

# AUSTRALIAN GREENS DISSENTING REPORT

## Introduction and Summary

1.1 The Australian Greens believe adequate regulation and quality assurance mechanisms are crucial to building a strong higher education sector.

1.2 All stakeholders in the sector including students, staff, state and federal governments and the broader community deserve to have mechanisms in place to ensure the vast amounts of public and private money being spent on higher education are delivering a return in terms of quality.

1.3 While the Greens acknowledge there are areas where the work of TEQSA could be better focused, we don't agree that that warrants the fundamental overhaul currently proposed by the Federal Government.

1.4 The need for a strong regulator in the current system where government and students spend billions on higher education providers is self-evident. The Greens don't support the notion that a private market in and of itself provides adequate oversight and regulation. Education is a public good, and in so far as there is a private market for the delivery of higher education the government must play an essential role in ensuring the quality of that education is of the highest standard so graduates are best equipped for the future.

1.5 As noted in the submission from the National Union of Students (NUS), '...students are ultimately the prime beneficiaries of a strong quality regulatory framework'.<sup>1</sup>

1.6 The proposed expansion of Commonwealth funding to all TEQSA approved higher education providers regardless of whether or not they are public universities or private, for-profit companies, will significantly change the higher education landscape.

1.7 The need for a strong regulator in such an environment becomes even more necessary than it is currently. It is incredibly worrying that the Federal Government is simultaneously proposing to massively expand the private higher education sector, at the expense of the public sector, while stripping back TEQSA's functions and cutting its funding by 41%.

1.8 In addition to articulating the Greens broad approach to higher education regulation, a number of specific issues relating to the current bill are discussed below.

## Issues

1.9 The Greens have a number of concerns with the proposals contained in the proposed legislation to strip TEQSA of its quality assurance responsibilities. As the National Tertiary Education Union (NTEU) argues in their submission:

---

1 National Union of Students, *Submission 14*, p. 2.

this section reduces TEQSA's regulatory functions to reviewing or examining an entity's operations to determine whether they meet the Threshold Standards (Provider and Qualifications Standards).<sup>2</sup>

1.10 The removal of quality assurance functions from TEQSA raises serious questions about where that responsibility will now lie, or if in fact it will fall within any government department or agency at all. As the NUS states:

What happens to the quality assurance improvement functions that AUQA used to perform? The [Lee] Dow-Braithwaite report argues that aspects of sector or discipline-based quality assurance – best practice and continuous improvement – could be better delivered through the Office of Learning and Teaching. NUS would be concerned about the adequacy of current resource levels for the Office of Learning and Teaching to take on this role. The Government needs to reveal its intentions with regard to these functions.<sup>3</sup>

1.11 As noted by both the NUS and NTEU there are significant concerns around Section 199 (1) (c) and Section 199 (1) (d) in the proposed legislation that will allow TEQSA powers to be delegated to 'other Commonwealth authorities or even appointees who are not employed by TEQSA.'<sup>4</sup>

1.12 The Greens have strong concerns around the proposals to authorise the Minister to reduce the number of TEQSA Commissioners, provide the Minister with greater flexibility in terms of Commissioner appointments, as well as the proposed legislation's impact on current Commissioners ie. their termination following the passage of the bill. As the NTEU notes:

...this raises serious question about procedural fairness and natural justice for people who have entered into an employment contract in good faith. If the Minister wishes to have the power to dismiss a Commissioner or Commissioners on grounds other than those currently specified in the Act, then he or she should amend the legislation to change the reasons and not use transitional arrangements associated with changes to the Act to remove people for unspecified reasons.<sup>5</sup>

1.13 The proposals to increase the capacity and scope of the Minister to provide TEQSA with specific direction are also of concern. As a minimum, as noted by NUS in their submission, such directions should be disallowable by Parliament. As noted by the NTEU in their submission, the amendments 'significantly impact on the independence of TEQSA'.<sup>6</sup>

---

2 National Tertiary Education Union, *Submission 1*, p. 6.

3 National Union of Students, *Submission 14*, pp 9–10.

4 *Submission 1*, p. 8.

5 *Submission 1*, pp 7–8.

6 *Submission 1*, p. 8.

## **Conclusion**

1.14 The proposed legislation, while clearly supported by university management and the private sector lobby, has not gone through a consultation process involving staff and students prior to this inquiry. Staff and students are arguably the biggest stakeholders in the higher education sector and certainly the most likely to feel the direct impacts of weakened quality assurance mechanisms.

1.15 Further, the legislation was drafted and introduced prior to the Federal Government's announcement that it would expand Commonwealth funding to all TEQSA approved higher education providers. Such a significant policy change will have enormous implications for the sector as a whole but also more particularly for the functions and responsibility of TEQSA.

1.16 A review of higher education regulation must take into account these factors.

## **Recommendation 1**

**1.17 The Australian Greens recommend the bill not be passed in its current form.**

**Senator Lee Rhiannon**