

Submission to: Senate Standing Committee on Education and Employment

Response to: *Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020*

IHEA supports the proposed amendments contained in the *Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020* and welcomes the opportunity to submit comments.

Recommendations arising from the Review of the Higher Education Provider Category Standards (PCS Review)

IHEA supports the recommendations of the PCS Review and their implementation in the *TEQSA Act*. These recommendations provide coherence and transparency to the categories of Australian higher education providers through abolition of little used, or less relevant categories and the retention of high value categories – **Australian University, University College** and **Institute of Higher Education** (currently Higher Education Provider). The retention of the little used category of Overseas University provides essential community transparency.

The current Provider Categories do not adequately recognise the quality, scholarship, and rigorous academic governance of Higher Education Providers that achieve Self Accrediting Authority (SAA). The amended Categories this Bill implements address this and give greater transparency to the Australian community.

Importantly, the revised Provider Categories this Bill implements retain high-level research as the essential defining criteria of an Australian University.

University Colleges

IHEA supports the decision of government to retain this Category name to recognise high-quality institutions that are not in the Australian University category.

The *Coaldrake Review* noted that there is a need to be able to recognise “Standing and Excellence” of institutions within the higher education sector to ensure there are signals to higher education stakeholders.¹ The revised University College category achieves this through recognising track record, the academic excellence of Self-Accrediting Status (SAA) and teaching and learning scholarship.

The revised University College Category requires:

The higher education provider:

- 1. has authority to self-accredit at least 70 per cent (at time of application to TEQSA) of its total courses of study;*

¹ Professor Coaldrake, “What’s in a Name? Review of the Higher Education Provider Category Standards Final Report”, October 2019, p. 25.

2. *has a history of at least five years of successful delivery with strong student outcomes, taking into account different student cohorts. Student outcomes can be measured against a variety of sources deemed acceptable to TEQSA, such as graduate outcomes, adjusted attrition rates, and measures of student experience;*
3. *has mature and advanced processes for the design, delivery, accreditation, monitoring, quality assurance, review and improvement of courses of study, and the maintenance of academic integrity;*
4. *demonstrates systematic support for scholarship and demonstrates scholarly activities and outcomes that inform teaching, learning, and professional practice, and make a contribution to the advancement and dissemination of knowledge;*
5. *identifies and implements good practices and advances in teaching and learning, and shares those practices with the higher education sector more broadly;*
6. *has sufficient depth of academic leadership and expertise in the fields of education it delivers to guide teaching, learning, and academic governance; and*
7. *demonstrates engagement with employers, industry, and the professions in areas such as course development, work-integrated learning, and research partnerships.²*

IHEA notes the commentary regarding the naming of this category and submits the following:

- 'University College' is an existing category and has been part of the category landscape since 2011. Retaining this designation avoids the issues associated with inventing new Category names which aren't broadly recognised or valued.
- 'University College' is a term recognised internationally and clearly defines the institution as a tertiary institution.
- Current limited usage of this category reflects the pathway requirements of its criteria rather than its value as a discrete high-quality provider category.
- The term 'College' is associated most widely with teaching and learning through education institutions and 'University College' gives transparency in a national education nomenclature that includes 'Secondary College' and 'P-12 College'.

IHEA supports the need to protect usage of the term 'University College' and the requirement for institutions in this Category seeking to identify as such to use both terms in naming and branding. This requirement will protect the status and transparency of both the *University College* and *Australian University* categories.

The current 'University College' category has had limited value as the Standards require a provider to have a track record including cycles of review and achievable plans to be admitted as an Australian University within five years. Limiting the Category as a pathway to Australian University creates a pressure to achieve the research criteria of a University, but without access to government funding to support this, and an inherent disincentive of loss of Category if Australian University criteria is ultimately not achieved within the five-year period.

The revised University College Category gives status, opportunity and innovative capacity to the Australian tertiary landscape. In addition to recognising excellence, the Category also enables the establishment of high-status institutions focussed on teaching excellence rather than the required focus on both research and teaching excellence of Australian Universities.

The revised University College Category this Bill implements will complement the status and recognition of Australian Universities in the delivery of Australia's world-class higher education system.

² Professor Coaldrake, "What's in a Name? Review of the Higher Education Provider Category Standards Final Report", October 2019, p. 74.

Australian Universities

All current Australian Universities contribute to Australia's world class higher education system with high quality research and teaching and each has research specialities, regional footprints and disciplines of excellence.

IHEA supports the PCS recommendations for this Category that enable all current Australian Universities to remain in this Category and retain their Australian University status.

We note the amendments to the Australian University category regarding the research requirements of the category. IHEA supports all current Universities retaining their Australian University title with the status of the title important to domestic and international students, alumni, and the wider communities served by each University as well as the economic activity they generate.

The Australian government should ensure all Universities can achieve the amended research requirements on implementation of the instrument and regularly review the necessary supports to enable all Universities to meet the research performance requirements of the category effective from 1 January 2030.

Institute of Higher Education (IHE)

The IHE category revises the current HEP category and provides for the registration of higher education providers and accreditation of their courses through application and regular review of the Higher Education Standards Framework. This category ensures the quality of independent higher education providers, in turn supporting greater diversity of choice for students to pursue their educational goals.

IHEA proposes that amendment of the TEQSA Act that effect the Commonwealth Government's decision to implement the recommendations of the PCS Review be supported.

Recommendation from the Review of the impact of the TEQSA Act on the higher education sector (Impact Review), to refer to the Threshold Standards as a single unified framework

IHEA supports the implementation of the recommendation of the Impact Review that Section 58 (1) of the *TEQSA Act* be amended to refer simply to the "Threshold Standards" rather than listing types of Threshold Standards and deleting 'non-Threshold Standards'. This recommendation will improve clarity of the Standards and the remit of TEQSA.

Retention of the clause "other standards against which the quality of higher education can be assessed" will allow the flexibility of the Minister and TEQSA to determine and define other standards that might be used to assess quality from time to time. This will enable the Standards to be responsive to emerging circumstances, evolving quality measures, international trends and a diverse and changing student market.

Stakeholders are concerned however that benefits of flexibility might result in unreasonable requirements or unintended consequences where there isn't adequate consultation on measures developed under this clause. Section 58 (3) provides checks and balances on the Minister's delegated powers to make standards by legislative instrument by requiring the Higher Education Standards Panel (HESP) to draft the Standard and the Minister to consult with the Education Council, the Research Minister and TEQSA. IHEA proposes that this be strengthened by a specific requirement that the HESP ensure that total sector consultation is included in the development of the Standard.

IHEA proposes that the Bill be amended to require that Standards approved by delegated Ministerial powers require sector-wide consultation in addition to the measures identified in s58(3)

Inclusion of the Undergraduate Certificate in the Definition of “Higher Education Award”

IHEA welcomes the proposed amendment to Section 5(a) of the *TEQSA Act* to include the Undergraduate Certificate in the definition of “Higher Education Award”.

The impetus of the COVID-19 crisis drove a stimulatory response to support short courses to enable opportunities for re-skilling and up-skilling during a period of economic downturn. Inclusion of the Undergraduate Certificate in the definition of Higher Education Award (AQF Level 5) gives certainty and validity to the thousands of Australians who complete Undergraduate Certificates to improve their capacity to participate in the skilled workforce.

The long-term benefit of retaining the Undergraduate Certificate will include:

- Accessibility of rapid qualifications for re-skilling in changing priority disciplines.
- A structural opportunity for the recognition of micro-credentials.
- Earlier course exit points that will reduce attrition and the accumulation of unproductive student debt.
- Increased opportunities for students to change career directions without penalty.

The Undergraduate Certificate’s inclusion in the Australian Qualifications Framework will be reviewed in December 2021, however, its continuation is essential to the long-term success and encouragement of innovation in the higher education system to meet the economic and educational needs of Australia in the future.

IHEA proposes that the amendment of the definition of Higher education Award be supported and that the Commonwealth work with COAG Education Council members to support permanent inclusion of the Undergraduate Certificate in the Australian Qualifications Framework (AQF)

Ensuring student records can be appropriately handled following a provider ceasing to operate

IHEA supports amendments to the *TEQSA Act* that allow for TEQSA to be able to manage student records where a provider ceases to hold TEQSA registration or ceases to operate. This recognises the importance of students being able to access their records to pursue continuation of their studies with other higher education institutions or provide to prospective employers.

In supporting this IHEA also notes that access to academic records is not equal for all students and that there is an urgent need for the establishment of a Tertiary Learning Repository to create a digital platform for the collection and holding of student records that is accessible to all Australian tertiary students.

Allowing TEQSA to extend the period of a provider’s registration or course accreditation more than once

IHEA supports the provisions in this Bill that will amend Subsection 37A(1) to allow for TEQSA to extend the registration or accreditation periods for providers more than once, by removing the words “so long as the period has not been previously extended by TEQSA”. During the COVID crisis, a vital part of the response to assist providers to focus on student outcomes and quality teaching was the flexibility to remove the onerous regulatory burden that might have been imposed by the re-registration process with reference to institutional circumstances.

TEQSA’s regulatory powers are sufficient to enable the regulator to determine the extension of an institution’s registration period without this being limited to one extension only. TEQSA’s capacity to extend registrations should apply equally to all provider types with appropriate application of the Standards Framework and regulatory principles of Necessity, Proportionality and Risk.

Independent Higher Education Australia

IHEA is a peak body for Australia's registered and accredited independent higher education providers (including independent universities) with campuses across Australia.

The majority of Australian independent providers are IHEA members and educate students in a range of disciplines including Law, Agricultural Science, Architecture, Business, Accounting, Tourism and Hospitality, Education, and Health Sciences, Theology, Creative Arts, Information Technology and Social Science. IHEA members are higher education institutions with both for-profit and not-for-profit models and educate domestic and international students in undergraduate and postgraduate programs.

The Australian independent higher education sector comprises more than 145,000 students and 120 institutions, with independent providers variously accredited to offer courses across the full AQF range (Diplomas to Doctorates).

Membership of IHEA is only open to providers that are registered with the Australian regulator – Tertiary Education Quality and Standards Agency (TEQSA). Membership is also conditional on continued compliance with IHEA's Code of Good Practice.

IHEA's primary goal is promoting equity, choice and diversity for all Australian higher education students.

Contacts:

Independent Higher Education Australia

Dr. Sally Burt

Policy & Research Manager

Email: sally.burt@ihea.edu.au

Phone: (03) 9642 5212

Mr Simon Finn

Chief Executive Officer

Email: simon.finn@ihea.edu.au

Phone: (03) 9642 5212