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**HIGHER EDUCATION LEGISLATION AMENDMENT (PROVIDER CATEGORY  
STANDARDS AND OTHER MEASURES) BILL 2020**

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Western Sydney University welcomes the opportunity to provide comments to the Education and Employment Legislation Committee on the Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020.

The University overall supports the proposed Bill. Specifically, the University welcomes the inclusion at item 15 that if TEQSA is considering the Threshold Standards related to research, TEQSA must have regard to the quality of the research undertaken by a provider in the 'Australian University' category or a provider that has applied to the 'Australian University' category. However, it is not clear what TEQSA deems quality research. It would be helpful to have research quality defined clearly within the updated legislation to better guide TEQSA and providers in assessing this benchmark. Western Sydney University suggests explicit reference be made to Excellence in Research for Australia (ERA).

The University also notes item 11 that specifies an 'Australian University' with a specialised focus will not have self-accrediting authority. This is a useful addition that provides clarity on this matter.

#### Measures in Schedule 1 of the Bill

#### Higher Education Provider Categories

The University has submitted responses to both the initial discussion paper on higher education provider categories in March 2019 and to the draft amendments released February 2020. In these submissions the University raised some concerns about the changes proposed.

The University has concerns about the proposed name of the 'university college' category. The term 'college' is used internationally and locally in a variety of contexts. The higher education sector caters to students from around the world with varying degrees of language proficiency. Using a term that has various meaning locally and globally may have an impact on how students differentiate providers in the Australian University, Overseas University in Australia and University College categories.

In regard to the category of 'University College' the University highlighted that a rigorous assessment of applicants would be required to ensure they meet the criteria to be reclassified as a University College. This would include assessing that the provider shows a history of successful delivery with strong student outcomes, mature and advanced internal processes and a demonstrated support for scholarly activities that inform teaching and learning.

Western Sydney University has no concerns with the PSC Review recommendation to strengthen the definition of 'Australian University' by quantifying the minimum research performance to be achieved by all universities. Each would be required to achieve world standard research or above in at least three broad fields of education. However, an explicit reference should be made to ERA.

Western Sydney University raised concerns about research benchmarks where an ERA benchmark was not available. The University questioned what alternative benchmarking would be used by TEQSA to determine the quality of the research activity in this scenario. Western Sydney University considers that if ERA benchmarks are not available TEQSA should have regard to the type of factors intrinsic to ERA and rely on a framework that includes factors such as:

- extent of the field of research and its level of maturity
- peer review and citation review, shaped by disciplinary considerations
- the availability of academic staff of standing to participate in a parallel benchmarking exercise that includes peer assessments
- transparent processes of review using appropriately qualified discipline assessors
- verifiable data collection.

A final concern was raised about the clarity of benchmarks for industry engagement, civic leadership, and community engagement. The previously proposed language to be used in the Higher Education Standards Framework (Threshold Standards) 2015 (HESF) does not assist a provider to determine if they have met the required benchmark. We proposed a rewording that included the expectations on the nature of the engagement and had reference to industry accreditation programs as an indicator of engagement.

#### Other measures

Western Sydney University supports the other measures introduced in the Bill including:

- reference to the Australian Qualifications Framework qualification type ‘undergraduate certificate’ in the definition of ‘a higher award’
- allowing TEQSA to extend the period of a provider’s registration or course accreditation more than once
- allowing merits review of a decision by TEQSA not to change a provider’s category
- protecting the word ‘university’ in Australian internet domain names

The University also supports providing TEQSA with the legislative authority to assume control of higher education student records from registered higher education providers in the event the provider ceases operation.

Item 28, Section 197AC proposes if a student transfers from one higher education provider to another, then the student records held by one registered provider may be transferred to another registered higher education provider if requested by the student or the second registered higher education provider. The transfer of records between ‘Australian Universities’ would be useful for both coursework and higher degree research students. However, transfer of records from ‘Australian Universities’ to other higher education providers may facilitate the move of international students to cheaper private providers once they have secured a university place. There have been reports of agents placing students with a university and once they are in Australia and have done a term, they facilitate a transfer to a “cheap private provider”. The requirement to transfer records would potentially make this practice easier.

Consideration should be given as to whether the student would need to permit the transfer of records if requested by the second registered higher education provider.

### Measures in Schedule 2 of the Bill

Western Sydney University supports the proposal to replace references to 'Indigenous student' with 'Indigenous person' in Part 2-2A of HESA.

### **Concluding comments**

The University has offered some comments but overall feels the intent of the legislation remains strong and focusses on maintaining a high-quality Australian higher education sector. Above we have raised some concerns with proposed changes to the HESF; however, Western Sydney University supports the changes to the TEQSA Act and HESA.