

13 April 2011

Mr Tim Watling
Committee Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Mr Watling

Senate Education, Employment and Workplace Relations Legislation Committee Inquiry into the Tertiary Education Quality and Standards Agency Bill 2011

The Australian Council for Private Education and Training (ACPET) is the peak body representing private education and training providers in Australia, with more than 1,100 members in all States and Territories. ACPET has approximately 90 members delivering Higher Education throughout all Australian states.

Non self accrediting Higher Education Institutions (NSAIs) form a very diverse group of specialised institutions. ACPET's members deliver qualifications in the fields of theology, business, information technology, natural therapies, hospitality, health, law, design, accounting, music and linguistics. Approximately half of Australia's non self accrediting institutions are approved under the *Higher Education Support Act 2003* as FEE HELP providers.

ACPET strongly supports the establishment of the Tertiary Education Quality and Standards Agency (TEQSA). We commend the Government for their pursuit of Higher Education reform and believe that the establishment of TEQSA is a significant step in ensuring that Australia's Higher Education system is in the top group of OECD countries in terms of participation and performance. ACPET also takes this opportunity to commend the work of the Department of Education, Employment and Workplace Relations and the Interim Chair and Interim CEO of TEQSA on the work they have undertaken to establish TEQSA and their commitment to regularly consult with ACPET during the establishment phase.

ACPET welcomes the establishment of a single national Higher Education regulatory agency as a means of overcoming the significant regulatory duplication NSAIs are subject to, this includes:

- each Institution being registered and re-registered by a State regulatory authority for compliance with the National Protocols. If an Institution operates in multiple jurisdictions then it must go through multiple registration and re-registration processes;
- institutions being separately approved by the Commonwealth to become approved FEE HELP providers;
- detailed reports being provided annually to State authorities including financials;
- an Australian Universities Quality Agency audit at least five yearly, plus possible compliance audits; and
- accreditation of each course offering, with re-accreditation five-yearly.

The establishment of TEQSA will streamline the overly burdensome processes outlined above so that institutions have to deal with only one Higher Education regulatory agency. Furthermore the Australian Higher Education sector can expect to benefit through the application of consistent regulation rather than the unavoidable inconsistent application of regulation that is an inherent result of having multiple regulatory agencies.

ACPET welcomes the proposed new arrangements for registration and re-registration and accreditation and re-accreditation that will allow institutions to be granted registration for a maximum of seven years.

ACPET welcomes the three regulatory principles outlined in the TEQSA Bill:

- the principle of regulatory necessity
- the principle of reflecting risk
- the principle of proportionate regulation

and looks forward to more detailed information on how these will be operationalised.

ACPET does however have serious concerns with two sections of the TEQSA Bill:

Part 3, Division 1, Section 21 **Registration**; and
Part 4, Division 2, Section 49 **Accreditation**.

The Registration and Accreditation sections of the TEQSA Bill provide TEQSA with up to 24 months (12 months +12 months) to approve an Institution for registration and course accreditation. ACPET contends that this time frame is at odds with the proposed 'new relationship between Government and Educators: a relationship built on mutual respect' as outlined in the Transforming Australia's Higher Education System. It is our position that the proposed time frames are too lengthy.

A central feature of the Government's reform agenda has been to increase the focus on quality. This focus on quality must extend to the role of TEQSA and the way in which it regulates the sector. As such, it is crucial that TEQSA provide timely and accurate assessments of registration and course accreditation applications.

The time frame for an Institution to develop a course accreditation application varies. Some applications can be completed in six months others will take longer than 12 months. During this time Institutions consult with industry and subject matter experts to build and review their course before they are ready to submit their application for accreditation. Given the proposed time frames for course accreditation in the TEQSA Bill it is conceivable that it will take up to three years from the first steps of preparing an accreditation portfolio to TEQSA's approval. This does not bode well for institutions attempting to display ingenuity and diversity and meet the needs of industry.

With the establishment of TEQSA, Higher Education is entering a period of transition as regulation moves from states to the Commonwealth. ACPET has been working with both the state authorities and the interim CEO of TEQSA to assist our members prepare for the regulatory 'switch'. Part of this preparation has been to provide guidance for institutions that will be lodging registration, re-registration and course accreditation and re-accreditation applications. Many of the state based regulators have asked Institutions to submit applications between six and nine months before the 31 December 2011 'switch' so that they will have the time to complete their assessment processes. ACPET contends that this six to nine month period provides a benchmark for the proposed accreditation and registration timeframes in the TEQSA Bill to be measured against.

Further we note in the TEQSA Bill that TEQSA requires renewal of course accreditation applications to be lodged at least 180 days before the accreditation of the course of study is to end (Division 4, Section 55, Part a). The 180 day time frame provides a further benchmark on which to measure the maximum time TEQSA should be provided with to accredit a course.

ACPET acknowledges that TEQSA’s interim CEO, Mr Ian Hawke, has provided guidance that the TEQSA service standards will ensure that assessments for registration and course accreditation will be undertaken in a considerably shorter time frame than 24 months and we welcome this advice. However, ACPET contends that the time frames that are enshrined in legislation for registration and accreditation must be substantially less than the maximum 12 months + 12 months.

ACPET notes that in the case of applications for registration and course accreditation the TEQSA Bill provides TEQSA with the powers to request further information from the applicant, if necessary. This will ensure that TEQSA has all of the required information to make timely decisions on applications.

ACPET recommends that the TEQSA Bill be amended so that TEQSA must make a decision within nine months of receiving an application for registration and course accreditation. If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within nine months then TEQSA may determine a longer period, not exceeding a further six months, within which it must make a decision on the application.

The Box below sets out the amendments that ACPET proposes.

Current

Recommended amendments

Part 3—Registration	Part 3—Registration
Section 21 – Registration	Section 21 – Registration
(2) TEQSA must make a decision on the application:	(2) TEQSA must make a decision on the application:
(a) within 12 months of receiving it; or	(a) within nine months of receiving it; or
(b) if a longer period is determined by TEQSA under subsection (3)—within that period.	(b) if a longer period is determined by TEQSA under subsection (3)—within that period.
For the purposes of paragraph (a), TEQSA is taken to receive the application when it receives payment of the substantive assessment application fee.	For the purposes of paragraph (a), TEQSA is taken to receive the application when it receives payment of the substantive assessment application fee.
Longer period for decision on application	Longer period for decision on application
(3) If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within the period mentioned in paragraph (2)(a), TEQSA may determine a longer period, not exceeding a further 12 months, within which it must make a decision on the application.	(3) If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within the period mentioned in paragraph (2)(a), TEQSA may determine a longer period, not exceeding a further six months, within which it must make a decision on the application.

<p>Part 4 – Accreditation</p> <p>Section 49 Accreditation of course of study</p> <p>Decision on application</p> <p>(2) TEQSA must make a decision on the application:</p> <p>(a) within 12 months of receiving it; or</p> <p>(b) if a longer period is determined by TEQSA under subsection (3)—within that period.</p> <p>For the purposes of paragraph (a), TEQSA is taken to receive the application when it receives payment of the substantive assessment application fee.</p> <p>Longer period for decision on application</p> <p>(3) If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within the period mentioned in paragraph (2)(a), TEQSA may determine a longer period, not exceeding a further 12 months, within which it must make a decision on the application</p>	<p>Part 4 – Accreditation</p> <p>Section 49 Accreditation of course of study</p> <p>Decision on application</p> <p>(2) TEQSA must make a decision on the application:</p> <p>(a) within nine months of receiving it; or</p> <p>(b) if a longer period is determined by TEQSA under subsection (3)—within that period.</p> <p>For the purposes of paragraph (a), TEQSA is taken to receive the application when it receives payment of the substantive assessment application fee.</p> <p>Longer period for decision on application</p> <p>(3) If TEQSA is satisfied that, for reasons beyond its control, a decision on the application cannot be made within the period mentioned in paragraph (2)(a), TEQSA may determine a longer period, not exceeding a further six months, within which it must make a decision on the application</p>
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ACPET would be pleased to meet with the Senate Committee should that be necessary to discuss any issues raised in this letter or in relation to any other issues as they emerge during the Committee’s deliberations.

Yours sincerely

Claire Field
Chief Executive Officer