A MESSAGE FROM THE INTERIM CHAIR

The process of discussing the establishment of TEQSA in the last few months has been assisted by the good will and good advice of colleagues from the higher education sector and government agencies. Ian Hawke and I would like to thank all those who have been involved in discussions about the principles and practices that will guide TEQSA’s operations.

TEQSA is working towards a 1 July, 2011 establishment date as a quality assurance agency and expects to become the national regulator for higher education from 1 January, 2012. In light of this, priorities for early next year are focussed on immediate issues of establishment and transition. Examples are:

- The introduction of enabling legislation, including transitional and consequential legislation.
- TEQSA’s corporate establishment, including appointment of TEQSA’s Commissioners once the legislation has passed.
- Negotiating the transition of the AUQA quality assurance responsibilities and AUQA staff from July 2011, to ensure business continuity as the cycle 2 audits continue.
- Ensuring a smooth transition of the regulatory functions from the state and territory Government Accreditation Authorities (GAAs) on 1 January, 2012. This involves detailed negotiations with staff responsible for these functions in all states and territories.

The process has already begun to develop the detail of how TEQSA will operate with a risk-based, proportionate approach using threshold standards. This theme has been a dominant focus for consultation with peak bodies such as Universities Australia (and their Deputy Vice Chancellors (Academic) group), the Australian Council for Private Education and Training (ACPET), Council of Private Higher Education (COPHE) and TAFE Directors Australia (TDA). A number of projects have begun or are being established and all will produce papers for widespread discussion in the higher education sector. For example:

- A project is underway to develop a proposal for discussion about the detail and operation of the risk framework TEQSA will employ.
- A discussion paper building on conversations which have been held with sector experts in teaching and learning; on review of international good practice; and on the various projects which the Australian Learning and Teaching Council (ALTC) has funded will be developed to underpin a process of national consultation about teaching and learning standards in 2011.
- After discussions with representatives of the Deputy Vice Chancellors (Research) and with the Department of Innovation, Industry, Science and Research, three projects that will help to underpin an approach to research standards are underway.
A project on the development of an approach to regulating dual sector institutions, working in collaboration with the National VET Regulator, has begun. This will lead to production of a discussion paper and consultation in 2011.

A project to develop a clear understanding about what information is available about each provider group is underway. We anticipate that this will form the base for a proposal for TEQSA’s information requirements across all providers. The information will underpin the risk framework and aim to avoid any unreasonable additional burden on providers.

Denise Bradley

LEGISLATION UPDATE

Work on the development of the legislation to establish TEQSA has been progressing steadily and it is anticipated that the Tertiary Education Quality and Standards Agency Bill and the Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill will be introduced in the Autumn 2011 sittings of Parliament.

Consultation with the higher education sector and the state and territories on the development of the legislation has been a priority for the Government. Two rounds of consultation with the sector recently took place, with participants providing constructive feedback.

The consultation process over two days in November and a further day in December provided valuable feedback to the Department on the draft Bills. Following the first discussion a number of amendments were made to strengthen the legislation, particularly in the area of the proportionate and risk-based approach to regulation that TEQSA will take.

The Department has greatly appreciated the sector’s cooperation and participation in the development of the legislation. Stakeholder response to this process, and the outcome from it, has been positive.

DEVELOPMENT OF TEQSA’S PROVIDER STANDARDS

The need for clear and strong standards for the higher education sector was one of the issues raised consistently during the Review of Australian Higher Education and in subsequent consultations with the sector.

The TEQSA Draft Provider Standards, based on the National Protocols and National Guidelines for Higher Education Approval Processes which are currently applied by state and territory GAAs, are currently under development.

In developing the Provider Standards, the Department has been engaged in an extensive consultation process with the sector.

- In March and April 2010 the sector and states and territories were invited to comment on the first draft of the Provider Standards.
- Extensive feedback was received from stakeholders that fed into the development of the second draft of the Provider Standards.
In November 2010, the second draft was circulated to the higher education sector as well as state and territory governments with comments invited by February 17, 2011. The Provider Standards were also discussed at the exposure process of the draft legislation in November.

Once feedback is received on the second draft, it is envisaged that a third draft of the Provider Standards will be published on the website for public comment in early 2011.

DEVELOPMENT OF TEQSA’S RISK MODEL

Work on developing a risk-based and proportionate regulatory model for the higher education sector is underway. This model will allow TEQSA to focus its activities on new entrants to the system and higher risk providers, while ensuring that well-established, high quality providers will not be unnecessarily burdened.

TEQSA’s risk framework will not entrench the status quo, and it will recognise and encourage the diversity of providers’ missions, curriculum and approach to delivery. TEQSA’s approach to regulation will move away from time based and whole of institution auditing to a framework and methodology which enables it to intervene based on emerging risks, or to focus on a specific area of risk within the sector, within an institution, or across a cohort.

The risk framework is currently under development and will be the subject of consultation with the higher education sector.

TRANSITION UPDATE

Mr Ian Hawke, Interim TEQSA CEO has met with AUQA and all GAAs to update them on progress towards establishing TEQSA and to negotiate the transition of quality assurance and regulatory functions. Indicative dates for commencement of TEQSA’s GAA regulatory functions have been agreed.

Preparation for the transfer of AUQA operations to TEQSA is continuing, and key priorities include preparing for the transfer of functions, information and records to TEQSA and staff transition options. Professor Bradley and Mr Hawke are working with the AUQA Board’s TEQSA Transition Working Group to support the management of governance and legal impacts of the transition.

The discussions with GAAs have been productive with a focus on information exchange and development of solutions to transfer each state and territory regulatory caseload and the associated provider information and records. As the business of TEQSA and the required workforce needs are identified, options will be developed to manage human resource issues sensitively.

AUQA and the GAAs have provided access to valuable information on activities, procedure manuals and other materials. This information will be vital in the development of TEQSA’s approach to risk assessment, quality assurance and regulation.
STAKEHOLDER CONSULTATION

Professor Bradley and Mr Hawke have commenced a program of consultation which engages stakeholders including peak bodies such as Universities Australia, TDA, ACPET and COPHE. Key relationships have also been built with other bodies including the National VET Regulator, the Australian Learning and Teaching Council, the Australian Qualifications Framework Council and the Australian Research Council.

Professor Bradley and Mr Hawke are also maintaining an active conference presence to provide direct updates to the sector. Events include presentations at the Inaugural Dual Sector Forum, the Australian International Education conference and the LH Martin Institute National Conference.

Having reached agreement with the sector on issues such as the governance model for the agency, Professor Bradley and Mr Hawke will continue focussed stakeholder engagement on issues such as TEQSA’s regulatory approach and the development of the higher education standards framework. Current priorities include the risk framework, the teaching and learning standards and research standards. Sector feedback is also being sought by the department on draft Provider Standards as described above.

CORPORATE ESTABLISHMENT

The corporate establishment of TEQSA is steadily progressing. Headquarters for TEQSA have recently secured at Level 6, 595 Collins Street, Melbourne.

Guidance has been sought on the range of options and how to best proceed with the recruitment of staff to TEQSA.

Consultation with stakeholders has taken place in relation to how and what data is collected from the sector, with a view to informing the development of TEQSA’s business systems. Consultation and collaboration is continuing with the National VET Regulator, particularly on ensuring alignment of corporate systems and sharing, where appropriate, business support activities.