deliver to domestic and overseas students, 2 providers approved to deliver English language training only and 14 existing RTOs were approved to deliver to overseas students.

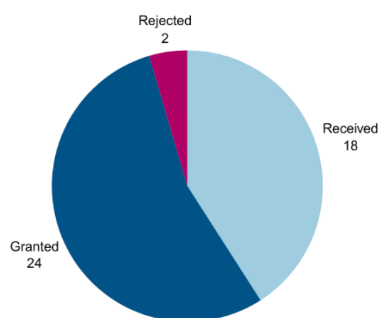
## Accrediting courses

We accredit courses that may be provided by RTO's, to meet industry, enterprise, educational, legislative or community needs, where these needs are not met by nationally endorsed training packages. These courses are then listed on the National Register. A course may be accredited for up to 5 years. During this time, nationally endorsed training packages may have developed new units of competency, skill sets or qualifications since the course was accredited which is a consideration when a course owner is seeking to renew accreditation. Below outlines our accreditation activities<sup>2</sup>:

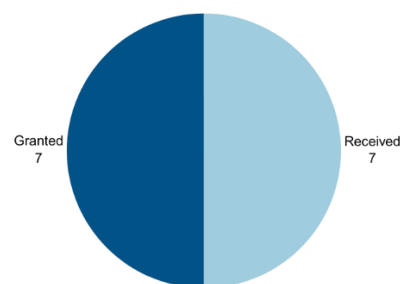
### Initial accreditation



### Renewal of accreditation



### Course amendment



<sup>1</sup> and <sup>2</sup> The number of applications determined is not a subset of the number of applications received as there will have been a number of applications received prior to 1 July that were then determined.

# Monitoring quality

We support providers to deliver quality outcomes through our education and engagement activities, by actively reviewing data, intelligence and information obtained through a variety of sources, and by using a range of activities to monitor provider performance and compliance.

## Education and engagement

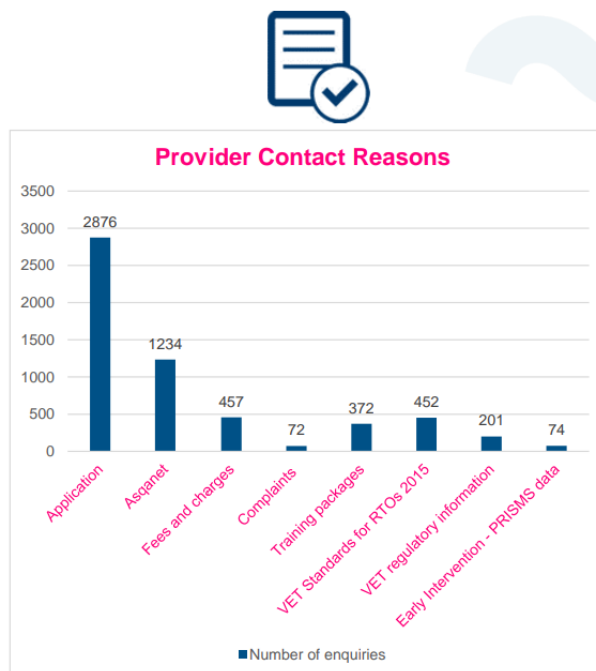
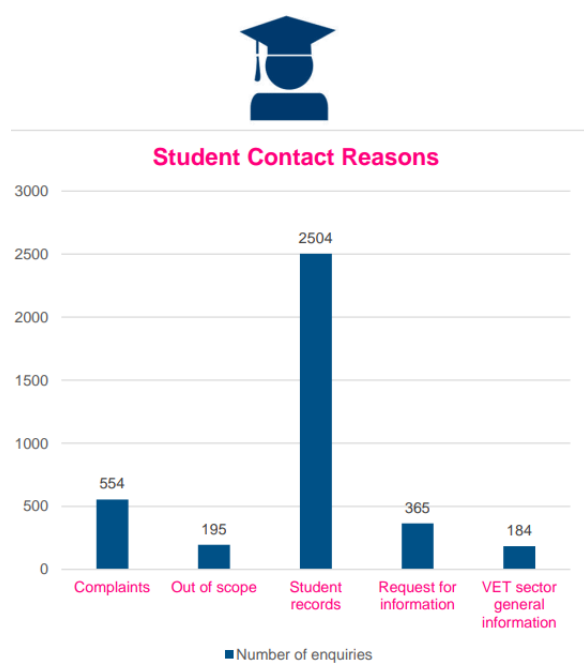
In addition to our own monitoring and oversight, promoting and supporting providers to self-assess their performance in delivering quality VET outcomes and to plan for continuous improvement is the foundation of our [approach to compliance](#).

We promote sector-wide learning by using the outcomes of compliance monitoring activities to communicate with providers about risks and areas of non-compliance.

Between 1 July 2023 and 31 December 2023, ASQA has:

- published and distributed a new monthly newsletter, [ASQA IQ – Integrity and Quality in Focus](#), which offers providers regulatory education and guidance to help providers ensure compliance and continuously improve
- published [Sector alerts](#) on matters including scam warnings, concerning practices in the real estate sector and ELICOS - Multiple Confirmations of Enrolment
- published guide to [rectifying non-compliance](#)
- published guide to [submitting evidence to ASQA](#)
- distributed key regulatory sector messages via the [ASQA Update](#)
- undertaken targeted campaigns with providers of ELICOS and to 76 providers delivering real estate qualifications advising of our awareness of poor training and assessment practices in this industry.

The top enquiries we received through our service delivery line:

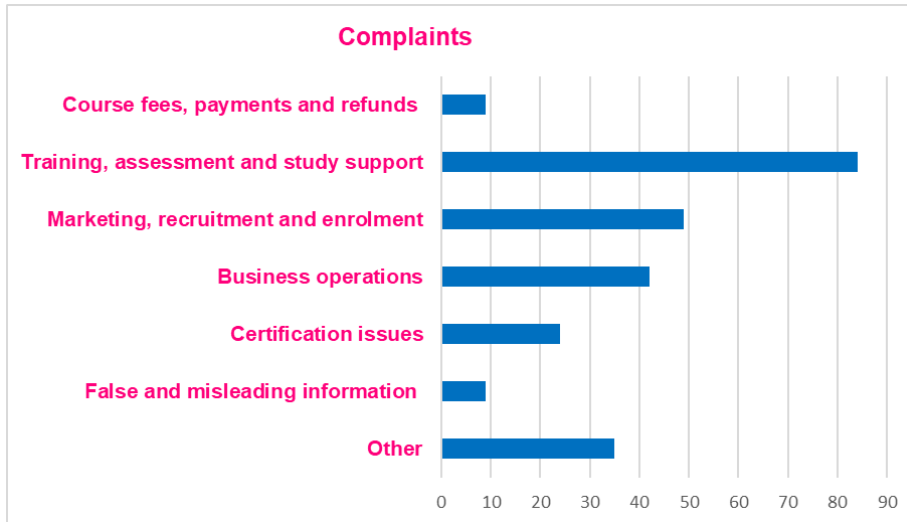


Below outlines the volume through our service delivery line:



## Complaints and intelligence about providers

We receive complaints and intelligence from members of the public about provider practices, including students and staff of providers, through several channels. While ASQA is not a complaint-handling body, in every case, we engage with all complainants (where available). Providers that are the subject of a complaint receive a notification from ASQA advising of the complaint and we may request additional information or assurance, as well as escalate regulatory activity where appropriate. Details of the 252 complaints for the period 1 July until 31 December 2023 are below:

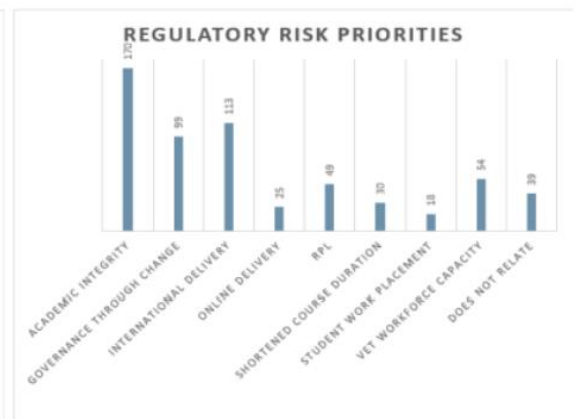


## VET Tip Off line

In October 2023 we established a VET tip-off line to prevent and disrupt illegal behaviour and the exploitation of vulnerable students. This was part of a government investment that will fund an uplift in digital and data systems, that will enable ASQA to further support intelligence gathering and sharing with other agencies, to boost compliance and law enforcement efforts and identify trends or activity that may be evidence of unlawful behaviour. The Integrity Unit will be operationalised from 1 January 2024. Below outlines the nature of the tip-offs received since the tip-off line was established through to 31 December 2023:

**542**  
RECEIVED

**84%**  
ANONYMOUS



## Performance assessment and monitoring of RTOs

We undertake a range of performance assessment and compliance monitoring activities, depending on the nature of risk and the provider's capability and commitment to deliver quality VET and any other relevant circumstances.

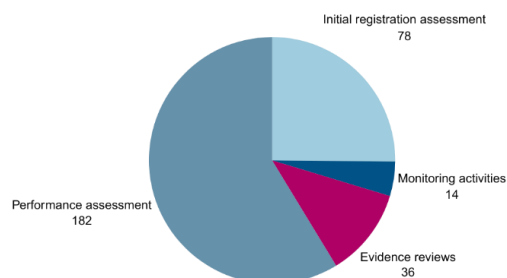
These activities include:

- undertaking surveys (of students and/or other stakeholders)
- interviewing providers, students, trainers/assessors and/or other provider personnel
- requesting data and documents from providers and/or other government entities
- undertaking defined scope or full performance assessments.

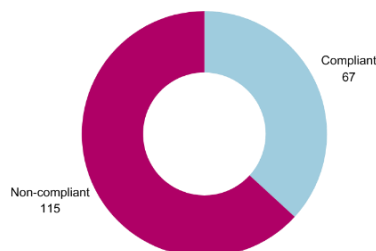
When a performance assessment is undertaken, varying degrees of non-compliance may be identified. Of those that were identified as non-compliant following a performance assessment, 71 returned to compliance by addressing the identified issues immediately or through an agreement to rectify. Of those that remained non-compliant, further compliance action was taken as outlined below.

Below outlines our performance assessment and monitoring activities and actions:

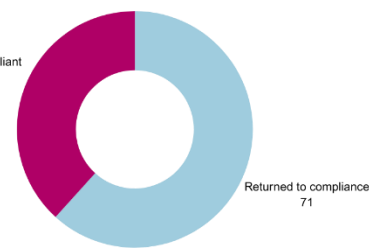
### Complete assessment activities



### Performance assessments



### Identified as non-compliant



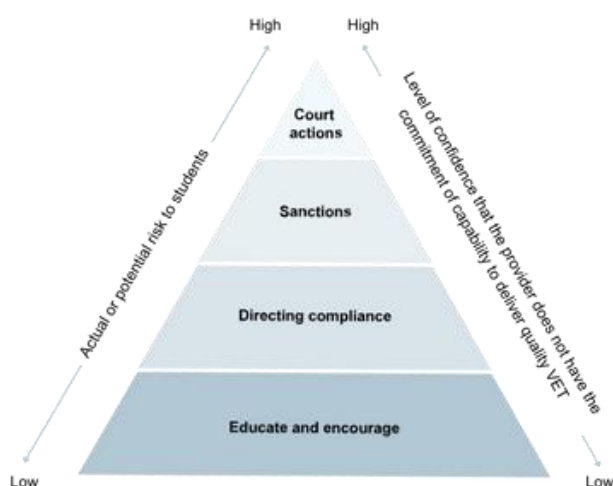
## Investigation

We draw on our investigative capability and functions to undertake surveillance and information collection activities to investigate serious issues of non-compliance and to investigate and prosecute, when appropriate, the conduct of individuals, unregistered entities and registered providers that breach their legislative obligations.

Our investigations also support collaboration across government, including through a coordinated effort with law enforcement agencies and other regulators, to disrupt threats related to the integrity and quality of the VET sector.

## Taking compliance action

The figure below illustrates ASQAs graduated approach to use of escalating regulatory tools to promote and ensure compliance:

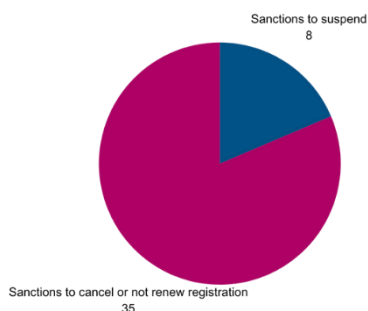


Where a provider demonstrates a commitment and capability to address non-compliance, we may offer an Agreement to Rectify (ATR), which outlines the actions required to address the non-compliance, the evidence of the return to compliance and the timeframes for completion of agreed actions. Between 1 July and 31 December 2023, 16 providers entered into an Agreement to Rectify (ATR) and 17 ATRs were finalised. Of these 17 finalised ATRs, 9 providers returned to compliance, six addressed most non-compliance and were issued a written direction to address the minor outstanding issues. ASQA escalated its management of 2 providers - one provider had its scope suspended and one provider was cancelled.

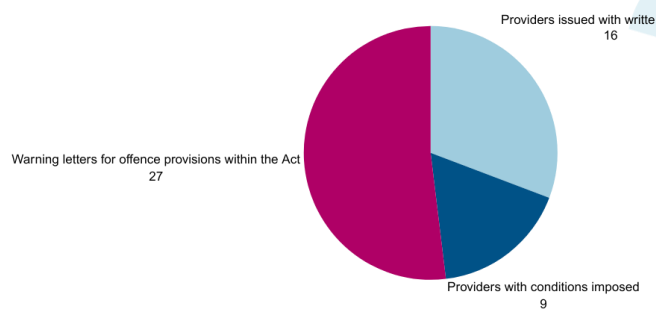
Where a provider does not demonstrate a commitment or capability to delivering quality training, or make necessary changes in response to identified non-compliance, we compel the provider to take action using an escalating range of regulatory tools to enforce compliance or revoke registration.

Below outlines our sanction and directing compliance activities:

### Sanctions



### Directing compliance



We have powers to protect the validity of accredited qualifications and the quality of the VET sector and processes in place to detect and prosecute individuals or entities who create Statements of Attainments or who advertise as an RTO without a registration.

During this period we had one prosecution pending for alleged offences and one prosecution conclude with the defendant pleaded guilty and the Court ordering the charge be dismissed.

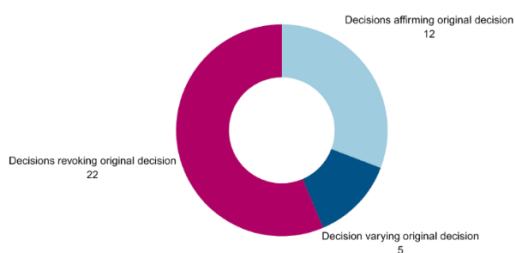
## Procedural fairness and accountability

Before making a decision that adversely affects a provider, we ensure that a provider is afforded procedural fairness.

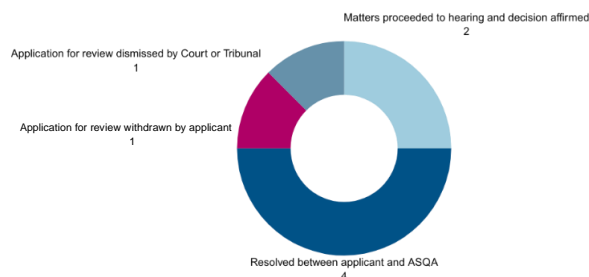
We have implemented early resolution of disputed non-compliance, which has supported a focus on the provider's return to compliance where appropriate. This has reduced the number of matters proceeding to the Administrative Appeals Tribunal (AAT) and allowed us to focus on the most significant matters to address threats to the quality of VET. If a provider is dissatisfied with the outcome of a reviewable decision, they may apply for merits review by the AAT, state tribunal or court.

Below outlines our review activities and actions taken between 1 July 2023 and 31 December 2023:

### Internal review



### External review



## Our service standards

We develop, publish and strive to meet good practice service standards. We revised our service standards last financial year to better reflect our risk-based approach to regulation, in consultation with sector representatives, and published the revised standards in our Service Charter, which commenced on 1 July 2023. We will report against these service standards in future reports.