

Senate Standing Committees on Education and Employment

Education Services for Overseas Students Amendment (Quality and Integrity) Bill 2024 [Provisions]

QUESTION ON NOTICE Date of hearing: 26 August 2024

Outcome: Tertiary Education Quality and Standards Agency (TEQSA)

Department of Education Question No. IQ24-000032

Senator Sarah Henderson on 26 August 2024, Proof Hansard page 60

TEQSA | Non-compliance - details of investigations and identity of the organisations

Question

Dr Russell: TEQSA is the ESOS agency for 196 providers, and, from 1 July 2022 to 8 August 2024, we undertook preliminary compliance assessments in relation to 21 providers. Of those 21 providers, five are ongoing, and four progressed to full-compliance assessments. Three of those are still in progress.

Senator HENDERSON: So of the 196 providers—

Dr Russell: CRICOS providers—yes.

Senator HENDERSON: there are three current investigations.

Dr Russell: There are five that are still in the preliminary stages, and there are a further three that have progressed to the more serious and comprehensive assessment—that is, a compliance assessment.

Senator HENDERSON: What's the nature of the non-compliance for those three organisations?

Dr Russell: The data that we looked at to trigger those was data such as student attrition, problems with student progress and problems with student outcomes. These are things that suggest that something is not right with either the recruitment of those students, the support for those students or the progress and completion of those students. From that, we might take a much broader look at what is happening in the provider, but those are the triggers for those matters.

Senator HENDERSON: Could you provide on notice the details of those investigations, including the identity of those organisations? One of the concerns I have is that a lot of the private providers suffered very, very serious harm as a result of ministerial direction 107. The student visa approvals crashed through the floor, and that triggered concerns from the regulator, from yourselves, about things like progress and student attrition because suddenly their numbers dropped off. But you're investigating private higher education providers whose businesses have gone AWOL because of the actions of the government.

Answer

The Tertiary Education Quality and Standards Authority (TEQSA) has provided the following response;

There are 3 registered higher education providers for which TEQSA has commenced, or will shortly commence, a compliance assessment under section 59 of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act). One of the providers is an Australian University, and 2 are registered as Institutes of Higher Education.

- For the Australian University and one of the Institutes of Higher Education, TEQSA has concerns regarding the providers' monitoring of education agents, and the admission and recruitment of overseas students.

- For the third provider, TEQSA is planning to commence a compliance assessment based on concerns about the provider's monitoring of education agents, student progression, facilities and supports for students. Limiting advanced notice of compliance activity is important in this matter.

The fact that TEQSA has commenced, or will commence, a compliance assessment does not indicate that a conclusion or finding has been made regarding whether relevant provider has failed to comply with their legal obligations. Commencing a compliance assessment puts TEQSA in a position to gather further information, examine a provider's operations and then accurately assess whether the provider is meeting the *Higher Education Standards Framework (Threshold Standards) 2021*.

Publicly identifying the individual providers that are the subject of compliance assessments is not in the public interest:

- Publicly identifying individual providers risks significantly decreasing trust in the regulator and impeding TEQSA's capacity to gather the information it needs to fulfil its functions. If providers become concerned that information, provided to TEQSA in good faith and to fulfill their obligations, will become public, providers will be less forthcoming in providing information to TEQSA;
- In circumstances where TEQSA, as the regulator, considers that the best approach to conducting an assessment is not to give the provider significant advance notice of the assessment, publicly naming the provider will undermine TEQSA's strategy and the effectiveness of its regulatory work;
- In circumstances where TEQSA has not determined that a provider's conduct gives rise to the need for regulatory action in the public domain, the risks associated naming individual providers that are the subject of compliance assessments are too high in terms of unfairly tarnishing the reputation of a provider.