



19 December 2022

Dear Australian Universities Accord Panel,

Submission to the Universities Accord – consultation paper. The undersigned works with a number of independent higher education providers and holds a substantive senior executive role with an independent provider.

This submission reflects our 15 years experience of working with independent providers.

This submission does not reflect the views or opinions of any of the independent providers we are involved with.

Please find our submission to this Review on the following pages.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Michael Milgate".

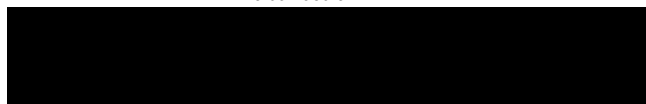
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1. Meeting Australia's knowledge and skills needs, now and in the future

That it is called the Universities Accord signified that there is a lack of understanding, or political will, of the role independent providers play in the provision of education in Australia. Private schools are accepted and well regarded, and subsidised by the taxpayer but this is not afforded to independent providers of tertiary education. Many of whom have outstanding national and global reputations – more than some of our universities.

The tertiary sector cannot meet our future skills needs if the terminology is one of exclusion. After all it is the universities with wage theft and sexual assault and sexual harassment issues – which undermine the public perception of higher education. Imagine if university council members were charged, as company directors can be, for allowing this wage theft – with life bans, gaol time, significant fines, and loss of their Order of Australia gongs. On what basis is a politician appointed to an university council qualified in corporate governance? Or a high-profile journalist? What skill set do they bring that is relevant to the corporate governance of an university.

We would recommend that all providers of higher education be brought under the Corporations Act as the duties of directors and officers is far higher than what is required for an university council. This may assist in improving decision making and accountability.

International students have failed to meet Australia's knowledge and needs skills. Students need a qualification, the piece of paper, to obtain post study work visas and PR – there is no requirement that they actually enter the profession their studies prepared them for. This loophole has shown we still need accountants and IT professionals – this loophole needs to be closed – then, and only then will there be a stronger and more closely aligned connection between education and meeting our national interests for current and future requirements in knowledge and skills.

2. Access and opportunity

Tertiary education is not suited for every person, and even in a more micro level – higher education vs vocational – either or both are not suitable for everyone.

The political pressure to increase the number of Australians with Bachelor and Master degrees has seen a devaluing of trades.

Everyone should have the opportunity to try and find out what they are best suited for and pursue a career, but one sector should not be privileged over the other. Attrition is not the great negative risk that the Regulator perceives it. It is seen as a reflection of the provider, however, the provider may be giving students and opportunity and these students are not suited to HE or the level qualification they are seeking.

This has a serious impact on international students (the area where we have exposure and experience in). The lifting of the hours international students can work to meet political needs has resulted in many international students performing badly in their students as they focus on their work commitments rather than study – after all they are here on a study visa and this mixed messages has cause grief to all tertiary providers.

The government needs to make student loans more equitable and accessible to HE students – irrespective of the provider.

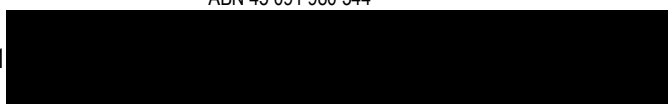
3. Investment and affordability

Education is an investment, not only for society but for the individual. It should be affordable, but price should not be a barrier if someone has the academic ability. We think of the USA with its

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student loans and high fees, but scholarships are available to students with academic ability who need financial assistance. We should have financial support available to students to support the growth in our national intellectual capital and to give students opportunities. Who knows where the next medical or technological breakthrough will occur and by whom.

4. Governance, accountability, and community

Governance of many HE providers is not transparent and different types of providers have different levels of accountability.

All providers, including Universities and TAFEs, should be companies under the Corporations Act. This will require greater accountability and transparency – and have all providers under the one set of governing legislative requirements.

The States and Territories can still be the owner, shareholder, but it would have all providers on equal footing.

Accountability would be increased as all Council, or what ever term is used by the University or TAFE or other non-company entity, would all be directors and come under directors' duties and liabilities. This additional level of accountability may see better governance of HE providers – with the recent issues at UNE, some in the media have reported that this university has been mismanaged for 20 years.

Disclosure: The signature to the cover letter is a former academic and student of UNE).

There needs to be greater transparency with the regulator of higher education. If the community (aka the taxpayer) is to have faith in our HE system, the quality of education, the expenditure of public funds, then the regulator needs to be more transparent in its decisions, the processes it has to make decisions, and the expertise of the people making decisions – and not hide behind being faceless public servants. Especially with the introduction of the new fee structure – regulation of HE must be accountable (how much public funding has been spent on legal action defending the regulator's decisions that has seen their decisions overturned – it appears that the regulator cannot make a decision that can be defended. Any provider going to the AAT will win – this undermines the governance and accountability of how HE is regulated in Australia.

5. The connection between the vocational education and training and higher education systems

There are aspects of VET that should be the domain of HE, or at a minimum, some VET qualifications should be stopped. For example, the Diploma and Advanced Diploma in Leadership and Management has no leadership in it. Yet students, and their Agents, seek exemptions from studying leadership units because of the name of the qualification.

Block credit, when transferring from VET to HE should not be allowed – it should be unit for like unit. The AQF continues to have this underlying flaw – of promoting block credit. The AQF should not have any discussion on what RPL/Advanced Standing is eligible for having a particular qualification. That should be left to the provider to decide based on HESF1.2.2.a.

VET and HE are not complimentary education frameworks – they are very different and do not necessarily flow from one to another. VET should focus on its strengths – allied health, trades etc, not business or IT.

6. Quality and sustainability

There is a flaw in the system involving international students and this has a significant impact on quality and sustainability of tertiary education.

Post study visas are granted based on having a qualification – not actually working in that industry or pursuing the professional recognition in that area. For example, having a Bachelor level qualification in accounting rather than being enrolled in the CAANZ or CPA Australia course to become wither a Chartered Accountant or a CPA. Similarly in IT and other disciplines.

We are not filling a skill shortage, and these students who would otherwise be unskilled and not eligible for immigration are using this loophole and we, as a national, are not filling the gaps we need.

This impacts not only on the quality of a Brand Australian educational experience but also undermines the sustainability of the Australian education system. The government needs to remove this loophole and tie post study visas to obtaining the appropriate professional accreditation in their area and not just attaining the qualification.

7. Delivering new knowledge, innovation, and capability

An article in *The Conversation*¹ demonstrates the challenges to being innovative in education – course/unit design, delivery, assessment, working with industry to improve employability and so on.

Taking time away from research and publishing to better improve delivery and assessment tasks would better improve academic integrity than bring back old fashioned examination. But this means additional work, and much of it, for redesign unit rather than spending time on research and publishing – which may earn a promotion.

There is an independent provider, with self accrediting authority, that is now only online and has no examinations for its accredited accounting units – CAANZ and CPA Australia have signed off on their assessments meeting the assessment requirements required by the professional bodies – no university has been this innovative.

In Rowena Harper, Tracey Bretag & Kiata Rundle (2020): *Detecting contract cheating: examining the role of assessment type*, *Higher Education Research & Development*, DOI: 10.1080/07294360.2020.1724899, they note:

Firstly, students most commonly reported cheating in the context of exams (particularly multiple-choice exams), yet staff reported the detection of cheating in exams relatively rarely. Secondly, students reported cheating in traditional written assignments, such as reports and essays, at slightly lower rates than exams, however staff detection rates for these assignments were far higher than for exams.

So academics have a comfort zone and being innovative in learning and teaching is not rewarded – academic reputation are based on research not the majority of an university's business – undergraduate and postgraduate teaching.

The Regulator, TEQSA, has rejected a course accreditation application from a provider without self-accrediting authority on the basis that they cannot process the applications in

¹ <https://theconversation.com/with-record-numbers-of-students-cheating-unis-should-revert-to-old-school-in-person-exams-194341>

the required time as they do not have experts in the relevant discipline area on their Register.

TEQSA is behind the times – they cannot play catchup with trends in education and so reject applications that stifle innovation. Rejecting an application because the regulator cannot deal with it is a denial of natural justice (after all when did TEQSA last win a case in the AAT? This impacts on quality and reputation of Brand Australian and Australian HE). Universities are not the sole repository of innovation, and the regulator plays a significant role in stifling innovation in higher education.

Course name	Current conditions	Status
Rejected - Master of Health Management	No	N/A
Rejected - Graduate Certificate in Health Management	No	N/A
Rejected - Graduate Diploma in Health Management	No	N/A
Rejected - Master of Data Science	No	N/A
Rejected - Graduate Diploma of Data Science	No	N/A
Rejected - Graduate Certificate of Data Science	No	N/A