



Office of the Vice Chancellor

Monday, 11 April 2011

Mr Tim Watling  
Committee Secretary  
Standing Committee on Education, Employment  
and Workplace Relations

Email: [ewer.sen@aph.gov.au](mailto:ewer.sen@aph.gov.au)

Dear Mr Watling

### **Inquiry into the Tertiary Education Quality and Standards Agency Bill 2011**

Thank you for the opportunity to make a submission on the TEQSA Bills. Essentially, I am reiterating concerns that I had with the exposure drafts circulated by the Department earlier this year.

I am disappointed that the Senate inquiry does not include the related Standards and proposed Regulations as part of the legislative package it is reviewing. This is problematic when considering that higher education providers will need to meet or have regard to the as-yet-unseen Threshold Standards; for example clause 36 (renewal of registration); clause 38 (change of provider category) and clause 41 (applications to self-accredit courses) and for Compliance Assessments (clause 59). It is difficult for me to endorse the proposed legislative framework given that I am unable to consider the package in its entirety. Clause 58 (Making Higher Education Standards Framework) needs to specifically include a requirement that higher education providers are consulted on the respective drafts, particularly as the Standards form part of the compliance regime. Consultation with the sector will also be essential if there is any intention to incorporate the Australian Qualifications Framework into the TEQSA Act.

I remained concerned about the critical issue of self-accreditation and the corresponding lack of any principles in the Bills as to what it means to be a "university". The Bradley Report (page 5) set out what the review panel considered to be the functions of universities, and this summary is a good starting point for developing a set of principles for the TEQSA Bills.

Self-accreditation is integral to the concept of a "university", as understood in Australia. Reflecting comments made by Universities Australia, this is both a symbolic and a substantive issue and I believe needs to be clearly incorporated into the primary legislation. Parliament should be asked to positively endorse the status of Australian universities and not have these principles left to regulations or other disallowable instruments. I might add, the Minister's Second Reading Speech implicitly recognises the special role and

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responsibilities of universities in the transformation of Australia's higher education system: through diversification, the setting of unique goals and in playing to their strengths in order to facilitate growth and quality in the sector. While this is welcomed, it is disappointing that this recognition is not carried through the Bills themselves.

If a single national legislative and regulatory framework covering both universities and other higher education providers is to be retained, a separate section dealing with these principles could be inserted.

While I affirm the three basic principles for regulation and their framework of proportionality, these do not override the need to enhance the principles underpinning a university as a self-accrediting entity. I am also concerned that clause 59 and the power of TEQSA to review "any aspect of an entity's operations" is a reasonably broad power. It will be critical that this or any other exercise of TEQSA's power adheres in practice to the three basic principles and are seen to genuinely underpin all aspects of TEQSA's operations.

Finally, clause 203 provides for a review of the impact of the Act on the higher education sector. Part of the impact needing to be reviewed is whether, and if so to what extent, the Act has impacted on the regulatory burdens faced by universities and the impact on the efficiency and effectiveness of the sector.

Yours sincerely

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Peter Lee