

The Tertiary Accreditation and Registration Amendment Regulation 2005 (No 1)

EXPLANATORY STATEMENT SL2005-6

Aim and Purpose

This regulation aims to prescribe the circumstances where accreditation of a higher education course - accredited under the *Tertiary Accreditation and Registration Act 2003* - may be cancelled.

Background

The *Tertiary Accreditation and Registration Act 2003* (TAR Act), effective November 2003, is the enabling legislation for the ACT Accreditation and Registration Council and its approval of non-university higher education providers and courses. The TAR Act also covers the approval of vocational education and training providers.

In 2004, a review of regulations subordinate to the TAR Act identified the need for a regulation that allows the cancellation of a higher education course accredited by Council. Section 76 2) of the TAR Act allows Council to cancel the accreditation in “circumstances prescribed under the regulations”. Such a regulation had not been passed with the TAR Act.

The proposed amending regulation prescribes precisely the circumstances in which Council may move to cancel the accreditation of a higher education course. In this proposed regulation, Council may cancel a higher education course if:

- 1) the course does not meet the higher education standards referenced in the TAR Act
- 2) the Council is satisfied that the person providing the course does not have the educational or management capacity to provide the course.

These circumstances are consistent with provisions elsewhere in the Act, where Council may also move to cancel the accreditation of a vocational education and training course (Section 51 refers).

The regulation also covers courses accredited through the transitional provisions of the TAR Act (Section 116). Such courses, accredited before the commencement of the TAR Act and now taken to be accredited, may have had conditions attached to their accreditation. This regulation provides for cancellation of such courses if Council determines that their conditions have been contravened.