



Australian Government

Tertiary Education Quality and Standards Agency

TEQSA submission to the Australian Universities Accord Interim Report

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TEQSA

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Acknowledging other stakeholders will speak to their concerns, TEQSA's submission focuses on regulatory considerations for the sector.

Contemporary regulation of higher education

The purpose of TEQSA's regulatory activities is enhancing the reputation of Australian higher education and protecting students' interests. In fulfilling this purpose, TEQSA must deliver contemporary regulation by responding to current issues, making intelligence-driven predictions of new and emerging risks and evolving our approach so it remains fit for purpose.

Changes in higher education are challenging traditional models of teaching and learning and the legitimacy of Australian qualifications. The changes come in many forms: rapid technological change, shorter forms of learning, modes of study that mean students may never step foot on Australian soil to study, students increasingly being recruited by offshore agents and students being educated by offshore third parties. These changes will continue to pose risks and opportunities to higher education and demand TEQSA's focus.

Of high concern are current threats to the integrity of Australian qualifications. Increasing sophistication and use of generative AI requires providers to reconsider the validity of models of teaching and assessment to ensure students genuinely meet the learning outcomes of their course. Relatedly, shorter forms of learning and the less robust forms of assessment attached also require reconsideration, as they too are vulnerable in a world of advancing technology.

In responding to the evolution of the sector and its challenges, **contemporary regulation must balance supporting innovation, with ensuring high standards of quality and integrity are met.** TEQSA's regulatory activities provide this assurance to domestic and international stakeholders that Australian higher education meets these high standards. To maintain confidence in current and emerging models of higher education, a proportionate level of rigour and guidance and the capability to apply this in our regulatory work, with individual providers and across the sector, continues to be needed.

Presently TEQSA is adapting its regulatory approach to meet current and future needs. **However, to safeguard the integrity of higher education into the future, TEQSA's resourcing and capabilities will need to remain commensurate with the demands of delivering contemporary regulation in a continually evolving sector.**

Different purposes and roles of VET and higher education

The roles, purposes and functions of the vocational education and training (VET) and higher education sectors are distinct and equally important in how they contribute to the skills development necessary to support the national interest. The regulatory regimes of TEQSA and the Australian Skills Quality Authority (ASQA) are designed to manage specific and unique risks in each sector and support the delivery of quality and desired outcomes to achieve public policy objectives.

VET typically focuses on developing students' competency in fundamental, practical and technical workplace skills. In contrast, higher education focuses on developing students' depth and breadth of knowledge and generic skills relevant to their discipline and profession.

Regulatory success in each sector should be measured through the lens of those the regulation serves including students, providers, employers, the Australian Government and the public.

TEQSA recognises the importance of regulatory harmonisation across both sectors for all stakeholders and is undertaking work in this area (see Appendix). This will require continued effort and focus by TEQSA, ASQA and stakeholders to deliver meaningful outcomes. However,

we emphasise the need to avoid combining (rather than harmonising) regulatory functions of the VET and higher education sectors for administrative convenience. Combining regulatory functions poses a significant risk of homogeneity between sectors which could compromise their purpose, role, integrity and contribution to Australia's economic and social development. Changes to the sectors should be driven by interests that serve the entire tertiary sector and its stakeholders.

Cross-sectoral collaboration, delivered well, is an effective approach to addressing current concerns while maintaining a diverse tertiary system for students and providers. Such an approach is observed through study partnerships and collaborative course design between VET and higher education providers. This approach aligns skills development across the sectors to ensure students receive a seamless program of education without compromising the distinct benefits offered by the VET and higher education components.

Moving forward, continued harmonisation of the higher education and VET sectors should be pursued without compromising each sector's distinct purpose, role or integrity.

Strengthening protections for all students' interests

The wellbeing and safety of domestic and international students remains a serious concern for the higher education sector. In recent years, despite [guidance from TEQSA](#), peak bodies and expert groups, some providers continue to fall short of expectations in this space.

While the Interim Report focuses on universities, we strongly encourage the Accord Panel to consider approaches applicable to the entire sector. This is because, while most students attend Australian universities, there is an increasing number attending other institutions.

In protecting staff and students, governing and management bodies of providers hold responsibilities. Governing bodies are responsible for the strategic direction and oversight of their providers' operations. Management is responsible for giving effect to the strategic direction, ensuring the governing body is provided with the necessary information to oversee the provider and deliver on institutional responses to risks. Therefore, approaches should be explored that demand governing and management bodies undertake work needed to protect students.

Further, as noted in the Interim Report, there may be benefit in considering [New Zealand's Pastoral Care Code \(NZ Code\)](#) and principles that reinforce good practice, particularly regarding the student voice and provider transparency in work to protect student wellbeing. Adopting these principles may assist in ensuring students' insights inform approaches to student wellbeing and public accountability for providers' work in this space.

Strengthening mechanisms specific to protecting international students' wellbeing and safety also requires consideration. Recently, we have observed risks to international students' wellbeing and safety resulting from deliberate and unintentional failings in recruitment, admission and support practices by providers and their education agents. TEQSA has investigated several providers and directed the sector to review their existing practices against our compliance guidance. In the international education sector, we welcome efforts to strengthen policies and approaches across the whole-of-government. This work should disincentivise unethical behaviours and strengthen the ability of the Australian Government and providers to proactively identify compliance risks.

Equally important to protecting student interests is a simple and easily accessible mechanism by which all students can resolve individual disputes with their provider. TEQSA supports the proposed establishment of a Student Ombudsman to provide this mechanism.

Overall, regulatory protection of student wellbeing and safety should be strengthened and pathways for students' individual dispute resolution should be established.

Ensuring the integrity of the provider category standards

Clear and regulated provider categories are critical for consumer protection and international standing. The category under which a provider is approved to operate attaches with it a role and expectations understood by students, governments, the broader public and other nations.¹

On 1 July 2021, updated provider category standards (PCS) introduced a clear distinction between an Australian University and a University College, achieved by requiring an Australian University to meet standards of quality in research.

Since the introduction of the updated PCS, there has remained debate about the Australian University category. We recognise access to public funds will always play a role in this debate, despite creating access to funding not being the purpose of the PCS.

The requirements of the 'Australian University' category regarding research are to ensure universities conduct "research of a scale and quality that is in line with community... expectations".² Further, it is to maintain the competitiveness of Australian research in the global market and allow students to benefit from current and high-quality teaching informed by research. Research being conducted across all universities also creates more opportunities for students to engage with research expertise and pursue careers in research.

Mature providers seeking recognition without meeting research requirements may do so via the 'University College' category. This has already been achieved by 6 providers. However, should the university category no longer require excellence in research (and the teaching benefits it yields) we would expect the category to include high standards of scholarship, teaching and assessment that are resistant to threats to academic integrity, including artificial intelligence.

Regarding the integrity of the provider categories, TEQSA's decisions have been challenged in the Administrative Appeals Tribunal (AAT). This signals the PCS is likely to remain a contested area. Therefore, there may be benefit by reassessing the decision-making and review mechanisms for provider categories to ensure they remain robust.

In contemplating changes regarding the PCS, the Accord Panel should consider changes that will benefit the integrity of the sector and Australia's standing internationally.

Measuring research quality

Measuring research quality is critical to maintaining the integrity of the 'Australian University' category and the broader system. An internationally benchmarked quality assessment system delivered by a specialist body ensures the Australian Government can verify that the public is receiving value for money. It also enables TEQSA to make informed regulatory decisions about the research quality of providers seeking to enter or remain in the 'Australian University' category.

TEQSA asserts the Australian Research Council (ARC) is well-placed to deliver these assessments, noting its existing evaluation models will require revision to meet Australia's research needs into the future. However, revised evaluation models should not adopt a 'light touch' approach that may disadvantage disciplines such as humanities and social sciences and incentivise less diversity within the Australian research sector.

Proportionate and robust assessments of research quality are needed to verify Australia receives value for money and inform TEQSA's regulatory decisions about research quality.

1 Coaldrake P (2019) [What's in a Name? Review of the Higher Education Provider Category Standards – Final Report](#), Department of Education (2019), pp. vi, 21, 27, 46, accessed 18 August 2023.

2 Coaldrake, [What's in a Name? Review of the Higher Education Provider Category Standards – Final Report](#), p.33.

Appendix – TEQSA's contributions to regulatory harmonisation

In support of harmonising regulation in higher education, TEQSA is:

- part of a Dual Sector Provider Working Group, proactively identifying opportunities for TEQSA and ASQA to better align and utilise each other's regulatory activities to streamline the regulatory experience for dual-sector providers,
- coordinating our approach and communications with ASQA in facilitating a return to compliance with the [*Education Services for Overseas Students Act 2000*](#) (ESOS Act),
- participating as a member of the Australian Health Practitioner Regulation Agency's (AHPRA) Accreditation Committee to support the strengthening of the health professional accreditation system, including greater harmonisation where possible,
- developing a course accreditation framework that supports parallel accreditation of courses that also require accreditation by a professional body.

Further, TEQSA has agreed to support ASQA in its review of standards for registered training organisations (RTOs), to better harmonise these standards with the [*Higher Education Standards Framework \(Threshold Standards\) 2021*](#).

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