



Australian Government  
Australian Skills Quality Authority

9 October 2019

Mr Jonathan Hampton  
Chief Executive Officer  
The Malka Group Pty Ltd  
400 Queen St  
MELBOURNE VIC 3000

By email to [Jonathanh@tmq.edu.au](mailto:Jonathanh@tmq.edu.au)

CRICOS ID: 03397E  
Application No: RENCRI0000779  
Audit No: AUDREC0009700

Dear Mr Hampton

**Re: Outcome of application to renew CRICOS registration—granted**

I refer to your organisation's application to renew its registration under the *Education Services for Overseas Students Act 2000* (ESOS Act).

In accordance with the provisions of section 10D of the ESOS Act, the Australian Skills Quality Authority (ASQA) has approved your organisation's application to renew its registration on the *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS). A copy of the final Audit Report is attached for your reference.

CRICOS has been updated to reflect the renewal of your organisation's registration for all courses at all locations that your organisation is registered to provide

Please note that under section 8 of the ESOS Act it is an offence to provide or make an offer to an overseas student to provide a course at a location unless you are registered to provide that particular course at that particular location.

**Maximum Number of Students**

ASQA has considered the capacity of your organisation in terms of its premises, approved arrangements with other providers, facilities, resources, equipment, materials and the ratio of staff to student numbers.

The maximum capacity approved by ASQA remains as 2943 overseas students.

**Conditions on Registration**

There are no conditions imposed on your organisation's registration.



### Period of Registration

Your organisation has been granted registration for a period of 3 Years and 1 month which commenced on 24/09/2019 and is due to expire on 30/10/2022

Your organisation can apply to the ASQA to renew or withdraw its registration, and timeframes and obligations apply to each process. There are also obligations on an organisation that effectively ceases to operate, even though they remain registered as a registered provider. Further information about obligations in these circumstances is available from the ASQA website at [www.asqa.gov.au](http://www.asqa.gov.au).

### Changes to CRICOS Registration

Your organisation must apply to ASQA if it wishes to change its courses registered under the ESOS Act. Information on the process to make changes to your organisation's registration under the ESOS Act is available from the ASQA website at [www.asqa.gov.au](http://www.asqa.gov.au).

Please note that an application to change your organisation's RTOs VET scope of registration is **not** also an application to vary your CRICOS registration. An application to change your CRICOS registration must be submitted separately.

### Maintaining Compliance

During its period of registration your organisation must comply with the:

- *Education Services for Overseas Students Act 2000;*
- *Education Services for Overseas Students Regulations 2001;* and
- *National Code of Practice for Providers of Education and Training to Overseas Students 2018.*

During the period of its registration, your organisation must also comply with the VET Quality Framework (as defined in the *National Vocational Education and Training Regulator Act 2011*) in respect of VET courses and the ELICOS Standards 2018 in respect of ELICOS courses.

### Fees and Charges

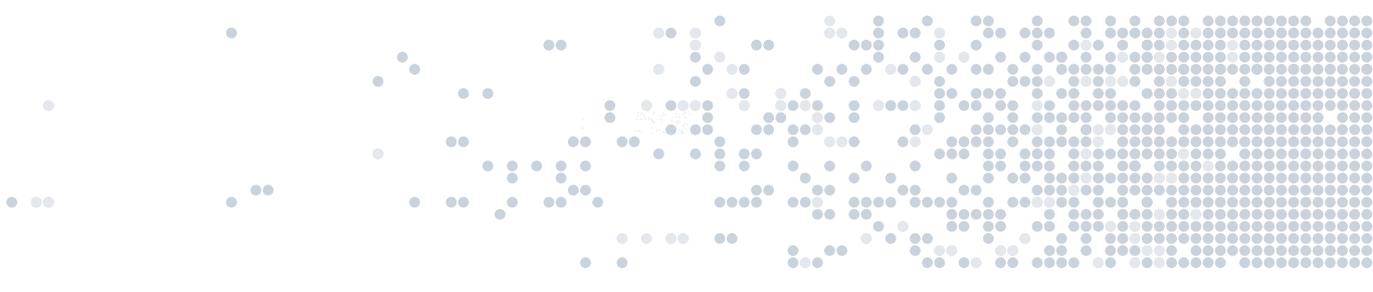
Please refer to ASQA website for details of fees and charges that apply to your registration at [www.asqa.gov.au](http://www.asqa.gov.au).

### Re: Direction to rectify breach/es of conditions

ASQA has determined your organisation is not compliant with the requirements of the Standards for Registered Training Organisations 2015 (Standards for RTOs) which is a breach of Section 22 of the National Vocational Education and Training Regulator Act 2011 (NVR Act). A copy of the final audit report is attached for your reference.

The Australian Skills Quality Authority (ASQA), as the national VET regulator, has made the decision to give a written direction, under section 35A(1) of the National Vocational Education and Training Regulator Act 2011 (NVR Act), requiring your organisation to:

- rectify this breach by addressing each non-compliance outlined in the attached audit report within 20 working days of the date of this notice; and
- retain evidence this written direction has been complied with for examination at a future regulatory activity, by retaining evidence that you have addressed each non-compliance outlined in the attached audit report.



You are not required to submit evidence that you have addressed the non-compliances in response to this notice. ASQA will review evidence that you have complied with this notice at a future regulatory activity.

ASQA considers that issuing a direction to rectify a breach of condition is a proportionate response to the level of non-compliance identified. The direction to rectify a breach of condition has been issued as an alternative to requiring rectification evidence or proposing a sanction be imposed on your organisation.

#### Reviewable Decision

You can seek a review of this decision as it is a reviewable decision under section 199 of the NVR Act.

#### **Reconsideration by ASQA**

As a delegate made this decision, you may apply to ASQA for a reconsideration of the decision. This option must be exercised within 30 days from the date of this notice using the Application for reconsideration of reviewable decision. Your application must include the reasons for the application and requires payment of an application fee. Please refer to the ASQA website at [www.asqa.gov.au](http://www.asqa.gov.au) to obtain the application form and further information about reviewable decisions. ASQA will inform you of the result of its reconsideration of the decision within 90 days of receiving your application.

#### **Review by the AAT following reconsideration by ASQA**

If, upon the reconsideration, ASQA either affirms or varies its decision, you may seek a further review by the Administrative Appeals Tribunal (the AAT) under section 203(1) of the NVR Act.

The AAT is an independent review authority that has the power to affirm, vary or set aside ASQA's decisions. The AAT aims to provide fair, impartial, high quality and prompt review with as little formality and technicality as possible.

Under section 41(2) of the Administrative Appeals Tribunal Act 1975, you also have the right to apply to the AAT for a stay of the enforcement or implementation of ASQA's decision until such time as the AAT determines its review of the decision.

An application to the AAT for a review of the decision must be submitted within 28 days of receiving notification of ASQA's decision and will usually require the payment of an application fee. Your application to the AAT must be submitted in writing using the AAT forms available from the AAT Registry in your capital city, or from the AAT website [www.aat.gov.au](http://www.aat.gov.au). Review applications may also be lodged at the Administrative Appeals Tribunal, GPO Box 9955 in your capital city. You may contact the AAT directly by telephone at 1300 366 700.

#### **Review by the AAT without reconsideration by ASQA**

You may also apply to the AAT for review of ASQA's decision under section 203(2) of the NVR Act, without first applying to ASQA for a reconsideration of the decision.

#### **Access Documents**

Your organisation may also have the right of access to further documents under the *Freedom of Information Act 1982*. More information about Freedom of Information (FOI), including how to make



an FOI application, is available [via https://www.asqa.gov.au/about/accountability-and-reporting/freedom-information](https://www.asqa.gov.au/about/accountability-and-reporting/freedom-information).

**Further Information and Assistance**

If your organisation requires further information or assistance in relation to this matter, please contact ASQA's Info Line on telephone 1300 701 801 or by email to [enquiries@asqa.gov.au](mailto:enquiries@asqa.gov.au)

Yours sincerely



Arvid Yaganegi  
**Manager Regulatory Operations**