



BOND UNIVERSITY

1 April 2011

Senator Gavin Marshall
Chair
Senate, Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600

Comments to the Committee Secretariat mailbox eewr.sen@aph.gov.au

Dear Senator Marshall

Thank you for the opportunity to comment on the draft TEQSA legislation.

Please find attached Bond University's TEQSA Bill and TEQSA Consequential Amendments and Transitional Provisions Bill comments in the required PDF and RTF formats.

Yours sincerely

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Comments on the Tertiary Education Quality and Standards Agency Bill 2011

Part 3 – Registration

- Clause 27 (3) (c) –
Bond University suggests changing the submission of annual financial statements from 6 months to 9 months after the end of the annual financial period to align with other financial reporting period regulations (e.g. ATO annual financial returns).
- Clause 36 renewal of registration as a higher education provider and Clause 38 (1) (a) allowing TEQSA to change the provider category are dependent on the higher education provider meeting **Threshold Standards**. Since the Threshold Standards comprising the Provider Standards (including the Provider Registration Standards, Provider Category and Provider Course Accreditation Standards) and the Qualification Standards are to be determined by the Minister via the Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions Bill) 2011 (C&T Bill) it would be unwise to approve the proposed legislation without prior knowledge of the Threshold Standards content.

Part 5 – Higher Education Standards Framework

- Bond University is concerned that Clause 58 (5) may allow the Australian Qualifications Framework (AQF) to be incorporated into the Act without further public consultation.
- Clause 59 (a) *Compliance Assessments* allows TEQSA to review or examine **any** aspect of an entity's operations to assess whether the registered provider continues to meet Threshold Standards. This very broad access appears excessive and if the objective of the clause is to enable TEQSA access to review operations of an entity that provides part of a course of study where that course of study leads to a regulated higher education award which is offered or conferred by the registered higher education provider, then this should be outlined in the Act. Clause 59 does not appear to adhere to the "reflecting risk" principle of regulation as outlined in Part 2 of the TEQSA Bill.

Part 6 – Investigative powers

- Clause 71 – *Monitoring powers of authorised officers subsection (d)* allows an authorised officer "to make any still or moving image or any recording of the premises or anything on the premises" this may lead to a violation of staff and students civil rights.

- Clause 75 – *Authorised officer may ask questions and seek production of documents.* Bond will seek advice on confidentiality agreement implications for existing employment contracts.

Part 11 – National Register of Higher Education Providers

- Clause 198 (4) gives TEQSA very broad powers to enter details into the national register. As this register is in the public domain Bond would recommend that TEQSA seek approval from registered providers prior to any additional information being published.

Comments on the Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011

Schedule 3 – Transitional Provisions

- Part 1 Clause (2) (d) indicates that a higher education provider's deemed registration under paragraph (b) is taken to include the authority to self-accredit courses of study. Although the self accrediting status of higher education providers is dealt with in the transitional provisions, self accreditation is not addressed in the TEQSA Bill. Therefore, it appears the accreditation detail will be placed in the second tier provider standards. It would be imprudent to approve the proposed legislation without prior knowledge of the Threshold Standards content

Summary

The Draft TEQSA Legislation appears to provide a good balance between autonomy and accountability in the provision of higher education services. Bond University's main areas of concern are:

The Retention of Self Accreditation Status

Since the TEQSA Act is silent on self accreditation we can only conclude that the Government's intention is to place the accreditation detail in the Provider Standards. Consultation and debate on the third draft of the Provider Standards will be essential prior to approval of the TEQSA legislation.

Incorporation of Australian Qualification Framework into the Higher Education Framework

National Qualification Frameworks are a set of *descriptors* that outline the structure and qualifications of a national education system. Any attempt to use these descriptors as a regulatory tool would be extremely prescriptive and may compromise the self-accrediting status of universities.