



23 August 2023

Senator Tony Sheldon
Chair
Senate Education and Employment Committee
Parliament House
Canberra

By email: eec.sen@aph.gov.au

Dear Chair

Higher Education Support Amendment Bill

On behalf of the Universities Australia Board, we are writing to convey UA's strong support of the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023.

For a number of years, Universities Australia has called for the extension of the demand driven system to all Indigenous students, and we have previously raised concerns about the 'punitive' fifty per cent pass rule.

However, there are several aspects of the Bill we believe may have unintended consequences, in both the short term for students and universities, as well as in the long term for the sector if we are to realise the Government's ambitions for increasing access.

Support-for-student policies in Guidelines

On 16 August, Minister for Education the Hon Jason Clare MP released a consultation paper on support for student policy requirements that will be included in the Higher Education Provider Guidelines as part of this Bill.

While we welcome the opportunity to provide feedback to this discussion paper, we are concerned that the Bill is likely to have made its way through the Parliament before this feedback can be considered.

There may be vitally important elements of support-for-student policies that, while initially intended to be incorporated within the Guidelines, would be more effective, and future-proofed, if included within the Act. Allowing universities and other stakeholders sufficient time to provide comment on draft guidelines, before this Bill is passed, could lead to far better policy outcomes for students requiring additional support to complete their studies.

Regulatory overlap

The Tertiary Education Quality and Standards Authority (TEQSA) has primary responsibility for the regulation of higher education institutions in Australia. The Threshold Standards administered by TEQSA are key to regulating the objects of the TEQSA Act, many of which concern student wellbeing and student experience.

To avoid duplication of reporting and to ensure maximum resource allocation for the proposed measures, UA suggests the proposed Support for Student Policies amendment could be more effectively implemented through TEQSA, rather than the Department of Education, whose responsibilities do not directly include regulatory and compliance activities.

Timing of legislation entering into force

We would also like to draw the Committee's attention to potential unintended consequences of the timing of the Bill entering into force.

As currently drafted, Section 19-43 would enter into force immediately upon receiving Royal Assent. We are concerned that this does not allow universities enough time to develop, implement and then report on measures that have been put in place to support students.

While the Explanatory Memorandum to the Bill notes that many universities will already have had these types of measures in place in order to comply with the fifty per cent pass rule, there are additional monitoring and reporting requirements that this Bill will create that universities will need time to understand and implement across their institutions.

We would therefore recommend that the Bill be amended so as to enter into force from 1 January 2024. This period will allow our members to fully understand their obligations under the new policy, and to make any necessary changes to our existing systems currently in place to monitor student success.

Compulsory placements and student poverty

Universities Australia would also like to draw the Committee's attention to the related issue of student poverty and its impact on the Government's higher education policy objectives. Student poverty, especially that associated with compulsory placements, will need to be addressed if wider student participation and completion in higher education is to succeed.

The proposed amendment places responsibility for the type of support that could address placement poverty on education providers. Universities already provide a range of this type of support to students. However, they are unable to provide the degree of financial support that some students will need to successfully complete their compulsory placements or other study aspects. Here, Government intervention will be necessary to ensure that a sufficient number of health students are able to graduate and enter the workforce to address critical skills shortages in these areas.

We reiterate our support to end the fifty per cent rule and look forward to working with Government to ensure that the implementation of this important policy change serves the policy intent as fully as possible.

I would be pleased to provide the Committee with further information at any point.

Yours sincerely,

Catriona Jackson
Chief Executive