

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Higher Education Legislation Amendment Bill (No.3) 2004

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Addition of Melbourne University Private to Table B

Under the Victorian *Tertiary Education Act 1993*, the Minister for Education and Training can approve an institution to operate as a university, provided it meets conditions relating to research, teaching, finance and governance. The current Minister, Lynne Kosky, has approved Melbourne University Private to operate, according to a list of conditions, for a further five years from 15 July 2003.

Melbourne University Private is now self-accrediting, with its Academic Senate as the academic body advising the Board of Directors. It has a licence agreement with the University of Melbourne to provide quality assurance. It has its own teaching and research staff, and student enrolments ranging from non-award courses to PhDs.

The University of Melbourne supports including Melbourne University Private on Table B of the *Higher Education Support Act 2003 (HESA)*. Its addition would fit with the trend of recent higher policy development, toward decisions based on consistent criteria or principles. Its rejection would create a further undesirable anomaly in the higher education funding system.

The MCEETYA National Protocols for Higher Education Approval Processes established that applications for approval as a university should be dealt with through consistent procedures based on set standards. These protocols have legislative form in Victoria through the *Tertiary Education Act 1993*, under which Melbourne University Private was given its second five year approval. This legislation is in turn recognised under *HESA* for the purposes of identifying higher education providers eligible for FEE-HELP (subdivision 16C). (It should be noted that students at Table B providers can access FEE-HELP, but it is not necessary to be on either Table A or B to get this access.) Clearly basing accreditation and funding decisions on educational considerations with prudential safeguards is a desirable development.

The significance of being on Table A or B is that institutions on either table have access to research funding under *HESA*. To date, there is no formal process for adding a higher education institution to Table A or B. A formal process would be desirable, but in the interim we ought to look at the overall development of the system for guidance. *HESA* already establishes that all higher education teaching institutions approved under state law are, subject to certain conditions, entitled to Commonwealth assistance. Consistency suggests that all universities—i.e., those higher education institutions required to carry out research—should have access to research funding.

To not add universities which meet state requirements for a university, as Melbourne University Private does, would effectively block new Australian universities that lack significant political patronage. It would create a situation in which state governments insist on research output while the federal government forbids new universities access to the funds required to produce this output. It is difficult for new universities to attract researchers and research students if they are denied access to research funding available to other (in this case, all other) universities.

In the House of Representatives last week adding Melbourne University Private to Table B was questioned because it has ‘no demonstrated research capacity’. While this can turn into a circular argument—rejected because it has no research capacity,

while having no research capacity because it is rejected—in 2003-04 Melbourne University Private had a per researcher output of 1.14 papers per full-time equivalent academic staff member. This exceeds the requirement in Victorian Education Minister Lynne Kosky's Ministerial Order permitting Melbourne University Private to operate.

It was also stated in the House that all other universities have their own acts of parliament, permitting them to operate in perpetuity (or at least until their acts are repealed). While true, this is of uncertain significance. It means that other universities operate under *less* scrutiny and accountability than Melbourne University Private, with no minimum level of research output. Several universities listed in Table A in have minimal research activity. While the legislated existence of other universities gives them long-term status as universities, neither Table A nor B status guarantees Commonwealth funding in perpetuity. Division 22 of *HESA* sets out procedures for revoking status as a higher education provider, for funding purposes. Alternatively, if any university (including Melbourne University Private) underperforms, it can be removed from Table A or B through legislation.

We do not think adding Melbourne University Private to Table B has any implications for other associated entities, such as the Victorian College of the Arts. It is Melbourne University Private's own university status that matters here, not its relationship with another university.

Leaving Melbourne University Private out of Table B, by contrast, does have implications. It means that state recognition as a university, despite national agreement on the MCEETYA protocols, counts for little under the national funding policy. Research institutions would still be in or out of the funding system based on history and politics, rather than research output or potential.

Summer Schools

The University of Melbourne strongly supports amending *HESA* to facilitate out-of-semester full-fee undergraduate subjects. We do not see this as adding unreasonably to the financial burden facing students. Though the unit-of-study cost to the student is higher if taken on a full-fee rather than a HECS basis, this is not necessarily the case on a total-cost basis, including lost income from delayed entry into the full-time workforce. This is presumably one reason why there is a demonstrated market for full-fee undergraduate summer school subjects, despite cheaper HECS-liable units being available during semester.

While preferring this amendment to the status quo, confining out-of-semester study to the November to March period is overly prescriptive. There is also an extended break in the middle of the year which could also be used by students wishing to speed completion of their degrees, or by study abroad students seeking a shorter stay in Australia (the northern hemisphere rather than the Australian summer). Combining international and local students is both desirable in itself and sometimes necessary to making a subject viable. While 'winter school' is not yet common in Australia, public policy should not put obstacles in the way of operating universities as teaching institutions throughout the year.