



Institution	Mercury Institute of Victoria
Policy Name	Changes to Registered Providers' Ownership or Management Policy and Procedure
Policy Governance	Compliance Manager
Reference to Standards	Standards for RTO 2015 - Standard 5 Clause 5.4, Standard 7 Clause 7.1, Standard 8 Clause 8.1- 8.2 National Code 2018 – Standard 11 Additional requirements
Date of Approval	April 2022
Review Date	April 2023

PURPOSE

The purpose of this policy is to formalise enactment of compliance by Mercury Institute of Victoria with the legislative and regulatory framework applicable to providers of international education services in Australia.

Mercury Institute of Victoria establishes this policy and procedure to:

- Comply with the requirements of Standards for RTO 2015 – Standard 5 Clause 5.4, Standard 7 Clause 7.1, Standard 8 Clause 8.1- 8.2
- National Code 2018 – Standard 11 Additional requirements

SCOPE

This policy and its associated procedures address regulatory requirements related to mandatory reporting of changes to the registered provider or its management.

1. POLICY

- Mercury Institute of Victoria will notify in writing to ASQA regarding any prospective changes in “Ownership or management changes” as soon as practicable and/or actual changes to the



high managerial position within specified time limits (10 working days).

- Mercury Institute of Victoria will ensure all new appointed high management or CEO/Owner complete the appropriate Fit and Proper Person Declaration and submit to ASQA.
- Mercury Institute of Victoria will ensure that an offer of refund has been made to current students', or have students sign and agree to the change of legal entity should they wish to continue study with Mercury Institute of Victoria. All signed documents will be kept on the Student Management System.

2. PROCEDURE

The following procedures ensure that information on any relevant changes to the ownership or management structure is provided to the ASQA within the timelines (10 working days) specified in SRTOs/ESOS ACT National Code Standards and information on any relevant changes to the ownership within the timelines specified by ASQA.

Change of Ownership (No change in the legal entity)

If there is a change of ownership at Mercury Institute of Victoria and the change does not result in a new legal entity, Mercury Institute of Victoria CEO will advise the ASQA in writing of:

- Any prospective changes to the ownership of the Mercury Institute of Victoria as soon as practicable prior to the change taking effect; and
- Any prospective or actual change to the high managerial agents (as defined in the ESOS Act) of the registered provider as soon as practicable prior to the change taking effect.

Mercury Institute of Victoria's new owner or high managerial agent will complete and sign all the relevant statutory declarations and forms as specified in the ASQA standards and will lodge these via ASQAnet in a timely manner.

If the old owner and/or old high managerial agent were registered and had access to PRISMS, new owner or high managerial agent of Mercury Institute of Victoria will make sure that the access is cancelled.

Where the ownership of the provider is to change, the provider will notify the ASQA of the proposed



change as soon as practicable, and prior to the change of ownership taking effect.

Where it is proposed to change the person holding a high managerial position of a provider, the provider will notify ASQA of the change as soon as practicable prior to the change taking effect.

Change in legal entity

If there is a change of ownership at Mercury Institute of Victoria and the change results in a new legal entity, Mercury Institute of Victoria CEO will notify ASQA in writing of prospective ownership and/or management changes by lodging the appropriate applications via ASQAnet.

As the change in legal entity and corresponding change in CRICOS registration has the same effect as the provider ceasing to provide the course, the new entity must seek:

- Registration of the RTO if it is not already an RTO
- A new CRICOS registration (CRICOS registration is not transferable)

While the new legal entity may continue to offer courses at the same venue, with the same curriculum and teachers, the change in legal entity and corresponding change in CRICOS registration has the same effect as the provider ceasing to provide the course.

Section 27(1) (b) of the ESOS Act entitles students to a refund of course money. The new entity will first offer a refund to the students and then offer a placement in a suitable alternative course arranged by the new entity or their tuition assurance scheme under section 31 of ESOS Act.

If the student elects to accept the second option and wants to continue their course with the new legal entity, new legal entity will get their consent in writing and will enter into a new written agreement for the course.

Relocate or add delivery site

- Where Mercury Institute of Victoria intends to relocate its premises, it will firstly apply to ASQA via ASQAnet.
- When the relocation is approved by ASQA Mercury Institute of Victoria will notify students in writing at least twenty days before the relocation.
- Where Mercury Institute of Victoria intends to add a delivery location it will firstly apply to ASQA via ASQAnet. Only when the new delivery location is approved by ASQA will Mercury



Institute of Victoria deliver training at the new location.

The intention to relocate premises or add delivery site information will be filled in by the Compliance Manager and sent to all students enrolled including those who have been issued a Confirmation of Enrolment (CoE) to study the designated course (whether they have arrived in the country or not).