



Australian Government Australian Skills Quality Authority

Fact Sheet—Reviewing ASQA’s decisions

The Australian Skills Quality Authority (ASQA), the national VET regulator, makes decisions about the registration of training providers as registered training organisations (RTOs) and the accreditation of VET courses.

If you are not satisfied with a decision made by ASQA, you may have a number of options:

1. Consider the reasons for the decision, address the outstanding areas of non-compliance and submit a fresh application.
2. Ask ASQA to (under the *National Vocational Education and Training Regulator Act 2011*):
 - (i) reassess its position; or
 - (ii) to review the decision.
3. Apply to have the decision reviewed by the Administrative Appeals Tribunal (AAT). Refer to the ASQA [Fact sheet—Administrative Appeals Tribunal review of an ASQA decision](#).

ASQA, as the ESOS agency for a provider, also makes decisions about the registration of certain providers on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to provide a course or courses to overseas students.

If you are not satisfied with a decision made by ASQA relating to your CRICOS registration, you have a number of options:

1. Consider the reasons for the decision, address the outstanding areas of non-compliance and submit a fresh application.
2. Ask ASQA to review the decision (under the *Education Services for Overseas Students Act 2011*).
3. Apply to have the decision reviewed by the Administrative Appeals Tribunal (AAT).

This fact sheet tells you about **the ASQA review process** for decisions under the NVR Act and the ESOS Act.

Which decisions can be reviewed ASQA?

Not all decisions can be reviewed by ASQA.

Only 'reviewable decisions' as specified in section 199 of the the NVR Act and 'reviewable decisions' as specified under 169AB of the the ESOS Act can be reviewed by ASQA. These are listed on Page 3 of this fact sheet.

Additionally, if a decision is made jointly by ASQA's Commissioners, a review of that decision can only be made by an external authority (such as the Administrative Appeals Tribunal). When you are informed of ASQA's decision, you will also be advised whether ASQA can review that decision.

How do I apply for ASQA to review a decision?

You must apply to ASQA for review of a decision using the 'Application for ASQA to review a decision' (via [asqanet](#)).

You must apply either within 30 days after you are informed of ASQA's decision, or—if you have requested an extension to submit your application and ASQA has granted the extension—within the extended period.

You will receive an email acknowledging receipt of the application.

Is there a fee?

The fee payable for an application for review of a decision is identified in ASQA's [fees and charges](#) schedule.

Will ASQA delay the date that its decision will take effect?

ASQA will consider whether to delay the date that its decision will take effect if:

- your organisation's registration is likely to expire before the review of the decision is complete, or
- you request ASQA to do so.

In doing so ASQA may ask that you agree to certain conditions on your operations until the review is completed.

Reviewable decisions under s 199 of the NVR Act

- A decision to grant an application for registration (including renewal of registration) as an NVR registered training organisation.
- A decision determining the period for which an national VET regulator (NVR) registered training organisation is registered.
- A decision to impose a condition on an NVR registered training organisation's registration.
- A decision to reject an application for registration (including renewal of registration) as an NVR registered training organisation.
- A decision to vary a condition on an NVR registered training organisation's registration.
- A decision not to determine a shorter period for making an application for renewal of registration as an NVR registered training organisation.
- A decision to change, or refuse to change, an NVR registered training organisation's scope of registration.
- A decision to suspend all or part of an NVR registered training organisation's scope of registration.
- A decision to shorten the period of an NVR registered training organisation's registration.
- A decision to defer making a decision to change an NVR registered training organisation's scope of registration until the organisation addresses issues identified by the National VET Regulator.
- A decision not to allow an NVR registered training organisation's registration to be withdrawn.
- A decision to cancel an NVR registered training organisation's registration.
- A decision to grant an application for accreditation of a course (including renewal of accreditation) as a VET accredited course.
- A decision to impose conditions on the accreditation of a VET accredited course.
- A decision to vary a condition on the accreditation of a VET accredited course.
- A decision to reject an application for accreditation of a course (including renewal of accreditation) as a VET accredited course.
- A decision to amend a VET accredited course.
- A decision to cancel the accreditation of a VET accredited course.
- A decision to give a written direction to an NVR registered training organisation under paragraph 36(2)(a) or (b).
- A decision to issue, or not issue, a VET qualification.
- A decision to issue, or not issue, a VET statement of attainment.

- A decision to cancel, or not cancel, a VET qualification.
- A decision to cancel, or not cancel, a VET statement of attainment.
- A decision to enter details on the register under subsection 216(4).

Reviewable decisions under s 169AB of the ESOS Act

- A decision to refuse to register the provider under the ESOS Act
- A decision to register the provider for a particular (limited) period
- A decision to impose a condition on the CRICOS registration of a provider
- A decision to refuse to renew the registration of a provider under the ESOS Act
- A decision to renew the registration of a provider for a particular (limited) period
- A decision to refuse to add a course or courses at a location or locations
- A decision to extend a provider's registration for the purposes of aligning their registration dates
- A decision not to notify a provider that their registration is 'deemed' to continue in the event of a change of legal entity
- A decision to impose conditions on, suspend or cancel the registration of a provider under the ESOS Act
- A decision not to give a provider a notice when suspended under the ESOS Act allowing the provider to continue to accept money from its current students.

What is the process for reviewing a decision

In most cases, an ASQA Commissioner or ASQA staff member, who was not involved in making the original decision, will review the decision.

If an ASQA staff member made the original decision, only a Commissioner or more senior member of staff may review the decision.

The person reviewing the decision has the authority to affirm, vary or revoke the decision.

As part of the process, ASQA will consider the review application, any additional information provided with the application and the evidence on which the original decision was made.

How long does it take for a decision to be reviewed?

It may take up to 90 days from the day ASQA receives a complete 'Application for ASQA to review a decision' form for ASQA to make a decision about the application.

You will be advised in writing of ASQA's decision, and receive a statement of reasons for the decision, within 30 days of the decision being made.

Further rights of review

The [Administrative Appeals Tribunal \(AAT\)](#) provides independent review of a wide range of administrative decisions made by the Australian Government (and some non-government bodies).

The AAT aims to provide fair, impartial, high-quality and prompt review with as little formality and technicality as possible. Both individuals and government agencies use the services of the AAT.

The AAT has the power to set aside decisions made by ASQA, including decisions made as part of the reconsideration process. An application can also be made to the AAT for a stay of ASQA's decision.

An appeal to the AAT must usually be made within 28 days of receiving ASQA's decision.

If you submit an application for review to ASQA and apply to an external review body such as the AAT before ASQA has made its review decision, ASQA will stop the review process and affirm its original decision.

Additional information

Freedom of information

You have the right to obtain access to documents about the decision under the Freedom of Information Act 1982. Further information about how to make an application to ASQA to access documents is available on the [ASQA website](#).

Interpreting services

If you need an interpreter, please call the Translating and Interpreting Service (TIS National) on 131 450 for the cost of a local call. Tell the operator the language you speak. Ask the TIS to telephone the ASQA Info line on 1300 701 801.

Cantonese

如果你需要口譯員，請致電131 450聯絡翻譯和口譯服務署（TIS National），要求他們致電1300 701 801 聯絡 ASQA。我們的工作時間是 9.00am – 7.00pm Monday – Friday AEST。

Mandarin

如果你需要口译员，请致电131 450联系翻译和口译服务署（TIS National），要求他们致电1300 701 801 联系 ASQA。我们的工作时间是9.00am – 7.00pm Monday – Friday AEST。

Greek

Αν χρειάζεστε διερμηνέα, παρακαλείστε να τηλεφωνήσετε στην Υπηρεσία Μετάφρασης και Διερμηνείας (Εθνική Υπηρεσία TIS) στο 131 450 και ζητήστε να τηλεφωνήσουν ASQA στο 1300 701 801. Οι ώρες λειτουργίας μας είναι 9.00am – 7.00pm Monday – Friday AEST.

Korean

통역사가 필요하시면 번역통역서비스 (TIS National)에 131 450으로 연락하여 이들에게 1300 701 801 번으로 ASQA에 전화하도록 요청하십시오. 저희의 근무시간은 9.00am – 7.00pm Monday – Friday AEST입니다.

Persian

شماره 131 450 – تلفن کنید و از (TIS National) اگر به مترجم شفاهی نیاز دارید لطفاً به "خدمات ترجمه کتبی و شفاهی" 1300 701 801 – شماره ASQA آنها بخواهید به 9.00am – 7.00pm AEST (Monday – Friday) تلفن کنند. ساعات کار ما 1300 701 801 – شماره ASQA آنها بخواهید به است.

Russian

Если вам нужен переводчик, то позвоните в Службу письменного и устного перевода (TIS National) по номеру 131 450 и скажите переводчику, что вам нужно позвонить в ASQ по номеру 1300 701 801. Наш расписание работы: 9.00am – 7.00 pm Monday – Friday AEST.

Serbian

Ако вам је потребан тумач, молимо вас да позовете Службу преводилаца и тумача (Translating and Interpreting Service - TIS National) на 131 450 и замолисте их да позову ASQA на 1300 701801. Наше радно време је 9.00am – 7.00 pm Monday – Friday AEST.

Spanish

Si necesita intérprete, llame al Servicio de Traducción e Interpretación - Translating and Interpreting Service (TIS National) al 131 450 y pídale que llamen a ASQA al 1300 701 801. Nuestro horario de atención es 9.00am – 7.00 pm Monday – Friday AEST.

Turkish

Tercümana ihtiyacınız varsa, 131 450 numaralı telefondan Yazılı ve Sözlü Tercüme Servisini (TIS National) arayınız ve sizi 1300 701 801 numaralı telefondan ASQA ile görüştürmelerini isteyiniz. Çalışma saatlerimiz 9.00am – 7.00 pm Monday – Friday AEST.