

Ref: N4.11.7 – 7 September 2023

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Sen. Tony Sheldon  
Chair, Senate Education and Employment Legislation Committee  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Senator

**RE: ITECA Response - Amendments - Higher Education Support Act 2003 (Cth)**

The Independent Tertiary Education Council Australia (ITECA) is the peak body representing independent providers in the higher education, skills training, and international education sectors. It is on behalf of our higher education members that ITECA writes, concerning the recent hearing conducted by the Senate Education and Employment Legislation Committee into the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023*.

ITECA Higher Education thanks the Committee for the opportunity to appear at the hearing on 1 September 2023 and provide the perspective of the independent higher education sector, including those who are dual sector providers, simultaneously supporting students attain their goals in the skills training sector.

The Committee posed a number of questions that ITECA Higher Education was able to take on Notice at the hearing and some additional questions have been included subsequently.

Attached are responses to those questions. ITECA Higher Education is happy to discuss these issues further with the Committee.

ITECA Higher Education also takes this opportunity to reiterate earlier advice tendered as part of the Australian Universities Accord process, being that the broader reform framework be referenced as an *Australian Higher Education Accord* in order to more fully reflect the diversity of Australian higher education.

We look forward to further engagement with you on this legislation.

Yours faithfully

Felix Pirie  
ITECA Deputy Chief Executive – Policy & Research



## ATTACHMENT A

### Independent Tertiary Education Council Australia: Response to Question on Notice: Senate Education and Employment Legislation Committee Hearing I September 2023

#### Question

*“Would you step out for us what you see as the benefits of ensuring we have pathways for students from disadvantaged backgrounds into the university system, or into higher education systems.”*

(Senator Grogan)

#### **ITECA Higher Education Response: —**

Ensuring that students from disadvantaged backgrounds have clear and accessible pathways into higher education, especially within the independent higher education sector, delivers myriad and multifaceted benefits to individuals, communities and the broader economy.

**Individual Level Benefit:** It is demonstrated and accepted that for the individual, higher education can be transformative. Beyond the obvious advantage of potential career opportunities and economic mobility, higher education broadens horizons, instils confidence, and offers tools to better understand the current and future world. Students from disadvantaged backgrounds often bring unique perspectives, strengths and resilience to the higher education environment. When there is an opportunity to develop and enhance these qualities through quality education, students can become influential leaders and change-makers across communities, the economy and within their own lives. The independent higher education sector, with its personalised approach to learning and teaching and delivering outcomes, is able to cater to individual learning styles and needs, ensuring that each student receives the support necessary to succeed.

**Community Level Benefit:** Following from individual level benefits, communities benefit immensely when their members access and succeed in higher education. Educated individuals often return to their communities with newfound knowledge and skills, which can then be used to address local issues, ranging from health to infrastructure and beyond. There's a ripple effect: as more community members from diverse backgrounds attain higher education, it fosters an environment where education is valued and sought after. The independent higher education sector, with its enhanced potential and capacity to deliver high quality specialised courses and flexibility, can be particularly impactful by providing courses that directly cater to the needs and challenges of specific communities.

**Economy Level Benefit:** From a broad economic perspective, expanding access among otherwise disadvantaged students into higher education can significantly elevate the national human capital. A more diverse student population, which includes those from varied socio-economic backgrounds, ensures a broader range of skills, perspectives, and ideas, thereby enriching the workforce and community. This diversification translates to increased creativity, innovation, and productivity, potentially boosting national GDP. Furthermore, the independent higher education sector, being more nimble and adaptable through learning and teaching, can more readily deliver courses tailored to market demands, producing graduates who can fill niche market gaps, furthering economic dynamism.

Creating clear and accessible pathways for students from under-represented and disadvantaged backgrounds to access higher education, especially to independent providers, not only promotes social and economic equity but also drives economic growth, strengthens communities, and nurtures individual potential. Investing in these pathways is an investment in a brighter, more inclusive future.

**Question:**

*“Mr Pirie, your submission talks about the support that your providers have in place for students and says that you’re confident of the support mechanisms they have in place. Can you give us an example of the kinds of policies providers utilise?”*

(Senator Payman)

**ITECA Higher Education Response: —**

Noting the compressed turnaround for this Inquiry, ITECA Higher Education has contacted a number of members seeking an example policy as discussed at the hearing. ITECA Higher Education noted that the majority of members support students across higher education and skills training as well as international students. This means there are three different legislated requirements for such policies.

ITECA Higher Education offered to provide an example of a policy framework that is designed to meet the requirements and support students.

The following link is to student support information available at ITECA Higher Education member, the Adelaide Institute of Higher Education:

<https://aihe.sa.edu.au/>

The information available through this link is designed to meet the requirements of the *Higher Education Standards Framework (Threshold Standards) 2021*. Information available here for students includes and is not limited to the following:

- **Health and wellbeing services:** Including counselling services for students; medical and first aid assistance as well as emergency procedures on campus.
- **Accessibility Services:** Including equity and diversity policies and procedures for students.
- **Academic supports:** Including academic consultations and student learning support and academic skills workshops.
- **Rights and responsibilities:** Including Academic integrity and personal conduct, academic progress and assessment policies and privacy and personal information.
- **Student – Staff Consultative Committee:** Including current Terms of Reference for the Committee.

As previously indicated for the Committee, this is an example of policies and procedures that demonstrate how one independent higher education provider is working to deliver leading support for their students.

**Question:**

A: *For the 2022 calendar year, please provide:*

- a. *the number of applications you have received from Indigenous students at each of your member universities;*
- b. *the offers made to Indigenous students at each of your member universities; and*
- c. *the number of acceptances by Indigenous students.*

*Please provide the data above broken down by metropolitan, regional, rural and remote students for each university.*

**ITECA Higher Education Response: —**

ITECA Higher Education is unable to provide this to the Committee, as while data such as these are held by each institution, ITECA Higher Education does not have access to these data on an institution basis, nor are they published for analysis.

**Question:**

*A: For each of your member universities, please advise the number of Commonwealth Supported Places allocated to each university for the 2022 calendar year.*

*For each of your member universities, please advise how many of the allocated Commonwealth Supported Places were filled for the 2022 calendar year.*

**ITECA Higher Education Response: —**

Independent higher education providers have access to a very small pool of Commonwealth Supported Places (CSPs). ITECA Higher Education does not have access to the detailed data on Commonwealth Supported Places for 2022 sought by the Committee.

**Question:**

*B. Have you received advice from the Department of Education on how funding for each of your member universities will be adjusted for the demand driven Indigenous places? If so, please provide a copy of the advice received.*

**ITECA Higher Education Response: —**

No.

**Question:**

*A. Please provide, for each of your member universities by university, the data for the number of students impacted by the 50 per cent pass rule in the calendar year 2022.*

*B. Please provide, for each of your member universities by university, the data for the number of students impacted by the 50 per cent pass rule that applied for an exception. Please break the data down by category for which the exemption was applied.*

*C. Please provide, for each of your member universities by university, the data for the number of students impacted by the 50 per cent pass rule that were granted an exception. Please break the data down by category in which the exemption was granted.*

*D. Please provide, for each of your member universities by university, the data for the number of students impacted by the 50 per cent pass rule that applied for an exception which were not granted. Please break the data down by category for which the exemption was applied.*

*E. Please provide, for each of your member universities by university, the data for the number of students impacted by the 50 per cent pass rule that applied for an exemption which were not granted and a description of their equity cohort, if applicable (ie. rural/regional, low SES, first in family, Indigenous)*

**ITECA Higher Education Response: —**

ITECA Higher Education is unable to provide these data to the Committee as they are not collected by ITECA, nor is it published by the Commonwealth.

**Question:**

- A. *What is the process at each of your member universities for when a student is flagged as potentially at risk of failing 50% of their course?*
- B. *Is this different for each university? Please describe or provide the policy for each university.*
- C. *What student support policies are in place to correct a student's performance academically to reduce their risk of failing?*
- D. *Do you have data on how many students impacted by the 50 per cent rule left the system or chose to continue with their studies as full fee-paying students? If so, please provide broken down by each university.*

**ITECA Higher Education Response: —**

The process for supporting students in need and who may be at risk of not succeeding in their course differs at each independent institution. ITECA Higher Education is not able to provide detail of processes across all member institutions as many are set out within institutional IT systems and are available exclusively to students. Earlier advice to the Committee highlights some of these challenges.

ITECA Higher Education does not retain any data on how many students who may have been affected by the “50% pass rule” might have left the system or continued as full-fee paying students.

**Question:**

- A. *The Department of Education has released a consultation paper to develop a student support policy. Did the Department or the minister's office consult with the Independent Tertiary Education Council Australia (ITECA) or any of your member universities in developing this paper? If so, please advise the date the ITECA or any of your member universities were consulted.*

**ITECA Higher Education Response: —**

In a meeting on 9 August 2023, instigated by ITECA, representatives of the Department of Education indicated a Consultation Paper would be forthcoming with respect the detail on the “support for students policy” requirements set out in the newly introduced legislation.

No detail was provided with respect to that Consultation Paper and ITECA was not consulted in its development.

**Question:**

- a) *In terms of student satisfaction with teaching and course quality, do you support a student ombudsman being put in place as a mechanism for students to escalate complaints if they are unsatisfied with the response provided by the university processes?*
- b) *There has been significant discussion publicly recently about student safety on campus in relation to sexual assault and harassment. How are ITECA and your members managing this?*
- c) *Have you consulted with Fair Agenda and End Rape on Campus on your management strategies?*
- d) *Is ITECA supportive of legislation governing the student support policy being passed before the policy is actually developed?*

**ITECA Higher Education Response: —**

Currently, the Tertiary Education Quality and Standards Agency (TEQSA) is able to receive, acknowledge and carefully consider complaints and concerns that are escalated to the agency with respect to issues such as teaching and course quality. While TEQSA is not a complaints resolution body, the agency is required to prioritise concerns relating to those priorities involving the integrity, quality and reputation of the sector. ITECA Higher Education supports this existing function rather than an additional mechanism being put in place.

ITECA Higher Education members are required to meet the requirements of the *Higher Education Standards Framework (Threshold Standards) 2021*, as are all providers. In this context, members will seek to ensure a safe and respectful environment for students in the context of the environment of the institution and students and the requirements of the Threshold Standards.

As a representative peak body, ITECA Higher Education has not been contacted by either of these groups.

ITECA Higher Education suggests that a policy framework should be developed prior to legislation being fully considered and passed by the Parliament.

**Question:**

*Please provide a copy of any correspondence the ITECA, or any of your member universities, have sent to or received from Minister Clare, his office or the Department of Education in relation to the Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023 (the Bill) or any of the individual elements contained within the Bill. This includes informal correspondence such as emails and WhatsApp messages.*

**ITECA Higher Education Response: —**

To progress the issues raised by the ITECA Higher Education membership, the matter was canvassed in the following communications:

- Letter of 7 August 2023 to the Minister for Education, the Hon. Jason Clare MP
- Email of 4 August 2023 to the Department of Education  
Clarification regarding the support for students policy measure

The letter of 7 August 2023 was also sent to the Department of Education (copy attached).

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Hon. Jason Clare MP  
Minister for Education  
PO Box 6022 – House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**RE: Amendments - Higher Education Support Act 2003 (Cth)**

The Independent Tertiary Education Council Australia (ITECA) is the peak body representing independent providers in the higher education, skills training, and international education sectors. It is on behalf of our higher education members that ITECA writes concerning the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Bill 2023*.

ITECA Higher Education supports a key aspect of the Bill, this being the removal of the '50 per cent pass rule' associated with higher education funding.

Of interest to the ITECA Higher Education membership is the proposed new requirement for all institutions to have a "support for students policy". In a broad sense, ITECA Higher Education supports the intent of these provisions as they will ensure early identification of students in need, foster tailored academic and non-academic assistance, greater respect for cultural differences, and uphold evidence-based approaches to enhance student success.

The aforementioned provisions are of concern, however, in the absence of the discussion paper that is to accompany the Bill, in respect of the requirements of the support for students policy section (which includes additional reporting requirements). A penalty of 60 penalty units (currently equal to \$16,500) applies for a breach of the new section in relation to the student support policy, although the breadth of its application is not entirely clear.

It is regrettable that ITECA Higher Education was not consulted on the Bill prior to its introduction to the Parliament. In that context, we would appreciate a meeting with you to better understand the intent of the legislation, and its application on independent higher education providers.

ITECA Higher Education takes this opportunity to reiterate earlier advice tendered as part of the Australian Universities Accord process, this being that the framework be referenced as an Australian Higher Education Accord in order to more fully reflect the diversity of Australian higher education.

We look forward to further engagement with you on this legislation.

Yours faithfully

 Troy R. Williams FIML MAICD  
ITECA Chief Executive



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