

Ref: N4.8.2 – 21 February 2025

Senator Tony Sheldon
Chair, Senate Standing Committee on Education and Employment
PO Pox 6100 – The Senate
Parliament of Australia
CANBERRA ACT 2600

Dear Senator Sheldon

**RE: Additional Question on Notice, Senate Standing Committee on Education and Employment;
Inquiry into the Free TAFE Bill 2024**

On 31 January 2025, at the first of the Committee’s hearings into the Free TAFE Bill 2024, the Committee heard evidence from Mr Troy Willilams, the previous Chief Executive Officer of the Independent Tertiary Education Council Australia (ITECA).

Following the hearing, ITECA was provided with a notice from the Committee Secretary regarding **Response to questions on notice** (via email, 4 February 2025). ITECA provided the Committee with a response to this correspondence on 14 February 2025.

On 19 February 2025, in your capacity as Chair, you sought additional information from ITECA to clarify this response. Specifically, you sought that ITECA “...provide a full list of its members...”

The provision of a list of ITECA members—a list which is not publicly available—in the manner sought is not something ITECA is able to provide as to do so may reveal potentially commercially sensitive information and as a consequence may result in infringing ITECA’s obligations to ensure the organisation and its operations remains consistent with provisions of the Australian *Competition Law (Competition and Consumer Act) 2010*.

In addition, the correspondence of 19 February 2025 sought that ITECA provide information on the following:

“...which, if any, of the 75 registered training organisations that have had their registration cancelled by ASQA in the last three years, are or have ever been members of ITECA.”

In the context of this particular request, it is important to note that in the case where the registration of a Registered Training Provider (RTO) is cancelled, and that RTO was a member of ITECA, it would automatically cease to be a member of ITECA. Bearing in mind that point of clarification, it is similarly important to note that ITECA’s membership is not limited to RTOs, but encompasses a much broader range of business types and delivery areas across the spectrum of tertiary education including organisations registered to deliver across higher education and skills training (i.e. dual-sector providers).

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Given the very broad nature of the question and the need to thoroughly examine historical records of the former registered training organisations listed against potential changes of ownership, business structure and potentially directorships as well as business name and trading names, against any and all historical membership records or all types that may be available across all ITECA systems and information sources, including legacy systems, ITECA is not able to meet this request within the time set down by the Committee.

In addition, ITECA membership includes the names of individual members, raising significant privacy considerations for those individuals. ITECA has a clear responsibility to protect the confidentiality of its members, and there has yet to be rationale provided to ITECA, either in public hearings before the Committee or subsequently in correspondence, for the disclosure of individual membership details given the focus of the Committee's inquiry into the Free TAFE Bill 2024 (Cth).

ITECA remains keen to assist the Committee with its inquiry into the Free TAFE Bill 2024 (Cth) and will continue to do so in future to the extent we are able.

Yours sincerely

Felix Pirie
Chief Executive