

Form for submissions on the

Tertiary Education Quality and Standards Agency Bill 2011

and the

***Tertiary Education Quality and Standards Agency (Consequential Amendments
and Transitional Provisions) Bill 2011***

February 2011

ADVICE ON PREPARING YOUR SUBMISSION

1. All submissions should be prepared using this form and emailed to teqsa@deewr.gov.au.

DEEWR is required to publish all documents on its website in both PDF and RTF formats in order to comply with the Web Content Accessibility Guidelines (WCAG) 2.0.

Therefore we would ask you to provide your submission in both RTF and PDF formats. If submitting documents in this format is difficult and you would prefer to submit a word document please be aware that DEEWR may be required to make slight modifications to your document in order to convert the file format to ensure compliance with the WCAG 2.0. In making your submission you consent to DEEWR undertaking this process.

2. Before preparing your submission we recommend you read the supporting material on the TEQSA website.
3. You can enter your comments on each part or schedule of the legislation by typing them into this form, however, you do not need to provide comments on every part of the legislation if you do not wish to do so.
4. As a guide, we recommend that comments on each part or schedule of the legislation be limited to **500 words**. You are encouraged to use dot points and sub-headings when structuring your response.
5. All submissions must be received no later than **4pm AEDST 10 March 2011**. Late submissions will not be considered.
6. DEEWR will send an acknowledgment email within two working days of receiving a submission. This notification will be sent to the email address from which the submission was received.
7. Please direct all questions regarding the legislation or the submission process in writing to teqsa@deewr.gov.au. Before emailing, please ensure that you check the FAQs posted on the TEQSA website. The FAQ section on the TEQSA website will be updated regularly throughout the consultation period.
8. DEEWR reserves the right to publish all submissions on the TEQSA website.

Publication of your submission

Please note that the department may publish your written submissions to this consultation process in full on this website unless you have specifically requested otherwise.

*If you consider that your submission (or part of your submission) should be treated as confidential, please contact **Erica Lewis** on (02) 6240 3653 before you provide your submission.*

Freedom of Information

The Freedom of Information Act 1982 (FOI Act) applies to all documents in the possession of the department. The FOI Act gives the Australian community access to information held by the government by providing for a right of access to documents. This includes any submissions provided to the department on the TESQA Bill, including any submissions which have been provided on a confidential basis.

A decision regarding access to documents under the FOI Act will be made by an authorised FOI decision-maker in accordance with the requirements of the FOI Act.

1. Information about the person or organisation making the submission

Please provide information about the person or organisation making the submission.

Name: Associate Professor Peter Cole

Position: President of the Australian Council of Deans of Information and Communications Technology, and Dean IT, Murdoch University

Organisation: Australian Council of Deans of Information and Communications Technology (ACDICT)

Are you providing this submission on behalf of your organisation or as an individual?

On behalf of the organisation

Email: p.cole@murdoch.edu.au

Phone: (08) 9360 2918

Is the person or organisation making the submission a:

Peak body

2. Comments on the *Tertiary Education Quality and Standards Agency Bill 2011*

Part 1 – Introduction

The Introduction provides a clear summary and definition of relevant terms with the notable exception of the term "university". Penalties are given for inappropriate use of the term "university" but the meaning of the term is not explicitly articulated. This omission needs to be rectified.

We approve of the application of the Australian Qualifications Framework and Higher Education Standards Framework on a national basis.

Part 2 – Basic principles for regulation

The basic principles of regulatory necessity, reflecting risk and proportionate regulation provide a sensible and workable approach to a highly variable sector that contains well-established and reliable providers.

Part 3 – Registration

The registration process includes the applicant meeting the Threshold Standards. These differ somewhat between disciplines as identified by the Australian Learning and Teaching Council project of the last two years, and discipline differences should be recognised. For example, science and technology based disciplines have different graduate outcomes to the humanities in the application of relevant standards.

Self-accreditation of university courses and degree content depends on the academic credibility of the provider. It seems that the criteria for academic credibility need to be clearly established and draw upon the scholarship and research credentials of the academics concerned. The accreditation of university courses by external professional bodies should also be recognised. Courses accredited by external professional bodies should not be subject to a double process.

Part 4 – Accreditation of courses of study

This applies to higher education providers who are not authorised to self-accredit and appears to offer a comprehensive process.

Part 5 – Higher Education Standards Framework

The framework includes relevant authorities and consultation process but in relation to research standards does not include the Australian Research Council nor the National Health and Medical Research Council.

Links to the authoritative standards sources should be provided, such as the Teaching and Learning Standards, and Qualification Standards.

Part 6 – Investigative powers

The investigative powers are lengthy, detailed and comprehensive and include practices used in criminal investigations, such as given in the Crimes Act 1914.

Part 7 – Enforcement

This also relates to the Criminal Code and Crimes Act, and includes offences and civil penalty provisions. The offence relating to the inappropriate use of "university" depends upon a clear definition of a "university" which is not given nor is the link to the definition obvious.

Part 8 – Tertiary Education Quality and Standards Agency

The establishment, functions and powers of TEQSA involve national consultation processes including relevant state and territory ministers, and cooperation with international counterparts which will give TEQSA credible authority. The ability to perform its functions independently within and outside Australia will give confidence to the sector and wider community.

Part 9 – Higher Education Standards Panel

The standards panel will provide the necessary independent advisory functions.

Part 10 – Administrative Law Matters

Part 11 – National Register of Higher Education Providers

This internet-available register will be most useful.

Part 12 – Miscellaneous

3. Comments on the *Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011*

Schedule 1 – *Education Services for Overseas Students Act 2000*

Schedule 2 – Other Amendments

Schedule 3 – Transitional Provisions

4. General Comments