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Education and Employment Legislation Committee
PO Box 6100
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CANBERRA ACT 2600

Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020 – submission from Edith Cowan University

This submission from Edith Cowan University provides advice to the Senate Education and Employment Legislation Committee in relation to the *Higher Education Legislation Amendment (Provider Category Standards and Other Measures) Bill 2020*.

Established in 1991, Edith Cowan University (ECU) is a large public university providing higher education and research training to more than 30,000 Australian and international students each year, and undertaking world-class research across a range of disciplines.

Category titles

The legislation allows institutions in the 'University College' category to use 'university' in their name. However, according to the explanatory statement, the policy intent is:

to protect the reputation of Australian higher education institutions by preventing misleading... use of the word 'university'... in ways that could undermine the standing or reputation of individual institutions or the higher education sector as a whole.

This use of 'university' reduces clarity within the higher education sector and for the public. The term has established uses that conflict with this new intention.

Currently, in Australia, university colleges are smaller educational organisations associated with universities, or a form of on-campus residential accommodation. Therefore, the use of 'university' by other higher education providers may confuse or mislead students, employers, and the broader public. Universities are comprehensive teaching and research institutions; university colleges, as the public would understand that term, are not separate institutions.

ECU recommends 'University College' be replaced by 'College of Higher Education'.

Provision of higher education student records

The new Section 197AC (*Provision of higher education student records to another registered higher education provider*) is problematic for the following reasons:

- The proposed definition of 'higher education student records' is broad, and as such, may include items such as academic transcripts, assessments, marks and results, applications for recognition of prior learning, requests for assignment extensions, student appeals, information regarding student disability status and accommodations, medical records, complaints, and all written and email correspondence with students.
- Requiring providers to supply this information to another provider (as described at paragraph 197AC(d)) is an undue burden on the originating institution because these records may be held in multiple systems, may be confidential or sensitive, and most are of limited relevance to the receiving institution.
- The transfer of this information has serious privacy implications since the receiving institution is permitted to make the request without the student's knowledge or authorisation.
- This change is not considered in the explanatory note's analysis of human rights implications regarding right to privacy.

ECU recommends that students retain control of their records and personal information. Therefore, students should be responsible for providing their new institution with the information that provider requires for enrolment of the student.

If you require further information or clarification, please contact Steven Newman, Manager, Strategy and Performance, by email: [REDACTED] or by telephone: [REDACTED].

Yours sincerely

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