

**To:** Committee, EEC (SEN)

**Subject:** Provisions of the Tertiary Education Quality and Standards Agency Amendment Bill 2014

Dear Sirs,

We are writing to express our support for a sound, effective and efficient regulatory system to govern the Higher Education sector in Australia. We believe that the Final Report by Professor Kwong Lee Dow AO and Professor Valerie Braithwaite provide an excellent objective foundation for reform of the regulatory regime as the current cost of compliance is crippling all providers in both the public and private sector of higher education.

higher education experience, including international academic appointments in

I must admit that I am a supporter of sound regulation and standards. However, the system must move away from compliance to self regulation and audit. Once an institution and courses are properly accredited the process should revert to self regulation and the role of the regulator should be to audit the institutions and their programs. The current regime is inefficient, unnecessarily bureaucratic and stands in the way of innovation and progress of the private providers. For example, whereas universities can introduce a course in a short period of time it will take 9 months minimum (if all goes well) for a private provider to obtain accreditation from TEQSA currently. Clearly this is not a good practice or efficient use of resources.

In 2013 we spent (direct expenditure) on preparation and submission of multiple applications. Others were accepted in electronic form but none-the-less voluminous and too detailed. It seems that TEQSA wanting to control every aspect of a provider's operations; their premise is that the providers are up to all sorts of hidden tricks and TEQSA must uncover these hidden agendas. In fact we are seeing ourselves as being in the same boat as the regulator, wanting to offer absolutely world class education and run a very efficient and focused institution. But the regulations stand in the way and cost us precious resources to comply with. We are required to document minute things that are somewhat absurd and irrelevant. I can provide a mountain of data that we have had to generate to satisfy the regulatory requirements which have not contributed to any quality improvement at the front line of teaching and learning. Indeed as has been clearly and vividly explained by Professor Kwong Lee Dow AO and Professor Valerie Braithwaite, quality in education is created by effective interaction of students and academics. Quality cannot be stamped on educational programs. Educational programs are not commodities and cannot be packaged and sold over the counter with a given stamp of quality.

We provide a learning experience through engaging with our students and helping them develop their potential. We see quality in terms of the academic rigor of what we do not paperwork. I recall the obsession with paperwork in industry when quality assurance was first introduced. In one incident it was reported that on a construction site while the workers were actually doing something incorrectly the QA engineers were concerned about the QA paperwork being filled up correctly! This kind of obsession will only keep Australia bogged down in unnecessary bureaucracy. It tends to lock mediocrity in the name of quality. We do not want that.

If we are to grow and make a contribution to the education sector in Australia we need to be able to innovate and be diverse (uniformity is not a sign of quality in higher education). We need to spend our energies on creating the next generation of educational programs and services that can compete with

the rest of the world and lead to global recognition.

(being very interested in our educational models, systems and tools). When they heard that we need to submit an application and obtain approval which can take many months in order to use a particular teaching venue or enrol a greater number of students they were shocked as they thought that it was the responsibility of the institution to provide quality accommodation and top level facilities for their students as per their own internal processes and standards. Will this place us in a competitive disadvantage compared to our international competitors? If we reflect on the opportunity cost we can see that we have a premises fully leased and fitted out and then sit on it idle for months for the regulator to give it some attention. It impacts our business too as we are constrained in terms of marketing and promoting our programs.

So may I request that all recommendations put forward by Professor Kwong Lee Dow AO and Professor Valerie Braithwaite be applied, not only through appropriate amendments of TEQSA Act before the parliament but also by means of appropriate execution of the new reforms and establishment of a partnership between the regulator and the providers in search of excellence and with understanding and mutual respect.

I would like to emphasise that we do not write this submission as a complaint against any individual officer or commissioner of TEQSA. Indeed we do have a very professional and mutually respectful relationship with our case managers and the whole of TEQSA. We believe that they are obliged to work in a system of rigid regulations and as usual have had to be very cautious about applying the respective laws and regulations. We feel that a fundamental reform of the regulatory regime will actually positively impact TEQSA in delivering a better service and supporting the sector. So having looked at the proposed amendments I feel that perhaps the amendments do not adequately capture the recommendations and views expressed by Professor Kwong Lee Dow AO and Professor Valerie Braithwaite. We would like to urge the parliament to expedite the approval of the amendments to TEQSA Act and to facilitate the implementation of urgently needed reforms of the regulatory sector.