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Email hosa.anz.inc@gmail.com
Web hosaanz.org

Dear Australian Universities Accord Panel

The Heads of Student Administration (Australia and New Zealand) Inc, (HoSA), is an incorporated association that exists to promote excellence and to provide leadership in the area of student and academic administration services, and to inform higher education policy on matters related to student and academic administration.

The HoSA Board would like to thank the Australian Universities Accord Panel (the Panel) for providing an opportunity to make a submission in response to the *Australian Universities Accord Discussion Paper* consultation process. HoSA recognises that the Accord represents a significant opportunity to deliver transformative change in the Australian higher education system. As an organisation that represents a group of higher education sector constituents that would likely play a pivotal role in the implementation of any adopted Accord reforms, we wish to signal our willingness to engage with the Commonwealth and other key stakeholders in the development of sustainable and enduring outcomes for the benefit of the Nation, our providers and, of course, students.

In particular, the HoSA Board believes its organisation can play a meaningful role in shaping responses to questions on the future of regulation and governance of the sector as put under 3.6.2 of the *Discussion Paper*:

3.6.2 Regulation and governance

- Q36 What regulatory and governance reforms would enable the higher education sector to better meet contemporary demands?
- Q37 How could a more coherent and dynamic national governance system for higher education be achieved?

HoSA comprises leaders of student and academic administration in higher education providers throughout Australia in roles that include academic registrars, directors of student administration, and chief student officers. It is typically within the remit of our membership to implement and monitor our providers' compliance obligations under the increasingly complex framework of legislation (state and federal) and associated instruments. Many of our constituency are subject matter experts and advisors to their respective provider executives. They have seen and implemented many changes in the last two decades - the most recent examples being the publishing and reporting requirements under the *Admissions Transparency for Providers*; the implementation of the *Job Ready Graduates* reform package; implementation of the *Unique Student Identifier* (USI) for Commonwealth supported place and financial assistance eligibility; and the introduction of an entirely new Commonwealth reporting regime, the *Tertiary Collection of the Student Information* (TCSI).

A survey of HoSA members in December 2022 showed that in more than half of Australian universities, the project to implement TCSI took more than 24 months and cost more than \$1 million. In one university the reported cost was more than \$3 million. This expenditure did not include the average of \$464,000 in-kind contribution to their TCSI implementation projects.

While HoSA does not take a view on any one single legislative instrument or policy initiative, its constituents are increasingly concerned for the continual layering of regulatory and reporting obligations that have built up over time, and successive governments, that has resulted in an immensely dense regulatory and reporting framework that imposes significant overhead on providers in:

- the daily management of students;
- determining accessibility to Commonwealth funding;
- the development of education offerings; and improving student outcomes.

As the *Discussion Paper* notes 'The regulatory and reporting landscape for higher education is crowded and complicated'.

The Discussion Paper identifies the *Higher Education Support Act 2003* (HESA), the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA) and the *Education Services for Overseas Students Act 2000* (ESOS) as key regulatory instruments. This legislation is supported by various other regulatory mechanisms, including the *Higher Education Standards Framework* (Threshold Standards), the *Australian Qualifications Framework* (AQF) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code 2018). Beyond these well understood instruments, there are various other codes, ministerial directions and determinations, guidelines and other policy decisions. A number of these sit outside of the scope of the Education portfolio and are administered by other departments such as the Department of Home Affairs and the Department of Social Services. A sample list is provided in Attachment A.

The impact and cadence of these various regulatory instruments and policy decisions varies widely from being incident-based, to periodic, to daily ongoing application in the managing of higher education providers and students. They range from being principle-based frameworks to highly prescriptive mechanisms which providers must apply diligently in their daily operations. Recent examples include CRICOS registration for a new course of study to be offered to overseas students through TEQSA according to *ESOS*; assessment of international applicants under the *Migration Act 1958 Direction Number 69* as genuine temporary entrants; the ability to access Commonwealth support for New Zealand Special Category Visa holders; and making a determination on the genuine student, academic suitability assessments and the completion rate requirements under *HESA*.

In isolation, these various instruments have been introduced over a significant passing of time to deliver particular policy outcomes. Collectively, they now represent an accretion of compliance activities that may now have unintended consequences:

- The increased diversion of scarce resources at the provider level away from the core mission of education, research and community impact towards compliance;
- A heightened risk of (inadvertent) non-compliance by students, notably Commonwealth supported students, in the navigation of their various obligations under the regulatory framework; and
- A heightened risk of (inadvertent) non-compliance by providers due to the array of instruments providers need to be familiar with and apply according to diverse cadences and student management dimensions, within the regulatory framework.

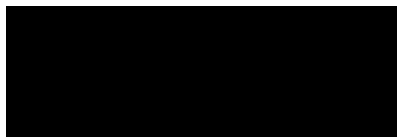
The Accord process is an opportunity for the regulatory machinery to be reconsidered and streamlined to allow for scarce funding to be directed efficiently to achieve the mission of the Accord - to ensure that higher education investment delivers outcomes for the Nation and for students.

HOSA ANZ would encourage and support:

- That the Accord process does not add to the existing regulatory framework and generate additional compliance obligations without the rationalisation of existing obligations;
- That consideration be given to a single legislative instrument in the regulation of higher education which consolidates existing instruments;
- That this single legislative instrument is an umbrella for a reduced number of subsidiary frameworks and mechanisms that support students and providers participating in the higher education system, encourages innovation and diversity, and delivers successfully on Accord objectives;
- That the regulatory framework moves towards becoming more principle based and less prescriptive in how providers deliver education and manage student's day to day; and
- That if this is not able to be achieved that some streamlining of obligations on providers occurs to simplify compliance activities to balance the need for accountability with the achievement of the overall mission of the Accord.
- That a clear and consistent engagement model is established as part of the national governance framework, to ensure effective implementation of future legislative changes or compliance requirements. This would allow the relevant Department to engage early with higher education providers and ensure sufficient lead-time to plan and successfully implement those changes for the benefit of all stakeholders (the Department, providers and students).

The HoSA Board thanks the Panel for consideration of this submission and welcomes further opportunities to expand on the submission or participate in future exercises in the shaping of Accord recommendations and outcomes as a result of the consultation process.

Yours sincerely



Neville Hiscox
Chair of the HOSA Board ANZ Inc
Chief Student Services Officer, Curtin University



Attachment A

Sample list of regulatory and policy instruments in the Australian higher education system

Key Legislation

- Higher Education Support Act 2003
- Education Services for Overseas Students Act 2000
- Tertiary Education Quality and Standards Agency Act 2011

Other Legislation (not exhaustive)

- Higher Education Support (HELP Tuition Protection Levy) Act 2020
- Higher Education (Up-front Payments Tuition Protection Levy) Act 2020
- Student Identifiers Act 2014
- Migration Act 1958
- Social Security Act 1991

Other Legislative Instruments and Standards (not exhaustive)

- Higher Education Standards Framework (Threshold Standards) 2021 (HES Framework)
- National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)
- Australian Qualifications Framework

Guidelines

- Administration Guidelines 2012
 - Higher Education Provider Guidelines 2012
 - Commonwealth Grant Scheme Guidelines 2020
 - OS-HELP Guidelines 2013
 - Privacy (Tax File Number Rule) 2015
 - Commonwealth Scholarship Guidelines (Research) 2017
 - FEE-HELP Guidelines 2017
 - Higher Education Support (Student Learning Entitlement) Guidelines 2021
 - Student Services, Amenities, Representation and Advocacy Guidelines 2022
 - Guidelines for the presentation of Australian Higher Education Graduation Statements
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