

**Submission to Senate Education, Employment and Workplace Relations Committee
Tertiary Education Quality and Standards Agency Bill(s) 2011**

About the Council of Private Higher Education (COPHE)

COPHE is a peak body that seeks to promote quality, diversity and choice in higher education.

The COPHE constituency sits unambiguously in the higher education sector, offering courses taught and accredited as being equivalent in level to public sector universities.

The membership includes not-for-profit as well as for-profit; many are faith based and they tend to be long established, with several first operating in the 19th century.

COPHE members, while diverse in size and educational focus, are all committed to provision of quality higher education. Institutions are student-centred, often have smaller student-to-staff ratios than larger public universities, and provide opportunities for flexible and accelerated learning. Offering courses in niche discipline areas, members are committed to particular professions and have strong employer links.

TEQSA

The establishment of TEQSA - as a single national regulatory body for accreditation and quality assurance - has been welcomed by private higher education institutions as it promises national consistency and the elimination of extensive duplication in compliance activity. Currently COPHE members must deal with multiple agencies in different jurisdictions and there is evidence of inconsistency which has the potential to erode quality standards.

TEQSA will, in effect, have the functions of the Australian Universities Quality Agency (AUQA), the Australian Qualifications Framework Council (AQFC) and existing state agencies plus CRICOS registration for overseas students, rolled into it.

We note and welcome that TEQSA regulation is to be risk based and proportionate. All institutions will have a registration cycle that reflects a risk assessment, unless risks are identified to vary the cycle. The way it is to be structured will put incentives in place for well managed institutions to continue to improve and allow the regulator to respond early to any problems that emerge that might be a threat to quality.

All higher education institutions, including universities, will need to meet standards or face the possibility of revocation of their status. Universities still retain autonomy and self-accreditation. A desired outcome, for institutions that are not public universities, is consistency in accreditation and a more level playing field.

In many ways, non-university higher education institutions have more understanding of accreditation and regulation requirements than their counterparts in the self-accrediting public sector as they have years of experience of engaging with the detail of the National Protocols for higher education and the state jurisdiction managed, but mutually recognized (at least in theory), processes that are applied. Our members deal with the Commonwealth but also have experience with AUQA audit and CRICOS registration.

The establishment of TEQSA, the risk based and proportionate approach it takes, together with its embrace of quality assurance and course standards can only serve to strengthen higher education in Australia.

The Tertiary Education Quality and Standards Agency Bill 2011

The Department is to be commended on the thorough consultation process undertaken with stakeholders regarding the legislation. We have appreciated the wide ranging contributions made and believe the Bill covers all the requirements for the establishment of TEQSA as an agency with the appropriate powers.

The Higher Education Standards Framework

The Bill establishes TEQSA to register, evaluate and quality assure the performance of higher education providers against a new Higher Education Standards Framework. These standards will become legislative instruments.

From the perspective of the higher education provider, the standards are actually more significant to their operations (and more central to the effective operation of TEQSA), than the legislation that establishes the regulator. The Provider Standards comprising Provider Registration, Provider Category and Provider Course Accreditation Standards were released in a third draft yesterday afternoon and reflect changes which raise major concerns for COPHE members.

We have particular concerns about the approach to “University College” and “University of Specialisation” title in the revised draft but have not yet had the opportunity to consult our members. We would like to do so and make a further submission.

The consultation process for the Provider Standards has been open and thorough however TEQSA is breaking new ground in its approach to the regulation of higher education and there needs to be an opportunity for public consideration of the whole “package” even with further consultation on the additional standards as they are developed.

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