



**RMIT University supplementary submission to the
Senate Education and Employment Legislation Committee
Tertiary Education Quality and Standards Agency Amendment Bill 2014**

RMIT University welcomes the opportunity to provide additional information to the Senate Committee. In doing so, we would also like to reiterate comments made in our earlier submission regarding amendments to extending periods of registration and/or accreditation.

RMIT considers that the proposed amendments to s21(6) and the inclusion of s37A and s57A could present a real risk in ensuring consistency in the approach to, and assessment of, a provider's ability to meet the Higher Education Standards Framework, particularly when the delegation provisions devolve decision making powers across the Agency. Although TEQSA decision makers must operate in accordance with the basic principles of the Act, this may not necessarily mitigate the frequency or length of extensions granted through regulatory activity.

Consistency in the approach to regulatory activities is critical to representing good practice. RMIT supports the position of Universities Australia (UA) that upper limits on the duration of extensions should be considered, as should reporting on reasons behind extending registration periods.

RMIT's response to matters where further advice was requested at the hearing on 6 June 2014 is as follows:

Commissioners & CEO

The separation of the Chief Commissioner and CEO roles is intended to allow the CEO to focus on management and administration and the Chief Commissioner to focus on delivering timely regulatory decisions. Yet, given the amendments around devolved decision making, the envisaged new role of the Commissioners appears to be more related to the appeals process and does not make clear their powers in relation to the day-to-day operations of the Agency.

Clarification is needed on the role and responsibilities of both parties in equipping the Agency to do its job effectively. The Commissioners and CEO are both appointed by the Minister, the Commissioners to fulfil the functions of TEQSA and the CEO to manage and administer its operations, and the functional relationship between the two parties needs to be elucidated. We refer the Committee to the *TEQSA Act, Part 8, Division 1 – Establishment, functions and powers of TEQSA* and recommend that the Committee consider an amendment to s134 which defines the role of the Commissioners within TEQSA's governance structure. A consequential amendment at s154 might include a provision regarding the role of the CEO to support the Commissioners to perform TEQSA's functions as defined under s134.

Delegation of decisions

RMIT understands that the proposed amendments to the delegation of decisions are premised on streamlining and efficiency, and notes that the amendments to delegations of functions and powers under s199 are designed to allow increased flexibility in decision making, and to provide opportunity for internal appeal.

The University agrees that amendments to current delegations will allow TEQSA to develop more efficient processes and focus on its core business and key functions. Requiring an instrument of delegation from the commission to the CEO and others would ensure that there is no uncertainty, for providers and the public, about how TEQSA's decisions are made.

RMIT suggests the Committee consider an amendment to *Part 8, Division 4 – TEQSA Procedures* requiring the Commission to develop an instrument of delegation that encompasses the delegation of powers available to the CEO and the power of the CEO to sub-delegate. Amendments to s151 and s199 regarding the roles of the CEO and the Commissioners would also refer to the delegation of powers under such an instrument.