Over the last three months Universities Australia representatives have been engaged in regular and intensive discussions with the Commonwealth regarding the TEQSA legislation. These discussions began at the level of objectives and principles, and then progressed to mechanics and operational matters. Therefore detailed feedback on specific parts of the Act will not be provided here.

Our own position, stated many times publicly, is that we support the establishment of TEQSA as a national regulator and one that takes a proportionate approach to the management of risk. The current pattern of State-level regulation has operated unevenly, and a national body will assist us to project the quality, strength and integrity of the Australian higher education system at home and abroad. To ensure this, we support the national regulator “having teeth”.

This is important, complex legislation for Australia, and Universities Australia has welcomed the opportunity to work through issues with the Commonwealth. In developing our own ideas to put to Government, Universities Australia has involved our Board at a level of detail, as well as other Vice-Chancellors, Deputy Vice-Chancellors, Registrars, and senior university corporate finance and legal officers.

We welcome the fact that the Government has been open to discussion and listened to the concerns. For us, a prime objective has been to ensure that the legislation is tailored to its context (that is, higher education and universities) and not “off the shelf”.

We are now of the view that the proposed legislation is sound and is workable, though this position remains subject to two basic caveats.

First, the very important issue of self-accreditation remains. This refers to academic autonomy in relation to courses and degree content. Self-accreditation is a central characteristic of true universities around the world in their role as long-standing independent centres of knowledge and learning. This in turn underpins distinctive public benefits for our society. It is an issue we believe to be both symbolic and substantively important. At present reflection in the Bill is indirect, and we are unsure as to what precise form this may take in the Provider Registration Standards. It is the clear and strong position of Universities Australia that proper reflection of the self-accreditation character of universities should be substantively recognised in the Act, perhaps even in a section on its own, as well as in the Provider Standards.

The second caveat is the need to address with certainty a number of other complex transitional provisions requiring clarification and possible amendment. This will include a clear and appropriate and open process for determination of the Standards and their regulation under the TEQSA Act.

Australia’s universities remain committed to continue to work with Government to ensure proper resolution of these remaining key matters and other particular issues that may be raised, to ensure the effective development and operation of TEQSA.

Critically, TEQSA’s success requires a framework that further supports the contribution of universities to national objectives. Universities Australia will continue to work constructively with Government to ensure that the new organisation will act in a responsible, reasonable and efficient manner that is properly reflective of risk and public benefit.