

Senate Committee: Education and Employment

**QUESTION ON NOTICE
Additional Estimates 2015 - 2016**

Outcome: Agency: TEQSA

Department of Education and Training Question No. SQ16-000374

Senator Colbeck, Richard provided in writing

TEQSA - Swinburne University and SEEK Learning

Question

This question is in relation to TEQSA's Guidance Note: Third Party Arrangements (http://www.teqsa.gov.au/sites/default/files/TPAGNFinal_0.pdf) - see attached

- Would the Guidance Note apply to circumstances such as Swinburne Online which is a joint venture between Swinburne University of Technology and SEEK Learning?
- If so, how would TEQSA expect the due diligence and contracting guidance specifically in relation to ownership and governance structures to be applied in dealing with real or perceived conflicts of interest?
- How would TEQSA expect a university to deal with a situation where the Chancellor of the University was also a non-executive director of the joint venture partner, as is currently the case with Mr Grahame Goldsmith who is Chancellor of Swinburne and a non-executive director and shareholder of SEEK? Does this potentially create a conflict of interest?

Answer

The Tertiary Education Quality and Standards Agency (TEQSA) has provided the following response.

The *TEQSA Guidance Note: Third Party Arrangements* applies in circumstances such as the arrangement between Swinburne University of Technology (Swinburne) and SEEK Learning. While it is a joint venture arrangement, SEEK Learning is a separate legal entity to Swinburne.

The Threshold Standards do not make reference to conflicts of interest in relation to third party arrangements.

TEQSA has a general expectation that providers will have conflict of interest policies (either generally and/or specifically for the governing body), and that members of governing bodies would observe these.

TEQSA's concerns are whether or not Swinburne complies with the Threshold Standards and that there is appropriate oversight and quality assurance of its third party arrangements consistent with the Threshold Standards and more generally, the guidance provided by TEQSA in the *TEQSA Guidance Note: Third Party Arrangements*. This expectation exists whether or not there are real or perceived conflicts of interest.