



Senator Chris Back
Chair
Senate Education and Employment Legislative Committee
Parliament House
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Dear Senator Back

**RE: SENATE EDUCATION AND EMPLOYMENT LEGISLATION COMMITTEE INQUIRY INTO THE
TERTIARY EDUCATION QUALITY AND STANDARDS AGENCY AMENDMENT BILL 2014**

TAFE Directors Australia (TDA) is pleased to provide this response to the Senate Inquiry into the Tertiary Education Quality and Standards Agency Amendment Bill 2014.

TDA is the peak national body incorporated to represent Australia's 58 technical and further education providers (TAFE), including six dual sector universities with TAFE divisions, and the Australia-Pacific Technical College.

TAFE Institutes have responded to increasing industry demand for higher level technology-based skills and specialist higher education qualifications. Ten of our member TAFE Institutes are now registered as higher education providers (HEPs) and are collectively delivering over 100 higher education qualifications from sub-Bachelor to Masters. Further, many Institutes have established partnerships with universities to provide pathways from vocational education and training (VET) into higher education, with several combining to form polytechnics or other structures to support students moving between VET and higher education.

TDA supports TAFE HEPs with a dedicated national network for benchmarking and scholarship development and an international network to connect them with non-university public colleges abroad. This international network comprises representatives from Canada and USA, United Kingdom, Hong Kong and New Zealand.

Enrolments in TAFE higher education qualifications have grown at a modest level, impeded largely by full fee requirements and the absence of Commonwealth Supported Place subsidies to support student costs. Commonwealth HEP data confirms that TAFE higher education enrolments remain a niche segment of the tertiary sector, representing 9% of non-university undergraduate enrolments in 2012.

TDA has observed that many TAFE HEPs maintain a positive relationship with TEQSA and have found the regulator to be very supportive, particularly through its case management approach and the consultations undertaken to review the risk based framework and regulatory processes. We appreciate this support and applaud and welcome the significant work TEQSA has done on streamlining processes of accreditation/registration in particular. Much of TDA's feedback in these

consultations has been in relation to the default university centric model of regulation that has not always accommodated the emerging tertiary sector and the diversity and innovation that has come with it.

TDA remains critical that, despite TAFE's profile as 'low risk' public sector institutions, there has been no action to progress a category for TAFE in the provider category standards and, until recently, prohibitive processes to achieve self accreditation status.

I outline these and other issues associated with the Tertiary Education Quality and Standards Agency Act 2011 and Amendment Bill 2014 for TAFE HEPs in the following response to the Terms of Reference and look forward to the outcomes of the Inquiry.

Yours sincerely

MARTIN RIORDAN

Chief Executive Officer

TAFE Directors Australia

ATTACHMENT A: COMMENTS TEQSA REVIEW - TAFE DIRECTORS AUSTRALIA

Terms of Reference

1. Quality assessments of higher education providers

On behalf of its HEP members, TDA applauds the decision by the Higher Education Standards Panel to remove the 'Quality assessments of higher education providers' clause from the Act. Feedback from our members indicates that these quality audits were distracting and burdensome for Institutes, particularly those with small provision of higher education, both from an administrative and cost perspective.

TDA has consistently argued for a 'low-risk category' in the TEQSA Act provider category for TAFE HEPs. This category would recognise that TAFE Institutes operate under their own risk profiles in accordance with state or territory legislation, consistently deliver quality courses, services and teaching standards and provide small class sizes and specialised support to meet the needs of a diverse range of students.

Specific to public HEPs, this category would acknowledge that TAFE consistently meets stringent quality requirements through a succession of ongoing accreditations/re-accreditation processes, benchmarking activities and internal quality processes. A new teaching-only category, such as 'Polytechnic University' for example, would support TEQSA to implement more streamlined and resource-efficient approaches to these and other regulatory processes.

A second and important issue for TAFE HEPs is terms of meeting the requirement for scholarship as outlined in the Higher Education Standards Framework (Threshold Standards). This requires HEPs to ensure their higher education teachers have a sound understanding of scholarship (Section 4) and can demonstrate sustained scholarship in respect of the course (s) under study (Section 7). However, the definition of scholarship in the Act assumes scholarly practice as applied in a university context which, for a range of reasons, is different to that practiced in VET contexts.

TDA is keen to work with the Higher Education Standards Council to develop a common approach to scholarly practice for non-university providers. We argue that there needs to be more thinking about what scholarship means for these HEPs and how models of scholarly practice that add value to teaching practice can be accommodated. The current standards imply a degree of research which is difficult to apply in non-university HEPS and raises the issue of what is acceptable as research in these contexts.

2. The delegation of decisions

TDA welcomes the delegations of decisions for Commissioners which will reduce delays in regulatory processes, particularly course accreditation. Lengthy delays in accreditation and re-accreditation processes often have financial implications for TAFE Institutes who, due to the full fee paying basis of higher education qualifications, need to commence programs quickly to ameliorate high costs of development.

3. Extending periods of accreditation or registration

Similarly, TDA welcomes extensions to periods of reaccreditation and re-registration beyond the current seven year period to contribute to more efficient regulatory practices and reduce the significant administrative and financial burdens of these processes.

4. The appointment of commissioners

TDA has no comment on amendments to this clause in the Act.

5. The roles and responsibilities of the Chief Commissioner and Chief Executive Officer

Until recently, TAFE Institutes and other non-university providers have had little representation in the decision-making processes of higher education regulation. As a result, regulatory requirements have been somewhat unsympathetic to specific needs and operations of non-university providers, although, as mentioned above, TDA members have found TEQSA very supportive of TAFE Institutes as they continue to operate and grow within these constraints.

TDA argues for not only greater consultation between the TEQSA Commissioners and the standards panel and non-university providers, but for greater transparency and structure that ensures that standards for the sector accommodate and promote diversity, competition, growth and innovation.

6. Notifying providers of decisions

TDA supports the proposed changes to notifying providers of decisions section of the Act.

7. The scope of ministerial directions

TDA members have expressed concerns about guarantees of independence of the regulator should it be solely under the scope of ministerial direction.

8. Ministerial approval being required for legislative instruments which determine fees to be charged

TDA expresses some concerns about the requirement for Ministerial approval for the determination of fees charged to higher education providers.

While TDA supports a partial cost recovery basis for the determination of fees, we highlight that the 'one size fits all' approach to fee determination does not account for the effort required to regulate high risk providers as opposed to that required for those determined to be low risk. We are also concerned that seeking the Minister's approval before determining fees might further complicate the regulatory process.

For further information:

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