



Inquiry into the Tertiary Education Quality and Standards Agency Amendment Bill 2014

May 2014



Inquiry into the Tertiary Education Quality and Standards Agency Amendment Bill 2014

Introduction

The Senate referred to the Education, Employment and the Workplace Relations Committee an inquiry into the Tertiary Education Quality and Standards Agency Amendment Bill 2014 (Amendment Bill).

The Bill proposes to amend the *Tertiary Education Quality and Standards Agency Act 2011* in relation to:

- quality assessments of higher education providers and the delegation of decisions;
- extending periods of accreditation or registration;
- the appointment of commissioners;
- the roles and responsibilities of the Chief Commissioner and Chief Executive Officer;
- notifying providers of decisions and the scope of ministerial directions; and
- Ministerial approval being required for legislative instruments which determine fees to be charged.

The Australian Council for Private Education and Training has much pleasure in responding to your invitation to make a submission on behalf of its members to the Education, Employment and the Workplace Relations Committee on this matter.

Established in 1992, ACPET is the national industry association for private providers of post-compulsory education and training. ACPET represents over 1,000 members nationally delivering a full range of higher education and vocational education and training (VET) and English language courses across all States and Territories, and internationally.

ACPET's mission is to enhance quality, choice and innovation in Australian education and training. It represents a range of independent providers, including commercial and not-for-profit entities, community groups, and industry and enterprise-based organisations. ACPET works with governments, other education and training providers, industries, and community organisations, to ensure vocational and higher education and training services are well targeted, accessible and well delivered.

As the peak body for private education and training providers, ACPET is committed to ensuring that its policies, products and services contribute to an inclusive tertiary education system.



General Comments

Since the inception of the Tertiary Education Quality and Standards Agency (TEQSA), ACPET has enjoyed a solid and productive working relationship. As TEQSA has evolved, its capacity to manage its role as the higher education provider regulator has seen sustained improvements in standards of the higher education sector in Australia.

ACPET recognizes that a key agency such as TEQSA charged with regulating an important industry sector needs to be reviewed and functional adjustments be made to the way it operates. ACPET has examined the findings of the Review of Higher Education Regulation undertaken in 2013 by Dow and Braithwaite and has provided feedback to the two consultation papers released by TEQSA seeking views on the proposed reforms.

ACPET was supportive of the major findings of the review and understands that the main purpose of the Amendment Bill is to:

- remove the thematic quality assessment function to enable TEQSA to focus on its core regulatory activities of provider registration and course registration;
- improve delegations to allow greater decision making at the case manager level to reduce decision timeframes and to allow applicants to take advantage of internal review processes;
- remove the restriction on the number of Commissioners and their basis of appointment to allow TEQSA to adapt to changing workloads and sector needs;
- provide for the Minister to give general directions to TEQSA particularly approval of fees to be charged to providers;
- allow TEQSA more flexibility to extend the period of registration and accreditation; and
- TEQSA will not have to notify successful applications of the reasons for deciding on provider category unless they are registered in a different category for which they applied.

ACPET welcomes these changes. ACPET provides the following comments on the specific areas requested by the Education, Employment and the Workplace Relations Committee:

Quality assessments of higher education providers and the delegation of decisions

The proposed Amendment Bill acknowledges the findings of the TEQSA Review of its regulatory processes that its functions should be reduced to enable it to concentrate on its core activities of provider and course registration. The refining of TEQSA's purpose and the adoption of other



recommendations of the Review to improve its flexibility to respond to the needs of the sector by improved delegation of power to case managers and removing restrictions on the number of commissioners is most welcome.

Extending periods of accreditation or registration

Providing TEQSA with the flexibility to extend the periods of accreditation or registration recognises that many higher education providers have achieved and maintain high quality education delivery and facilities which meet the standards required by TEQSA. Many of these providers have done so over a long period. Being able to extend accreditation or registration for these providers allows TEQSA to give more attention to those providers who have not yet achieved such standards. These changes are supported by ACPET.

The appointment of Commissioners

Similarly ACPET is supportive of the flexibility provided to TEQSA in the appointment of Commissioners. The changes enable the regulator to appoint additional Commissioners to cater for any unforeseen changes which may be presented to the sector, without unnecessarily impacting on its capacity to continue with its 'bread and butter' work.

The roles and responsibilities of the Chief Commissioner and Chief Executive Officer

ACPET supports the separation of the roles and responsibilities of the Chief Commissioner and the Chief Executive Officer.

Notifying providers of decisions and the scope of ministerial directions

ACPET believes that providers should be notified of all decisions that affect their operations. It is not good enough to believe that no news is good news.

Ministerial approval being required for legislative instruments which determine fees to be charged

ACPET supports the need for Ministerial approval for the determination of fees. There has been concern for some time that the lack of Government involvement in the setting of fees may lead to some indefensible increases without any reasonable process for review.