

**Ministerial Council on Education, Employment,  
Training and Youth Affairs**

**National Protocols for Higher  
Education Approval Processes**

**As approved by MCEETYA  
October 2007**

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## Part 1 – Introduction

### *Purpose*

1. The *National Protocols for Higher Education Approval Processes* (the ‘National Protocols’) are a key element of the national quality assurance framework for Australian higher education. They protect the standing of Australian higher education nationally and internationally by assuring students and the community that higher education institutions in Australia have met identified criteria and are subject to appropriate government regulation.

### *Background*

2. The Australian State and mainland Territory Governments and the Australian Government, which have responsibility for managing co-operatively all higher education [approval](#) processes, first agreed to the adoption of the National Protocols on 31 March 2000.
3. During 2004 and 2005, an extensive process of consultation led to the further development of the National Protocols. Details of this process, which included a commissioned report and a national workshop, and related documents are available at [www.dest.gov.au](http://www.dest.gov.au).
4. The current revised edition of the National Protocols was recommended by the Joint Committee on Higher Education (JCHE) and approved by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on XXX 2006.

### *Implementation*

5. The National Protocols are implemented through a co-operative national approach to higher education accreditation and approval processes. The Australian Qualifications Framework (AQF) *Register of Recognised Education Institutions and Authorised Accreditation Authorities*, available at [www.aqf.edu.au](http://www.aqf.edu.au), lists the Accreditation Authorities which are responsible for the implementation of the National Protocols. All [jurisdictions](#) have enacted legislation to give effect to the National Protocols. National guidelines elaborate on details of the implementation of the National Protocols.

### *Timeframe*

6. This edition of the National Protocols will commence operation in December 2007. It has been agreed that the National Protocols will next be reviewed no later than 2012.

### *The National Protocols*

7. Part 2 of this document includes five Protocols that outline criteria and processes for higher education approvals:
  - Protocol A Nationally agreed criteria and approval processes for all higher education institutions
  - Protocol B Criteria and processes for the registration of non self-accrediting higher education institutions and the accreditation of their higher education course/s
  - Protocol C Criteria and processes for awarding self-accrediting authority to higher education institutions other than universities
  - Protocol D Criteria and processes for establishing Australian universities
  - Protocol E Criteria and processes for overseas higher education institutions seeking to operate in Australia
8. Part 3 outlines obligations on [Government Accreditation Authorities](#).
9. The Glossary at the end of this document defines key terms used within the National Protocols. Terms defined in the Glossary are underlined and, in electronic versions of the document, are hyperlinked to the [Glossary](#).
10. A list of Acronyms is also provided.
11. National Guidelines are provided separately. See: [URL](#)

***Application of the National Protocols***

12. The National Protocols apply to:
- all higher education [institutions operating](#) in Australia
  - all higher education institutions seeking to operate in Australia
  - all higher education institutions [purporting to operate](#) in Australia
  - the offshore activities of all Australian higher education institutions
  - arrangements in which some aspects of a higher education institution's operations are carried out by other entities, such as through partnerships with other institutions, providers or business entities, the formation of companies, sub-contracting of services, or franchising. Whenever students are enrolled in a higher education institution or awards are conferred in the name of a higher education institution, the higher education institution is responsible for oversight of the arrangement and for ensuring the arrangement complies with the National Protocols. When an Australian higher education award is conferred in the name of more than one higher education institution, one institution in Australia will be formally responsible for the award and all institutions operating in Australia as part of the arrangement will ensure compliance with the National Protocols.
13. Applications from all institutions seeking to operate in Australia will be assessed using the criteria and processes set out in these National Protocols. Compliance with the National Protocols by existing higher education institutions already operating in Australia will be regularly assessed through the standard [quality assurance](#) processes, including external [quality audits](#), that apply to each institution.
14. The consistent standards set out in the National Protocols are expected to apply to all higher education functions of an institution, regardless of whether its higher education students are located in Australia or offshore and regardless of the delivery mode of its higher education courses.
15. In the case of international students, higher education institutions must comply with the *National Protocols for Higher Education Approval Processes* and the *Education Services for Overseas Students Act* (ESOS) in addition to other codes and protocols that apply specifically to international students (see: [www.dest.gov.au](http://www.dest.gov.au))
16. Universities and other [self-accrediting institutions](#) do not have the power to accredit the courses of other institutions. This applies even when a self-accrediting institution makes its curriculum and materials available to other institutions. The institution that enrolls the students and confers the award will be regulated according to the National Protocols and the requirements relevant to that type of institution and award.

***Goals of higher education in Australia***

17. Higher education in Australia is delivered by [institutions](#) that meet nationally agreed criteria set out in the National Protocols and that are authorised by an Australian government to offer [higher education qualifications](#) in Australia.
18. The goals of higher education in Australia include:
- advancing knowledge and understanding
  - enabling individuals to learn throughout their lives (for personal growth and fulfilment, for effective participation in the workforce and for constructive contributions to society)
  - meeting the demands of the labour market through quality education
  - equipping the community with social, cultural and international knowledge, skills and attitudes to improve the quality of life for all citizens
  - contributing to a democratic, equitable and civilised society
  - contributing to an improved national economy through high levels of skills, knowledge and research, including collaborative research with business, industry and government.
19. In addition to contributing to the goals above, institutions receiving significant public funds are expected to:
- provide for equitable access to, and opportunities to participate successfully in, higher education
  - engage with the community to enhance material, human, social and/or environmental wellbeing of the community.

20. Diversity in Australia's higher education system, both within and between institutions, is important to meet diverse and changing student, employer and community expectations. At the same time, all elements of the higher education system strive to maintain the highest quality. The National Protocols provide a framework designed to maintain quality in higher education in Australia by regulating higher education institutions and their courses.

***Quality assurance of Australian higher education***

21. Responsibilities for [quality assurance](#) of higher education in Australia are shared among the Australian and State/Territory Governments and the institutions themselves. Nationally agreed quality assurance arrangements are set out at: [www.dest.gov.au](http://www.dest.gov.au). These include a system of institution registration, course accreditation, a national qualifications framework and external [quality audits](#). The National Protocols specifically relate to registration and accreditation procedures.
22. The Australian Qualifications Framework (AQF) is a unified system of national qualifications in post-compulsory education and training. It provides qualification titles and descriptors, including nationally agreed characteristics of learning outcomes, against which accreditation takes place and which are set out in detailed guidelines in the AQF Implementation Handbook.
23. Government Accreditation Authorities are listed on the AQF *Register of Recognised Education Institutions and Authorised Accreditation Authorities* and are responsible for registration of higher education institutions and accreditation of higher education qualifications by non self-accrediting institutions. Part 3 of the National Protocols outlines the obligations on Government Accreditation Authorities.
24. The Australian Universities Quality Agency (AUQA) is the national [quality audit](#) body responsible for auditing all universities, other self-accrediting higher education institutions, some non self-accrediting higher education institutions and Government Accreditation Authorities.

## Part 2 – Protocols A to E

### Protocol A – Nationally agreed criteria and approval processes for all higher education institutions

1. This Protocol relates to all Australian higher education delivery. It sets out criteria that apply to all higher education institutions and processes that relate to all higher education approvals. Additional criteria and processes that relate to particular types of institutions and applications are provided in Protocols B to E that follow.
2. The following principles apply to the implementation of all of the National Protocols.
  - 2.1. Applications will be assessed against criteria through an objective, transparent and equitable process which is clearly documented for the information of applicants.
  - 2.2. Applications from all types of institutions, including overseas institutions, will be assessed using the same criteria and processes as for other applicants under the same Protocol.
  - 2.3. The [responsible decision-maker](#) will have the power to require information from an approved institution, including statistical information, and may set conditions on the approval, such as willingness to participate in periodic review and reporting processes, including national [quality audit](#) processes.
  - 2.4. The standards and requirements set out in the National Protocols are expected to apply to all higher education students of the institution and to all courses leading to higher education qualifications made in the name of the institution, regardless of where the students are located or the mode of instructional delivery of the course.
  - 2.5. In response to concerns about the quality of a higher education institution, the [responsible decision-maker](#) may investigate such concerns and place conditions on the continuation of activities by the institution within the jurisdiction. A responsible decision-maker may also revoke permission to operate in the jurisdiction at any time based on reasonable grounds and following a show cause process.
  - 2.6. Responsible decision-makers will act in accordance with principles of procedural fairness.

#### *Nationally agreed criteria for all higher education institutions*

3. An institution involved in Australian higher education delivery must meet the following criteria:
  - A1. is a legal entity which has been established or recognised by or under an Australian legislative instrument
  - A2. contributes to the goals of higher education in Australia as set out in the Part 1 (Introduction) of the National Protocols
  - A3. has a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in the institution's academic endeavours
  - A4. delivers teaching and learning that engage with advanced knowledge and inquiry
  - A5. has governance arrangements, [quality assurance](#) processes and a staffing profile appropriate to its goals and academic purposes
  - A6. has sound financial and business management practices and sufficient financial and other resources to sustain the delivery of the institution's programs into the future
  - A7. where it offers Australian higher education qualifications, complies with the AQF higher education titles and descriptors
  - A8. its academic staff are active in [scholarship](#) that informs their teaching, and are active in [research](#) when engaged in research student supervision
  - A9. provides sufficient support and infrastructure for effective student learning
  - A10. provides for protection of students in the event of closure of the entity or any of its courses.

4. Protocols B to E include additional criteria that apply to each Protocol. The criteria above and the additional criteria associated with each Protocol are elaborated in National Guidelines.

*Nationally agreed processes related to all applications for higher education approvals*

5. To ensure consistency in the way in which applications are assessed under the National Protocols, there is national agreement that the following processes relate to all higher education approvals:
  - 5.1. As a condition of making an application, applicants will be required to disclose their prior history of higher education applications in all jurisdictions (including overseas), together with the outcomes of such processes.
  - 5.2. The application must be made to a legally authorised [responsible decision-maker](#), who will consider advice from the relevant [Government Accreditation Authority](#) in arriving at a decision about the application.
  - 5.3. This advice is normally based on an assessment and report of an expert panel, independent of the applicant, on whether an application should be approved, together with any conditions the panel believes should be attached to the approval.
  - 5.4. The panel's composition will be relevant and appropriate to the application under consideration and usually includes at least one senior academic with experience in an Australian university. The applicant will have the right to comment on the panel's composition and membership, and those comments will be considered before a decision is made.
  - 5.5. The assessment process will involve evaluation against the relevant criteria set out in the National Protocols, based on written material and discussion with proponents of the institution, and would normally include an inspection of facilities where they exist. In cases where the institution is already involved in educational delivery, discussion may also take place with staff and students.
  - 5.6. Appropriate investigatory mechanisms will be used to ensure financial probity and ensure that the applicant and the institution's senior officers are fit and proper persons to establish a higher education institution and deliver higher education courses. Additional expert advice may be sought to assess financial capacity.
  - 5.7. An approved applicant will be required to meet reporting obligations and conditions set by the jurisdiction. It will also be subject to overseas regulatory requirements related to its offshore activities.
  - 5.8. Approval to operate will normally be subject to review within a period of no more than five years.
  - 5.9. An approved applicant will be listed on the AQF *Register of Recognised Education Institutions and Authorised Accreditation Authorities*. The AQF Register will include a separate section listing those overseas institutions approved to operate in Australia to deliver overseas qualifications.
6. Protocols B to E include additional processes that relate to each Protocol. The processes above and the additional processes associated with each Protocol are elaborated in National Guidelines.



## **Protocol B – Criteria and processes for the registration of non self-accrediting higher education institutions and the accreditation of their higher education course/s**

1. This Protocol relates to applicants seeking Australian approval to operate as a non self-accrediting higher education institution. Operation as a non self-accrediting institution offering Australian higher education qualifications is authorised under legislative frameworks in each jurisdiction.
2. Non self-accrediting higher education institutions must seek registration as a higher education institution and course accreditation for each of the higher education courses offered. These two processes may be undertaken concurrently or separately, with each requiring different criteria to be met. An institution may not operate without both registration and course accreditation.
3. Arrangements are in place for mutual recognition of registration and course accreditation decisions across jurisdictions (see 5.5 to 5.10 below).

### *Additional registration criterion*

4. In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a non self-accrediting higher education institution will meet the following criterion:
  - B1. has delivery arrangements, including matters of institutional governance, facilities, staffing and student services, that are appropriate to higher education and enable successful delivery of the course/s to achieve outcomes at the level proposed.

### *Additional course accreditation criterion*

5. In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a higher education course delivered by a non self-accrediting institution will meet the following criterion:
  - B2. is comparable in requirements and learning outcomes to a course at the same level in a similar field at Australian universities.

### *Assessing applications*

6. In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval as a non self-accrediting higher education institution:
  - 6.1. The process for registration of a higher education institution and accreditation of higher education course/s will involve the appointment of an expert panel with extensive knowledge of higher education course/s in the same or similar fields as those in the application.
  - 6.2. Registration of a higher education institution and accreditation of higher education course/s will include consideration of any offshore activities. The offshore operations of institutions must meet and continue to meet relevant Australian regulatory and reporting requirements.
  - 6.3. Courses will be subject to re-accreditation and institutions will be subject to re-registration within a period of no more than five years.
  - 6.4. Streamlined re-registration and re-accreditation processes will apply for institutions with a good track record of higher education re-registration and re-accreditation.

### *Assessing applications to operate in more than one jurisdiction*

- 6.5. For institutions seeking approval to operate in more than one jurisdiction, [mutual recognition](#) will apply when the same course is to be offered using similar delivery arrangements in different jurisdictions. An application for mutual recognition may be made simultaneously to a primary and to one or more secondary jurisdictions, or subsequently to the secondary jurisdiction following accreditation in the primary jurisdiction.
- 6.6. Mutual recognition will be the preferred approach in processing applications involving more than one jurisdiction. Although the institution will be required to seek registration and accreditation in each of the jurisdictions in which it operates, a full registration and accreditation process will only

be carried out by the secondary jurisdiction where significant differences exist in the requirements for professional registration or practice.

- 6.7. However, mutual recognition may involve investigation of specific local issues by an expert panel established by the secondary jurisdiction. This will cover only areas of delivery and content that require local consideration. Areas investigated may include curriculum and delivery differences in the local context, professional practice requirements (if relevant), local administration and governance issues, staff, student support, resources, premises and facilities.
- 6.8. The institution seeking mutual recognition will provide each secondary jurisdiction with a copy of the original submission considered by the primary jurisdiction. It will also provide a submission based on a list of relevant local issues determined by the secondary jurisdiction and a report on any changes that have occurred or are planned since registration or accreditation by the primary authority.
- 6.9. The period of registration and accreditation in each secondary jurisdiction will have the same end date as in the primary jurisdiction.
- 6.10. When a course is accredited in one jurisdiction for delivery purely in distance mode, it will be accepted as accredited in all other jurisdictions. Where there is any face-to-face component, the course will be assessed in the secondary jurisdiction/s by mutual recognition, including investigation of local delivery.

#### ***Quality assurance***

7. Non self-accrediting institutions will be reviewed through regular re-registration and re-accreditation undertaken by jurisdictions and/or external quality audits undertaken by Government Accreditation Authorities or by AUQA. The quality assurance process will include consideration of offshore activities where these are undertaken.

## Protocol C – Criteria and processes for awarding self-accrediting authority to higher education institutions other than universities

1. This Protocol provides for higher education institutions to seek renewable and revocable approval to self-accredit their courses.
2. Self-accrediting authority under this Protocol does not confer authority to use the title 'university'. Institutions with authority to self-accredit their higher education courses may be called [self-accrediting institutions](#). If their self-accrediting authority is limited to only some of the fields of study and/or qualification levels they offer, institutions must not use this term in any manner to suggest they are self-accrediting beyond these limits.

### *Additional criteria*

3. In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, a higher education institution with self-accrediting authority will meet the following criteria:
  - C1. demonstrates effectiveness and equivalence to existing Australian self-accrediting higher education institutions in:
    - governance and decision-making
    - teaching, learning, scholarship and, if relevant, research
    - compliance with the National Protocols
  - C2. has effective and comprehensive structures and processes to set standards for AQF qualifications equivalent to Australian and, where relevant, international standards
  - C3. has quality assurance processes and systems consistent with those in existing Australian institutions with self-accrediting authority
  - C4. demonstrates commitment to quality assurance and continuous quality improvement in the provision of higher education, including arrangements for external benchmarking of teaching and learning and underpinning quality systems.

### *Assessing applications*

4. In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval for self-accrediting authority to a higher education institution:
  - 4.1. An institution may apply for self-accrediting authority or extension of self-accrediting scope at any time.
  - 4.2. Authority to self-accredit will normally be based on independent, expert advice and may be limited to the broad [fields of study](#) and AQF higher education qualification levels in which the institution has a proven track record. The decision-maker will indicate the broad and/or narrow fields of study and the AQF qualification levels in which the institution has authority to be self-accrediting.
  - 4.3. Assessment of applications for self-accrediting authority will include consideration of any offshore activities. The offshore operations of institutions must meet and continue to meet relevant Australian regulatory and reporting requirements.
  - 4.4. Normally, institutions will demonstrate that they meet the criteria for self-accrediting authority through their track record of re-registration and re-accreditation in at least two approval cycles.
  - 4.5. In exceptional circumstances, self-accrediting authority may be granted to an institution which has no track record of prior higher education provision in which case the assessment will be based on a detailed plan. The application will be assessed on whether the plan and the human and financial resources allocated provide a high probability that, on establishment, the institution will operate at least at a similar standard to existing higher education institutions with self-accrediting authority.
  - 4.6. The decision-maker may attach conditions to self-accrediting authority that are relevant and reasonable. Approval may be given to operate for a provisional period of up to five years from commencement of operation. The responsible Accreditation Authority will establish conditions for

the operation of the institution during this period which may include a period of affiliation with an existing self-accrediting institution. Provision for the protection of students must be guaranteed if the institution is not approved to continue with self-accrediting authority at the completion of this period.

- 4.7. A jurisdiction will grant an institution self-accrediting authority under relevant legislation.
- 4.8. Self-accrediting authority will be revocable at any time, based on reasonable grounds, and following a process which accords procedural fairness. The outcomes of processes such as external quality audits, monitoring and reporting may provide grounds for any decision by the jurisdictional decision-maker on renewal or revocation of self-accrediting authority.
- 4.9. In determining whether to renew or revoke approval for self-accrediting authority, the decision-maker will seek advice from AUQA on the performance of the institution in those areas in which it is self-accrediting.
- 4.10. An institution with self-accrediting authority in one jurisdiction in Australia will be permitted to exercise that authority in any other jurisdiction. An institution with self-accrediting authority does not require separate registration in each jurisdiction.

#### *Quality assurance*

5. In addition to their own internal quality assurance mechanisms, self-accrediting institutions will be subject to regular external quality audits by AUQA and/or Government Accreditation Authorities. The quality assurance process will include consideration of offshore activities where these are undertaken.

## Protocol D – Criteria and processes for establishing Australian universities

1. This Protocol relates to Australian universities and institutions seeking approval to operate as an Australian university. The Protocol provides specific criteria for institutions seeking an unmodified university title, a transitional university college title or a specialised university title.
2. Australian universities are self-accrediting and deliver higher education qualifications that comply with the relevant titles and descriptors in the Australian Qualifications Framework.
3. An institution approved as an Australian university under this Protocol may use the term 'university' in its title subject to the forms of title and conditions set out in paragraphs 8.5 to 8.10 below.

### *Additional criteria for all Australian universities*

4. In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, an Australian university will meet the following criteria:
  - D1. demonstrates a culture of sustained [scholarship](#) which informs teaching and learning in all fields in which courses are offered
  - D2. undertakes [research](#) that leads to the creation of new knowledge and original creative endeavour at least in those fields in which Research Masters and PhDs or equivalent Research Doctorates are offered
  - D3. demonstrates commitment of teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge
  - D4. demonstrates governance, procedural rules, organisational structure, admission policies, financial arrangements and quality assurance processes which are underpinned by the values and goals of universities and which ensure the integrity of the institution's academic programs.

### *Additional specific criterion for institutions to operate with an unmodified university title*

5. In addition to meeting the nationally agreed criteria for higher education delivery in Protocol A and the criteria D1 to D4 above, to be approved to operate with an unmodified university title an Australian institution will meet the following criterion:
  - D5. delivers AQF higher education qualifications across a range of broad [fields of study](#) (including Research Masters and PhDs or equivalent Research Doctorates in *at least three* broad fields of study) and sets standards for those qualifications which are equivalent to Australian and international standards.

### *Additional specific criterion for institutions to operate with a university college title*

6. In addition to meeting the nationally agreed criteria for higher education delivery in Protocol A and the criteria D1 to D4 above, to be approved to operate with a university college title an Australian institution will meet the following criterion at the point of its establishment and build towards meeting criterion D5 for operating with an unmodified university title no more than five years after that:
  - D6. delivers AQF higher education qualifications across a range of broad [fields of study](#) (including up to Masters coursework degrees in *at least three* broad fields of study and Research Masters and PhDs or equivalent Research Doctorates in *at least one* broad field of study) and sets standards for those qualifications which are equivalent to Australian and international standards.

Note: This criterion does not apply to proposed greenfield universities - see paragraph 8.11 below.

### *Additional specific criterion for institutions to operate with a specialised university title*

7. In addition to meeting the nationally agreed criteria for higher education delivery in Protocol A and the criteria D1 to D4 above, to be approved to operate with a specialised university title an Australian institution will meet the following criterion:
  - D7. delivers AQF higher education qualifications (including Research Masters and PhDs or equivalent Research Doctorates) in *one or two* broad [fields of study](#) *only* and sets standards for those qualifications which are equivalent to Australian and international standards.

*Assessing applications*

8. In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval to operate under this Protocol:
  - 8.1. The application will be subject to assessment by an independent, expert panel. The panel's composition will include a majority of senior academic leaders with high-level experience in an Australian university, including significant representation from outside the jurisdiction in which the application is made. A panel established to assess an application from a specialised institution seeking access to a modified university title will also include significant senior academic leaders from the area/s of specialisation.
  - 8.2. The assessment process will be sufficiently open to provide opportunity for public comment on the proposal before the report is final. This provision does not require commercial-in-confidence information to be made public.
  - 8.3. Assessment of applications to operate under this Protocol will include consideration of any offshore activities. The offshore operations of institutions must meet and continue to meet relevant Australian regulatory and reporting requirements
  - 8.4. An institution approved to operate under this Protocol in one jurisdiction in Australia will be permitted to operate in any other Australian jurisdiction.

*Forms of university title*

- 8.5. The authority to operate will specify the form of university title the institution may use and the conditions for the use of that title. These conditions may include a period of sponsorship or mentoring by an established Australian university (or universities) or an equivalent process.
- 8.6. An institution approved to operate under criterion D5 may use an unmodified university title (for example, University of Perth). Conditions may include a specific period after which renewal of the authority for use of the university title must be sought.
- 8.7. An institution approved to operate under criterion D6, must use the title 'university college' and this must not be shortened to 'university' in advertising or formal documentation. It may use an unmodified university title once it meets criterion D5 no more than five years after establishment.
- 8.8. An institution approved to operate under criterion D7 with a specialised university title may use the term '[Name] University of [specialisation]' as part of its title (for example, Perth University of Agricultural Sciences or Brisbane University of the Performing Arts). The title must not be shortened to 'University' in advertising or formal documentation. Conditions may include a specific period after which renewal of the authority for use of the specialised university title must be sought.
- 8.9. Approval to use any form of university title will be revocable at any time, based on reasonable grounds, and a process which accords procedural fairness. The outcomes of processes such as external quality audits, monitoring and reporting may provide grounds for any decision by the jurisdictional decision-maker on renewal or revocation of authority for use of the modified university title.
- 8.10. In determining whether to renew or revoke approval for the use of the form of university title, the decision-maker will seek advice from AUQA on the performance of the institution.

*Assessing applications for proposed 'green-field' universities*

- 8.11. For proposed 'greenfield' universities where the applicant is not an existing institution and the assessment is based on a detailed plan, approval may be given to operate for a provisional period of up to five years from commencement of operation, where the assessment panel and the responsible Government Accreditation Authority believe that there is a high probability of the criteria for a university under either criterion D5 or D7 being fully satisfied at the end of this period.
- 8.12. The responsible Government Accreditation Authority will set conditions for the operation of the university during this provisional period. These conditions would normally include a period of sponsorship or mentoring by an established Australian university (or universities) or an equivalent process.

- 8.13. During the provisional period, an institution approved to operate under Criterion D5 would normally use the title 'university college' and this must not be shortened to 'university' in advertising or formal documentation.
- 8.14. During the provisional period, an institution approved to operate under criterion D7 would normally use the title '[name] University College of [specialisation]' (for example, Perth University College of Agricultural Sciences), but this must not be shortened to University College or University in advertising or formal documentation.
- 8.15. At the end of the provisional period, an external quality audit will be used to confirm that the institution's teaching and research outcomes are at university level.
- 8.16. Continued operation with use of a university title after the provisional period will be conditional on meeting the criteria in full. Protection of the welfare of students must be guaranteed if the institution is not approved to continue as a university at the completion of this period. This might include approval to operate as a higher education institution under another Protocol.

*Quality assurance*

9. In addition to their own internal quality assurance mechanisms, universities will be subject to regular external quality audit by AUQA. The quality assurance process will include consideration of offshore activities where these are undertaken.

## **Protocol E – Criteria and processes for overseas higher education institutions seeking to operate in Australia**

1. This Protocol relates to overseas higher education institutions, including universities, seeking approval to operate in Australia. It covers the use of the title of 'university' in circumstances other than as an Australian university under Protocol D. This Protocol also relates to the offering of overseas qualifications by overseas higher education institutions.
2. Overseas higher education institutions operating in Australia are also subject to Protocol A which applies to all higher education delivery in Australia.
3. Overseas institutions seeking to offer Australian qualifications that comply with the Australian Qualifications Framework should apply through the relevant Protocols B, C or D.
  - Protocol B applies to overseas applicants seeking approval to offer Australian qualifications on a non self-accrediting basis
  - Protocol C applies to overseas applicants seeking approval to offer Australian qualifications on a self-accrediting basis
  - Protocol D applies to overseas applicants seeking approval to operate as an Australian university including with access to a modified university title.
4. An overseas institution may seek approval to operate as an overseas higher education institution in Australia under Protocol E and also seek approval to offer Australian qualifications on a non self-accrediting basis through Protocol B

### *Additional criteria*

5. In addition to meeting the nationally agreed general criteria for higher education delivery in Protocol A, an overseas higher education institution will meet the following criteria to gain approval to operate in Australia:
  - E1. is legally established in one or more overseas countries
  - E2. demonstrates that the institution and the courses to be offered are of an appropriate standard and standing
  - E3. offers courses that have been properly accredited either through appropriate, authorised self-accreditation or by an overseas accreditation authority that, in the opinion of the Australian jurisdiction's decision-maker, has appropriate standing and authority
  - E4. has arrangements for delivery within Australia, including the arrangements for academic oversight and quality assurance proposed by the overseas institution, that are at least comparable to those of equivalent Australian higher education institutions
  - E5. if it has local partners or agents, they have appropriate standing
  - E6. has appropriate financial and other arrangements to permit the successful delivery of the course/s in Australia.

### *Assessing applications*

6. In addition to the nationally agreed processes for assessing applications detailed in Protocol A, the following processes relate to applications for approval as an overseas higher education institution operating in Australia:
  - 6.1. No applicant will be allowed to operate in Australia without the permission of the relevant Australian Accreditation Authority.
  - 6.2. The process will involve the expert verification of the credentials of the institution in the overseas country or countries in which it operates, and the expert verification of the relationship between the institution and any nominated local agents.
  - 6.3. The relevant Government Accreditation Authority will seek advice on:
    - international standing and standards of the body or bodies responsible for the institution's accreditation



- international standing of the institution
  - ongoing quality assurance requirements and track record of the institution in the country or countries in which is accredited
  - international standing and standards for the institution's courses to be delivered in Australia.
- 6.4. The assessment process will involve an independent expert panel, the composition of which will be similar to that for equivalent Australian institutions, and will particularly focus on the local delivery arrangements (including those with local partners or agents) such as:
- local arrangements for academic oversight and quality assurance
  - financial and other arrangements for local delivery (e.g. facilities, staffing, student services)
  - protection for students in the event the institution ceases to operate.
- 6.5. Where the overseas institution has appropriate standing and standards, is accredited by a recognised overseas accreditation agency, the standing and standards of which are acceptable in Australia, and the local delivery arrangements are adequate, the applicant may be permitted to offer its overseas qualifications in Australia. The institution must make it clear in all of its legal and marketing documentation within Australia that it is offering overseas higher education qualifications based on accreditation processes and standing in another country or other countries.
- 6.6. Where the standing of the institution's accreditation status or courses is not acceptable to the decision-maker, the decision-maker will not allow the institution to offer its overseas qualifications in Australia. Under these circumstances, the institution may seek approval under other Protocols, but will be assessed on its capacity to offer Australian qualifications that comply with the AQF.
- 6.7. The permission to operate may include conditions and will be renewable, subject to review, within a period of up to five years. Permission to operate will also be revocable at any time, based on reasonable grounds and following a process which accords procedural fairness. The permission to operate will be limited to the nominated local agents (where relevant).
- 6.8. The AQF register will include a list of those overseas institutions approved to operate in Australia, their local agents (where relevant) and the courses they are approved to deliver.
- 6.9. An overseas higher education institution approved to operate in one jurisdiction in Australia will be permitted to operate in any other jurisdiction, subject to approval of local delivery arrangements by the secondary jurisdiction.
- 6.10. The authority to operate in Australia will specify the title the institution may use and the conditions for the use of that title.
- 6.11. Use of the university title may be allowed where an institution meets criteria E1 to E6 above and is recognised as a university by an overseas accreditation authority, the standing and standards of which are acceptable in Australia. However, the institution must make it clear in all of its legal and marketing documentation within Australia that the basis for use of the title 'university' rests on the institution's standing in another country (or countries) and that it is offering overseas higher education qualifications based on that standing.
- 6.12. Where an institution is not recognised as a university overseas, it will not be permitted to use the term 'university' in its title in Australia unless it seeks approval under Protocol D.

### *Quality assurance*

7. Overseas higher education institutions approved to operate in Australia will be subject to the quality assurance requirements of their overseas accrediting authority and any other requirements specified as conditions of the approval to operate in Australia.

### Part 3 – Obligations on Government Accreditation Authorities

To ensure the integrity of the National Protocols and consistency in their implementation, Government Accreditation Authorities are subject to the following requirements.

1. The titles 'university' and 'university college' are protected in business names/associations legislation and Commonwealth corporations law by:
  - providing for consultation between the authority responsible for approving business names and the relevant higher education Accreditation Authority before a decision is made to allow the use of the terms 'university' or 'university college' in a business and/or corporation name
  - requiring the relevant higher education Accreditation Authority to undertake an assessment of the education credentials of an applicant before providing advice on the use of the terms 'university' or 'university college' in a business and/or corporation name
  - establishing in all Australian jurisdictions a legislative framework consistent with the National Protocols specifying the means by which an institution/organisation may use the titles 'university' or 'university college' in Australia.
2. Establishment as a university or university college in Australia will occur only by the mechanism of a legislative instrument, either by or under a separate act, or by a regulation or order made under an Act.
3. Jurisdictions involved in approving the use of the terms 'university' or 'university college' in business and company names will consult with each other before approval is granted.
4. The scope of the protection of the titles 'university' or 'university college' will extend to prohibition on:
  - use of the titles without authorisation in Australia
  - purporting to be an Australian university or university college or operating as a university or university college in Australia
  - advertising as an Australian university or university college, offering a course as a university or university college in Australia, or issuing a qualification as a university or university college in Australia.
5. Prohibition of the use of the titles 'university' or 'university college' will not extend to those bodies where the context makes it clear that there is no connection with an existing university (e.g. University Avenue Newsagent Pty Ltd).
6. Protection of title legislation will provide for the responsible Minister to exempt a body from the requirements of the legislation when it is clear that the purpose of the body could not be construed as providing higher education – as in the case of the University of the Third Age.
7. Each Accreditation Authority will establish significant financial penalties for breaching the legislation or guidelines which protect the titles 'university' and 'university college'. National consistency in the level of penalties is desirable.
8. AQF [higher education qualification](#) titles are protected by:
  - establishing in all Australian jurisdictions a legislative framework consistent with the National Protocols specifying the means by which an institution/organisation may use these titles in Australia
  - protecting use of the qualification titles in legislation
  - establishing significant financial penalties for breaching the legislation or guidelines which protect use of the titles. National consistency in the level of penalties is desirable.
9. Government Accreditation Authorities must establish rules and processes to give effect to the National Protocols, including adhering to any nationally agreed guidelines which elaborate the National Protocols or specify requirements for their implementation.
10. Jurisdictions will aim to reduce duplication in the provision of information, reporting and charging requirements and will work towards consistency in fee levels.
11. Information with respect to applications and approved higher education institutions will be shared across jurisdictions on a confidential basis.

12. Government Accreditation Authorities will publish the outcomes of approvals and the processes used to determine approvals.
13. Government Accreditation Authorities will provide information for the AQF Register.
14. Government Accreditation Authorities are subject to regular external quality audit by AUQA.

## **Glossary of Terms**

For the purposes of the National Protocols, the following definitions of key terms will apply.

### **Approval:**

A process of assessment and review which enables a higher education course or institution to be recognised or certified as meeting appropriate standards.

### **Australian university:**

A university which meets the requirements of Protocols A and D and is established by an Australian legislative instrument, in accordance with Part 3.

### **Course accreditation:**

The term 'course accreditation' includes the assessment, approval, accreditation or authorisation of courses of study that lead to higher education qualifications.

### **Field of study:**

The term 'field of study' is based on the Australian Bureau of Statistics' Australian Standard Classification of Education (ASCED) categories for a broad field of education (excluding the 'mixed field' classification). Further details are set out in the National Guidelines.

### **Government Accreditation Authorities:**

Those Commonwealth and State/Territory agencies listed on the Australian Qualifications Framework *Register of Recognised Education Institutions and Authorised Accreditation Authorities*.

### **Higher education qualification:**

The qualifications covered by higher education legislation and processes are Australian Higher Education Qualifications defined as higher education qualifications in the Australian Qualifications Framework.

### **Institution:**

The term 'institution' includes the full range of institutions and other providers offering higher education qualifications.

### **Jurisdictions:**

Those governments in Australia which have agreed to enact the National Protocols.

### **Mutual recognition:**

Refers to registration and accreditation by one jurisdiction (the 'secondary' jurisdiction) of a course based on registration and accreditation of the course by another jurisdiction (the 'primary' jurisdiction).

### **Non self-accrediting institution:**

An institution which meets the requirements of Protocols A and B and does not have the authority to accredit its own courses.

**Operating in Australia and purporting to operate in Australia:**

'To operate' and 'purporting to operate' as a higher education institution in Australia includes both to provide courses or parts of courses in Australia leading to higher education qualifications, and the related components of that activity (educational delivery and assessment), or to award higher education qualifications (whether or not a course is provided). Electronic or distance education delivery of a higher education course/s in or from a jurisdiction is included in the definition of operating in Australia, although electronic or distance education delivery into a jurisdiction from outside Australia is not included. Conducting a business, using premises, mail and/or telecommunication devices 'to operate' or 'purport to operate' a higher education institution in Australia without approval is unlawful under legislation which enacts the National Protocols.

'Purporting to operate' in Australia means representing that the institution operates in Australia, or has accreditation association with an Australian jurisdiction. The requirements related to operating in or purporting to operate in Australia apply to an institution or an agent acting on behalf of the institution.

**Overseas higher education institution:**

An overseas higher education institution refers to a university or other recognised higher education institution whose legal origin is in a country or countries other than Australia.

**Quality assurance:**

Quality assurance refers to the policies, attitudes, actions and procedures necessary to ensure that quality is being maintained and enhanced. It requires actions internal to the institution, but may also involve actions of external bodies. It includes course design, staff development and the collection and use of feedback from students and employers. Quality assurance is also used as a general term to refer to the range of possible approaches to addressing concern for quality in higher education.<sup>1</sup>

**Quality audit:**

In the context of quality in higher education, quality audit is a process for checking that procedures are in place to assure quality, integrity or standards of provision and outcomes.<sup>2</sup>

**Registration:**

The term 'registration' includes the registration, authorisation or approval of an institution to deliver one or more courses of study leading to a higher education qualification.

**Research:**

Research<sup>3</sup> comprises creative work and artistic endeavours undertaken systematically in order to increase the stock of knowledge, including knowledge of humans, culture and society, and the use of this stock of knowledge to devise new applications. Research is characterised by originality and includes creative activity and performance. It has investigation as a primary objective, the outcome of which is new knowledge, with or without a specific practical application, or new or improved materials, products, devices, processes or services. Research ends when work is no longer primarily investigative.

There are three broad types of research activity:

- Basic research is experimental and theoretical work undertaken primarily to acquire new knowledge without a specific application in view. It consists of pure basic research which is work undertaken to acquire new knowledge without looking for long term benefits other than advancement of knowledge and strategic basic research which is work directed into specific broad

<sup>1</sup> Based on the definition provided by the Australian Universities Quality Agency. See: [www.auqa.edu.au](http://www.auqa.edu.au)

<sup>2</sup> Based on the definition used by the International Network for Quality Assurance Agencies in Higher Education.

<sup>3</sup> Based on the ABS definition of Research and Development, with minor amendment to provide for more explicit recognition of performance and creative arts.

areas in the expectation of useful discoveries thus providing the broad base of knowledge necessary for the solution of recognised practical problems.

- Applied research is original work undertaken primarily to acquire new knowledge with a specific application in view. It is undertaken either to determine possible uses for the findings of basic research or to determine new ways of achieving some specific and predetermined objectives.
- Experimental development is systematic work, using existing knowledge gained from research or practical experience that is directed to producing new materials, products or devices, to installing new processes, systems and services, or to improving substantially those already produced or installed.

**Responsible decision-maker:**

Any Commonwealth, State or Territory Minister or other person with responsibility for higher education in Australian jurisdictions that have agreed to the National Protocols.

**Scholarship:**

Scholarship in relation to learning and teaching involves:

- demonstrating current subject knowledge and an ongoing intellectual engagement in primary and allied disciplines, and their theoretical underpinnings;
- keeping abreast of the literature and new research, including by interaction with peers, and using that knowledge to inform learning and teaching;
- encouraging students to be critical, creative thinkers and enhancing teaching understanding through interaction with students;
- engaging in relevant professional practice where appropriate to the discipline;
- being informed about the literature of learning and teaching in relevant disciplines and being committed to ongoing development of teaching practice; and
- focusing on the learning outcomes of students.

**Self-accrediting institution;**

A self-accrediting institution is one which has authority to accredit its higher education courses. Self-accrediting institutions include Australian universities established or recognised under Protocol D, institutions with authority to self-accredit their higher education courses under Protocol C and a number of institutions established prior to the National Protocols<sup>4</sup>.

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<sup>4</sup> Australian Maritime College, Australian Film, Television and Radio School, Batchelor Institute of Indigenous Tertiary Education and Melbourne College of Divinity.

## **Acronyms**

ABS	Australian Bureau of Statistics
AQF	Australian Qualifications Framework
ASCED	Australian Standard Classification of Education
AUQA	Australian Universities Quality Agency
ESOS	Education Services for Overseas Students
JCHE	Joint Committee on Higher Education
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
PhD	Doctor of Philosophy