

RMIT UNIVERSITY submission to the Senate inquiry of the

Tertiary Education Quality and Standards Agency Bill 2011

and the

***Tertiary Education Quality and Standards Agency (Consequential
Amendments and Transitional Provisions) Bill 2011***

1. Comments on the *Tertiary Education Quality and Standards Agency Bill 2011*

Part 2 – Basic Principles of regulation

RMIT strongly supports the need for a robust, integrated and transparent approach to regulation and quality assurance in higher education.

The legislation needs to recognise and reflect the sound and stable performance of universities. Therefore RMIT University favours a proportionate, risk-based approach to regulation and quality assurance, which takes into account the institution's track record against core activity in scholarship, teaching and research, its financial performance and the existence of comprehensive internal quality assurance mechanisms. The following principles should be the basis of the legislation:

- Establishment of clear threshold criteria and minimum governance and policy framework requirements for all providers. As a minimum, the framework should include established academic and operational policy with clear and unambiguous accountability for academic standards, research practice, student support and administration, academic freedom and strategic and financial management.
- Identification of rigorous requirements for initial registration of new entrants.
- Audit and review processes should recognise institutions' historical performance against regulatory requirements and adjust levels of scrutiny accordingly.
- The legislation should recognise the status of universities as self-accrediting and autonomous institutions under separate Acts of Parliament and commit to a lower level of intervention accordingly.
- The history and standing of universities as self-accrediting institutions must be explicitly recognised with legislation.

Part 3 – Registration

The *Guide to the Exposure Drafts* and the legislation provide little detail about the re-registration process for "universities". This is of concern, given the legislation appears to allow TEQSA to impose registration conditions on existing universities that could either remove or restrict their autonomy.

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Schedule 3 – Transitional Provisions

Harmonisation of the regulatory and quality assurance frameworks for higher education and VET providers is paramount as the system moves toward a single regulator in 2013. To this end, we recommend the Government seeks to maximise alignment between the TEQSA legislation and legislation that is currently establishing the national vocational regulator, the Australian Skills Quality Authority (ASQA). This will ensure there is no potential conflict arising from separate legislation and subsequent interpretation.

To this end, the TEQSA legislation should include a sunset clause to subsume the regulatory powers, functions and activities of the current national vocational regulator.

As the establishment of TEQSA and ASQA progresses, it will be critical to align as far as possible, their regulatory powers, roles, functions and approaches and underpinning legislative instruments. While the Standards Framework of each agency will vary, there must be close consultation. This will ensure consistency in interpretation and implementation (for example the AQF) and to minimise increased effort and the cost of reporting and compliance activity for providers registered to deliver both higher education and vocational qualifications. This is critical, given TEQSA has also cautioned it expects to collect more data from providers, at least in the early stage, to develop a clearer and more comprehensive understanding of delivery, student engagement and the level of quality and associated risk across the system.

A process of consultation with the sector should seek to identify the minimum critical set of indicators across both sectors to ensure high quality institutional performance.