

ASQA's decision-making process

CCA 2019 Annual Conference

David Garner

General Manager Regulatory Operations

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Australian Government

Australian Skills Quality Authority



Regulatory decisions

Applications

Initial registration (15 per month)

- Always subject to audit
 - Approval decisions by manager
 - Refusal decisions by Commissioner/s, on recommendation from manager following audit outcome

Regulatory decisions

Applications

Change to scope (300 per month)

- Only subject to audit where risk factors are present
- ~ 85% approved without audit by manager
- Refusal decisions by Commissioner/s, on recommendation from manager following final audit outcome

Regulatory decisions

Applications

Renewal of registration (70 per month)

- Only subject to audit where risk factors are present
- ~ 70% approved without audit by manager
- Refusal decisions by Commissioner/s, on recommendation from manager following final audit outcome

Regulatory decisions

Audit outcomes

Compliance audits

- Approved by General Manager to be conducted where risk factors are identified
- Decisions about compliance made by manager on recommendation from auditor
- Escalated decision process depending on audit outcome

Regulatory decisions

Audit outcomes – response required

- Where non-compliance is identified, manager makes decision as to whether a response is required or whether the audit can be closed with no further action (eg minor non-compliance)
- Where a sanction may be imposed if non-compliances are not addressed, manager or general manager makes decision to issue notice of intent

Regulatory decisions

Audit outcomes – response analysis

- Where non-compliance is not addressed, manager makes decision as to whether the audit can be closed with no further action (eg minor non-compliance)
- Where serious non-compliance remains, manager makes recommendation as to whether a sanction should be imposed
- Commissioner/s make all sanction decisions

Review of decisions

Any adverse decision made by ASQA has a review mechanism available

- Where decision is made by a delegate, internal review (reconsideration) is available
- Where decision is made by all Commissioners, external review (AAT) is available

Review of decisions

Reconsideration

Where reconsideration is sought:

- Assessment of further evidence is made by a person that was not involved in the original activity
- Decision is made by Commissioner/s not involved in original decision

Review of decisions

Administrative Appeals Tribunal

- Review is external and entirely managed by the AAT
- ASQA is required to assist the AAT to make the correct and preferable decision, including providing advice regarding any new evidence
- AAT review is not of whether the original decision was correct, but what the correct decision is following consideration of further evidence and submissions

Questions?



www.asqa.gov.au



enquiries@asqa.gov.au



1300-701 801



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