Australian Government

Tertiary Education Quality and Standards Agency

Future directions for TEQSA's regulatory processes

Consultation summary report

February 2014

Contents

Executive summary

The Tertiary Education Quality and Standards Agency (TEQSA) commenced its national regulatory role on 29 January 2012. TEQSA's legislative framework at the time had little precedent locally or overseas. It was to regulate against a detailed set of Threshold Standards balanced by three regulatory principles (risk-based, proportionate, necessary). In implementing this approach for the first time in the context of a diverse and rapidly evolving higher education sector, the agency understood that a phased approach would necessarily be required, to refine and calibrate approaches based on early experience and feedback from the sector. After 18 months of operation, these proposed reforms focus on giving full leverage to TEQSA's risk-based approach.

In late 2013, guided by the subsequent recommendations of the *Review of Higher Education Regulation (Dow & Braithwaite, 2013)* and *Ministerial Direction No. 2 of 2013*, TEQSA released two consultation papers seeking sector views on the reforms. These focussed on the areas of greatest potential impact on providers, namely registration processes, course accreditation processes and TEQSA's risk framework. This paper summarises sector feedback to the first paper on regulatory processes and TEQSA's response to this feedback.

Sector feedback – key points

Submissions from the sector expressed:

▶ strong support for a national higher education regulator, but with a range of views on the nature and approach of TEQSA's regulation.

▶ very strong support for TEQSA's commitment to reform its regulatory processes in order to reduce the regulatory burden for providers. This support was broad based, across provider types and their peak organisations. The sector is keen to see TEQSA move forward rapidly with these reforms in order to deliver real benefit, especially faster decision timeframes.

▶ in relation to registration processes, strong support for:

- the introduction of a model of **core** assessment for all providers supplemented by **additional** scope only where justified;
- the proposal of '*additional scope where justified'* but desire to see more explanation and clarification of the approach and criteria TEQSA will use in requiring additional scope and evidence;
- maintaining the current full assessment approach for initial registration, whilst ensuring that this does not unduly limit the diversity of providers;
- the proposed narrower scope of assessment (positive student outcomes, robust internal assurance systems) and evidence list in the core for registration. Self-accrediting providers raised issues in respect of the continued use of course sampling in their renewal of registration process.
- in relation to course accreditation processes:
- Strong support for the reduced evidence requirements, and greater focus in renewals on evidence of student outcomes, but there were some calls to reduce the evidence requirements further for renewals of accreditation;
- Support for reduced reliance on TEQSA-engaged experts in defined circumstances, and greater reliance on independent reviews tendered by the provider, and closer integration of professional accreditation processes. Some want to see this pushed further for 'low

risk' providers, including a form of *supervised* self-accreditation. Some also queried the composition of the TEQSA Expert Register;

  − Support for greater recognition of a provider's own quality assurance processes including active course advisory committee or academic board and course review processes.

▸ strong support for bolstering TEQSA's case management model and the importance of Case Managers in developing an effective understanding of each provider's particular circumstances through regular contact and for dialogue in tailoring evidence requirements. Support for TEQSA's proposed shift away from applicants providing evidence seriatum against each standard in favour of a single consolidated minimum evidence set.

▸ strong support for TEQSA's introduction of a provider portal with electronic document repository, but some concerns and constructive suggestions about document management and information access issues.

▸ mixed views on tailoring TEQSA's regulatory processes on the basis of **provider type**, with some respondents (notably universities) supporting this, and others preferring the current approach based on track record and risk.

In the body of this report, TEQSA elaborates the main points of feedback raised, and TEQSA's response to each issue, including actions TEQSA will take.

TEQSA response – key points

Based on the feedback received, TEQSA intends to implement the reforms as proposed, but modified in a number of respects to take account of sector feedback. Key modifications/ enhancements include:

▸ There will be immediate and substantive implementation of the reforms, particularly to reduce regulatory timeframes, ahead of new forms and guides being progressively released April-July 2014;

▸ In renewal of registration, confirmation that third party delivery will not automatically extend assessments, and that the use of course sampling (for self-accrediting providers) will be more narrowly focussed to support core assessment;

▸ For course accreditations, substantial further streamlining of evidence requirements for low risk providers, including discretion for case managers to waive a significant number of the proposed core requirements in renewal of course accreditation, and to reduce curriculum evidence required in new course applications;

▸ Publishing wider suite of material on regulatory processes for greater clarity, including process guides, and guidance notes on key topics, such as *scholarship* and *academic leadership*;

▸ Introducing a continuously open cycle for adding new experts to the Register of Experts, with a focus on building greater depth in particular disciplines and experience in non-university provider contexts.

TEQSA notes that its dialogue with peak bodies about the nature and approach of TEQSA regulation is ongoing and will continue to inform its approaches, including through a working party with Universities Australia, and initially through a workshop format with COPHE, ACPET

and TDA to consider possible approaches to the application and assessment of self-accrediting authority.

In addition, communication with individual providers is a central feature of the case manager model TEQSA has implemented, and individual providers are strongly encouraged to take up the conversation through their case manager. TEQSA will also continue to work with other 'actors in the regulatory landscape', especially the Department of Education, to improve outcomes for providers and their students.

TEQSA wishes to thank all those organisations and people that have provided it with feedback in response to its reform proposals. This feedback has been and will continue to be vital in helping shape TEQSA's approach, both in the broad and at the more detailed level. In particular, TEQSA wishes to thank the peak organisations that have facilitated dialogue and consolidated views among their members and with TEQSA. TEQSA looks forward to working with the sector to implement these reforms as rapidly as possible, while continuing to ensure the high quality of Australian higher education.

1. Background

In October 2013, guided by the subsequent recommendations of the *Review of Higher Education Regulation (Dow & Braithwaite, 2013)* and *Ministerial Direction No. 2 of 2013*, TEQSA released two consultation papers seeking sector views on reforms. These focussed on the areas of greatest potential impact on providers, namely registration processes, course accreditation processes and TEQSA's risk framework.

The discussion papers were sent to:

▸ each registered higher education provider;

▸ sector peak representative bodies.

A total of 51 written submissions was received, most responding to both Discussion Papers. TEQSA also participated in a number of forums arranged by peak bodies.

This Summary Report provides an overview of feedback on the regulatory processes outlined in the discussion paper *Future Directions for TEQSA's regulatory processes* and TEQSA's response to the feedback received. A separate Report has been released in relation to the review of TEQSA's Regulatory Risk Framework.

Individual submissions have been published on the TEQSA website at: http://teqsa.gov.au/regulatory-approach/reform-consultation-submissions

TEQSA notes that dialogue with the sector is ongoing and that continual refinements to its regulatory framework will be made into the future, including to take account of revisions to the Higher Education Standards Framework.

Further background on TEQSA's reform agenda is available at: http://www.teqsa.gov.au/regulatory-approach/reform-and-continuous-improvement.

2. Purpose

This Summary Report outlines views expressed through the consultation process and TEQSA's response to the feedback received. It does not attempt to detail all feedback received by TEQSA during the consultation period October-December 2013, but aims to highlight commonly raised issues and how this feedback will be reflected in reforms of the regulatory processes.

TEQSA has carefully considered all feedback received through written submissions and through the discussions led by sector peak bodies during the consultation period. In analysing the feedback, TEQSA has found it useful to draw together a number of common themes,as well as indicating the specific feedback received on some of the core evidence proposals. TEQSA has not commented on feedback received which relates to or implies legislative reform, as this is a matter for the Department of Education. TEQSA will ensure that the relevant feedback is passed on to the Department.

Some respondents took the opportunity through this consultation to provide feedback on specific matters of regulatory process. While not included in this summary document, all feedback is being considered by TEQSA as part of the reform process.

3. Key issues raised

3.1 Approach to regulatory processes

Sector Comments

Submissions provided feedback on TEQSA's approach to regulatory processes and suggested approaches to align regulatory processes and information collection further. Feedback included:

▸ strong cross sectoral support for the introduction of a model of core assessment for all providers supplemented by additional scope only where justified;

▸ strong support for TEQSA's intention to maintain its current level of scrutiny for new entrants to the sector, whilst ensuring that this does not unduly limit the diversity of providers so that "innovative and higher risk" applicants are able to gain entry to the sector where appropriate;

▸ support for developing a single application process for renewing registration as a HEP and under CRICOS, so that evidence submitted in either process may be used to inform the other; some support for the notion of 'continuous' registration and accreditation for providers identified as low risk, involving regular (e.g. annual) monitoring of a provider's operations rather than 'point in time' regulatory processes;

▸ a suggestion that a new process be developed in which TEQSA would devolve the course accreditation process for courses of study within a single field of education to experienced non-self accrediting providers. The introduction of such a process would then support future applications for self-accrediting authority by some providers;

▸ in line with recommendations within the Review of Higher Education Regulation, that the compacts process should be used more effectively by TEQSA in the renewal of registration (for example by accessing strategic plans already submitted through the compacts process);

▸ that further information about TEQSA's use of professional accreditation processes was needed, and a concern was raised that professional accreditation processes needed to be sufficiently robust if they are to play a greater role in TEQSA's renewal of accreditation [and accreditation] processes;

▸ consistent feedback about the importance of achieving shorter timeframes than those legislated for course accreditation decisions.

TEQSA comments

In view of the strong support for the introduction of proposed reforms, TEQSA will commence the implementation of these reforms prior to the development of revised forms and guides.The feedback received has informed further refinements to TEQSA's approach. In particular, TEQSA:

▸ confirms that application requirements for initial registration as a HEP will remain. The standards provide an opportunity for aspiring providers to present different approaches to meeting the Threshold Standards within the context of planned higher education operations, supporting innovation and diversity in the higher education sector

- confirms that applicants will also be encouraged to have dialogue with an allocated Case Manager prior to submission to discuss evidence most relevant to the applicant and to confirm application requirements

- is committed to reducing evidence requirements for renewal of registration applications for most providers, especially low risk providers. In relation to suggestions for 'continuous' registration for providers with self-accrediting authority in which there would be no requirement for renewal of registration, the TEQSA Act provides for a continuous cycle of registration with review points of up to seven years. To the extent possible within the limits of the Act, TEQSA will tailor requirements to the circumstances of each provider to reduce the impact of renewal of registration processes

- acknowledges the suggestion to introduce an alternative form of course accreditation for experienced, low risk providers by devolving part of the process to the provider. TEQSA's assessment of an application for course accreditation will take into account a provider's capacity to develop, approve, resource and deliver a course of study. For instance, where a provider has sought independent review of a new course, this evidence will be used by TEQSA to inform its assessment. In this way, without requiring a separate process to be introduced, a course accreditation could become increasingly reliant on the implementation and effectiveness of a provider's own academic governance and quality assurance processes. In relation to renewal of course accreditation, in response to sector feedback, TEQSA will give its Case Managers discretion to waive certain core evidence requirements for low risk providers

- has invited ACPET, COPHE and TDA to participate in a workshop which will consider possible approaches to the application and assessment of self-accrediting authority, given the significance of the granting of self-accrediting authority

- will implement its regulatory processes in the broader context of the higher education sector. In that context, TEQSA will continue to work with the Department of Education and NAGHEDI (National Advisory Group for Higher Education Data and Information) to seek alignment of processes and removal of duplication wherever possible and explore ways to streamline requirements, including by drawing on existing data collections and other processes, such as compacts

- is in the process of developing a list of professional bodies with which TEQSA can share higher education information under section 193 of the TEQSA Act. This will support TEQSA's aims of developing complementary approaches to course accreditation processes and requirements where appropriate and feasible, and to use professional bodies as a source of expert advice

- will through these reforms increase efficiency in regulatory processes and achieve faster decision making timeframes than the maxima prescribed in the TEQSA Act wherever possible. TEQSA will need to consider any budgetary implications, as resourcing levels will necessarily impact on TEQSA's decision making timeframes. TEQSA's budget has already been cut in the forward estimates and this has resulted in reduced staffing levels.

3.2 Tailoring by provider type

Sector comments

There were mixed views on tailoring regulatory processes further based on provider type, with some respondents (notably universities) supporting this, and others preferring tailoring based on track record and risk. A number of submissions indicated that universities should be treated as a special category.

TEQSA comments

Based on TEQSA's experience, while the type of entity may influence a provider's risk rating and regulatory history, it is not the decisive factor. TEQSA will continue to regulate within the framework of the TEQSA Act, which provides for differentiation by category, such as in the form of course accreditation / self accrediting authority, and in the requirements of category standards. Beyond this, TEQSA will differentiate between providers based on risk, regulatory history and track record in higher education. As set out in TEQSA's reform proposals, this is expected to lead to significant variation in the scope and intensity of regulatory engagement for different providers with TEQSA. TEQSA will also continue to have dialogue through peak bodies about this issue, including a joint working group with Universities Australia.

The proposed reforms to TEQSA's regulatory processes focus on giving full leverage to a risk-based and proportionate approach. This has evolved over the first 18 months of operation, as TEQSA consolidated its information, data and understanding of different providers and their operating contexts. In TEQSA's view, the provider type, amongst other factors, will be taken into account in tailoring the approach and trajectory of a regulatory process.

3.3 Core requirements

Sector comments

Overall there was strong support for the proposal to adopt a model of core assessment supplemented by additional assessment only where considered necessary. Some submissions sought further clarification around the interpretation of individual core evidence requirements and the actual evidence required, or expressed concern that there may be some duplication of evidence. Other feedback included:

▸ a further reduction in core requirements for course accreditations be considered for providers considered low risk (for example by not requiring all minutes of advisory committees, position descriptions for all staff, and staff CVs);

▸ that TEQSA should take into account relevant evidence from any renewal of course accreditation application and to consider further reductions in evidence for those providers who have submitted a renewal of course accreditation application within the 12 months prior to submitting a renewal of registration application;

▸ that core requirements should include a provider's own self-assessment or self-review against the Threshold Standards;

▸ that the requirement for 'internal and external audit/review of academic processes and review outcomes' be replaced with a request for 'policy framework for such reviews and list of reviews undertaken since last registration date' or a schedule of reviews only;

▶ a view that, given extensive resources required to develop curriculum materials for new courses of study, it is unreasonable to expect investment in development of the materials prior to accreditation.

TEQSA comments

The TEQSA Case Management model will be strengthened and will include a formal scoping meeting with providers – to clarify information requirements - ahead of the date on which lodgement of scheduled regulatory applications for renewal of registration, course accreditation and re-accreditation might be expected. For providers with self accrediting authority, courses to be sampled (see section below on course sampling) will be discussed with the provider 12-18 months prior to renewal date.

▶ For course accreditations, substantial further streamlining of evidence requirements for low risk providers, including discretion for case managers to waive a significant number of the proposed core requirements in renewal of course accreditation, and to reduce curriculum evidence required in new course applications

▶ TEQSA Case Managers have already begun to contact providers that are due to submit a renewal of registration application in 2014 and 2015, to discuss their evidence requirements in line with the reform agenda. Providers which will be applying for course accreditation, or renewal of course accreditation, have been advised to contact their Case Manager for advice on how to use existing forms and accompanying guides until the revised forms and guides are developed. Providers are no longer required to submit documents in hard copy: http://teqsa.gov.au/for-providers/registration/forms-and-guides

▶ Where a provider, deemed low risk, has demonstrated compliance with aspects of the standards through previous regulatory applications, TEQSA will take this into consideration with a view to reducing evidence requirements wherever possible. Information held by TEQSA that evidences a provider's regulatory history and remains current will not have to re-submitted

▶ TEQSA expects that internal self- assessment or self-review would form part of a provider's quality assurance processes. The initial conversation with the Case Manager will take into account wherever possible provider choices about the type of information most useful for them to submit, using existing documentation such as a provider's internal review report where this exists or external review reports

▶ In response to feedback, the requirement for 'internal and external audit/review of academic processes and review outcomes', will be replaced with a requirement for the review cycle policy, the latest report to the Academic Board (or equivalent) on progress with the review cycle and, after discussion with the Case Manager, a list of reviews undertaken during the last period of registration

▶ Curriculum materials are an important piece of evidence on which to assess a new course proposal against the relevant standards. Taking potential burden into account, TEQSA has only required curriculum materials for the first semester of the course to be provided in advance. Responding to sector feedback, for a low risk provider with experience in delivery of similar course, for instance courses in the same Field of Education or at the same AQF level, a smaller sample of curriculum materials will now be requested when compared to a provider without such existing courses. The sample size will be determined through discussions between the provider and the Case Manager, and any decision will take into account the provider's level of risk, history of higher education delivery, and regulatory

history, including previous course accreditation and/or renewal of accreditation outcomes. In exceptional circumstances, no sample will be required.

3.4 Determining additional requirements

Sector comments

A common message from respondents was that there needed to be further information about how, and on what basis, judgments will be made about requiring information from a provider that is additional to the core requirements proposed. In particular, queries were raised about what sort of risks might attract additional evidentiary requirements. Other comments included:

▸ concerns that additional requirements such as those relating to third parties, may become automatic, rather than based on assessment of risk and, conversely, that, given the extent of provider engagement with third parties, the core requirements should therefore also include third party arrangements

▸ the need to clarify TEQSA's expectations and guide providers about what might be considered appropriate evidence in relation to requirements such as benchmarking and quality assurance mechanisms

▸ the need for further clarification about the amount and nature of evidence requirements, noting that these needed to allow for variances across different providers. There was strong support for the level of information contained in existing application guides, and for ensuring that information about why evidence is being requested, and its relevance to the Threshold Standards, is available;

▸ that information requests be limited to factual data rather than qualitative information, which is subject to a subjective assessment or 'judgment'.

TEQSA comments

As already highlighted, each regulatory process will begin with a conversation between a Case Manager and provider to discuss and clarify evidence requirements, prior to the submission of an application. Case Managers will discuss with providers ways to tailor evidence to individual circumstances, taking into account provider choice as to the evidence most useful to submit to TEQSA, so that wherever possible existing documentation held by the provider that demonstrates compliance against the Threshold Standards can be used.

▸ TEQSA will publish process guides for each of its main regulatory processes. These guides will give more information about the end-to-end process, clarify core evidence requirements and elucidate through examples additional evidence requirements to those listed in the core set. On key topics that are often complex, and generate significant inquiry from providers, TEQSA will spell out its expectations about what might be considered appropriate evidence through a series of guidance notes, which will indicate the specific links between evidence requirements and guidance on interpretation of the Threshold Standards. These topics will include, for example, academic leadership, scholarship, and quality assurance in a higher education context

▸ Judgments about extending the scope of assessment and evidence requirements necessary for each provider at the time of each application will be made on the basis of a provider's level of risk, history of higher education delivery, and previous regulatory outcomes. To be specific:

- For applications for renewal of registration, extension of scope beyond the core will only occur based on:
    - a TEQSA risk assessment1 that identifies an overall risk,and/or
    - a case of compliance concerns during the last period of registration involving rejections, conditions, sanctions or formal monitoring, and/or
    - a lack of any significant track record of delivery of higher education, defined to be at least three cohorts successfully graduated

- For applications for course accreditation or renewal of accreditation, key considerations that will affect the scope of evidence necessary for TEQSA to undertake an assessment against the Threshold Standards will include:
    - the provider's history of successful course accreditations;
    - the strength of the provider's internal academic governance and quality assurance capabilities;
    - the type of course (for example a course with major research component);
    - delivery location(s) and mode(s);
    - for new courses, whether the course is in a new field or at a new AQF level for that provider or requires highly specialised facilities

- To ensure that there is a clear understanding between TEQSA and the provider, any conversations and agreements about required evidence will be confirmed in writing. Generally, and wherever possible, members of the case management team will be involved in discussions with providers to confirm evidence requirements

- TEQSA has considered feedback around the inclusion of evidence of third party arrangements in the core requirements. While third party arrangements are prevalent across the higher education sector, not all providers have such arrangements and it is for this reason that it has not been included in the core evidence requirements. Information about a provider's third party arrangements will usually be drawn from other sources, such as the Quality Assessment conducted in 2013, sample courses for providers with self-accrediting authority submitted through a renewal of registration process, and material change notifications. The existence of third party arrangements will not automatically lead to an extension of scope in the assessment.

3.5 Case management model

Sector comments

There was strong support for TEQSA's Case Management model and for strengthening this further. Suggestions were made regarding:

- the importance of appropriate moderation processes to ensure a consistent approach to, and interpretation of, regulatory processes across Case Managers;

- the need for Case Managers to have knowledge and expertise across all provider types;

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1 Assessment of a regulatory risk will take into account the revised Regulatory Risk Framework to be published by TEQSA in February 2014 following sector consultation. If a provider is evaluated as presenting a high or moderate risk overall in relation to Risk to Students and/or Risk to Financial Position, then the scope of the assessment process may be expanded. In exceptional circumstances an expansion may be considered necessary where a provider is evaluated as low risk overall, but a significant trend or specific issue is identified requiring consideration.

▸ the use of site visits and interviews to further reduce the provision of written documentation.

TEQSA comments

▸ Ongoing liaison between providers and Case Managers is critical to support the planned reforms. For some providers, liaison will occur more frequently than quarterly. TEQSA will ensure that regular contact is made with all providers and providers are encouraged to contact their Case Manager if they have any queries.

▸ TEQSA recognises the importance of consistent regulatory approaches and decisions and has developed a series of checks and balances to support this including:

   ▸ Internal induction and training program and ongoing professional development for all case teams

   ▸ Separation of risk assessment process from case management

   ▸ Review of all draft summary of findings by the Executive Director to verify the recommendation to the Commission

   ▸ Reasonable opportunity for review by providers for all adverse regulatory decisions prior to decision being made

▸ Internal review (appeal) process for single Commissioner course accreditation decisions

Site visits may be used where this method is deemed to be the most effective way to collect information. TEQSA takes these observations into account in its assessment and decision making processes to supplement and/or validate written evidence submitted by the provider.

3.6 Use of experts

Sector Comments

The use and selection of experts by TEQSA in the accreditation of courses was raised in a number of submissions:

▸ some concern that the pool of experts has an overly university focus

▸ that TEQSA should expand the expert register to include experts with a greater range of expertise and familiarity with the approach taken by private providers;

▸ that the circumstances under which only one expert may be used should be extended.

TEQSA comments

▸ Many of the experts on TEQSA's register have experience in both the 'non-university' higher education and university sectors, although this may not be clear in how they are represented on the register

▸ In response to feedback, TEQSA has introduced a continuously open cycle for adding new experts to the Register of Experts, with a focus on building greater depth in particular disciplines and experience in non-university provider contexts

▸ In response to feedback, TEQSA will extend circumstances under which one rather than two experts may be used during a renewal of accreditation process if there have been no major changes to the course of study, and if TEQSA has accredited other courses delivered by the provider that are in the same Field of Education and at the same AQF level as the course of study;

- TEQSA may also choose not to use an expert in cases where adequate alternative sources of independent expert review have indicated a high level of confidence in the quality of the new course, such as a professional accreditation review.

3.7 Sampling

Sector comments

Providers with self-accrediting authority raised a number of issues in relation to TEQSA's plan to continue to sample courses as part of the renewal of registration assessment process:

- that further clarification should be provided about sample courses for providers with self-accrediting authority, including the sample number and specific requirements;

- that the requirement for sample courses should be changed to documentation detailing processes for accrediting and reviewing courses; assessment panel reports and academic board response;

- whether sample courses would be assessed by TEQSA in the same way as courses from providers without self-accrediting authority.

TEQSA comments

- Course sampling will only apply to self-accrediting providers. TEQSA will develop a process guide for renewal of registration that will clarify these requirements.

- The purpose of sampling will be to assess implementation and impact of a provider's academic governance and quality assurance systems as well as outcomes for students. Sampling will not involve a testing of the courses against each of the Course Accreditation Standards and Qualification Standards.

3.8 Information management

Sector comments

Feedback indicated strong support for the establishment of an online provider portal. The management of the information submitted to TEQSA was raised in a number of submissions:

- TEQSA's processes to safeguard confidentiality and security of information submitted electronically through the provider portal [such as commercially sensitive information]

- how documents in a provider's repository will be validated to ensure information is kept current;

- how FOI requests for documents submitted by providers will be managed by TEQSA.

TEQSA comments

- TEQSA is committed to reducing the amount of evidence required at the time of application. Relevant current documentation already submitted to TEQSA by a provider as part of a regulatory process will be used for future applications. With the introduction of electronic submissions, providers will have access to a repository that will contain such documents and, where the provider confirms that a document remains current and is to be re-used, TEQSA will not request the same information again. The core evidence requirements will be reduced accordingly. Examples may include documents submitted for previous renewal

of accreditation processes being used again in a renewal of registration process. To assist TEQSA, providers will be asked to tag documents held in the repository.

▸ It will be the provider's responsibility to advise TEQSA of replacement documents to be used before the commencement of a regulatory process. Details of TEQSA's approach to data validation and version control will be published in advance of the Provider Portal being launched.

▸ TEQSA notes the concerns raised about requests for commercially sensitive information, such as governing body minutes and reports to a governing body. TEQSA is subject to confidentiality obligations in Division 2 of Part 10 of the Tertiary Education Quality and Standards Act 2011. In addition to those obligations, where a provider has concerns about the sensitivity or confidentiality of material, it is encouraged to discuss the options for managing that information with the Case manager. Options may include entering into a confidentiality agreement with TEQSA or providing other information which gives TEQSA the necessary evidence without raising the same confidentiality concerns. TEQSA may request further information from an applicant about its claim for confidentiality in order to establish the basis on which the information is confidential and to ensure that the information can be appropriately managed if/when it is provided to TEQSA.

▸ TEQSA is also subject to various accountability obligations including judicial, parliamentary and ministerial oversight, the Freedom of Information Act 1982, the Auditor-General Act 1997, and the Ombudsman Act 1976. If TEQSA receives a request to disclose a provider's confidential information, TEQSA will aim to consult with the provider so that it has the opportunity to make submissions on whether TEQSA should release the information. More information about FOI is at: TEQSA's approach to dealing with FOI requests is at: http://www.teqsa.gov.au/about/freedom-information.

▸ TEQSA has a formal Records Authority that has been approved by National Archives Australia, and its approach to protecting personal information is outlined at: http://www.teqsa.gov.au/privacy.

3.9 Other comments

Outcomes focus

Some submissions highlighted that the proposed evidence requirements related to a large extent to processes, rather than outcomes and outputs. TEQSA regulates against the requirements of the Threshold Standards. While TEQSA already focusses to the extent possible on outcomes and outputs, the standards include requirements about processes to which TEQSA must have regard.

Fees

The question was raised as to whether the streamlining process would affect the fee payable (ie reduce the fee). Before the end of 2014 TEQSA will look at the impact of its revised processeson its fee structure.

Threshold Standards

Some submissions expressed concerns about the current complexity of the Threshold Standards and their impact on TEQSA's processes, and how any revised Standards will be accounted for in TEQSA's proposed process reforms. The Higher Education Standards Panel is responsible for reviewing the Threshold Standards and has indicated that consultation on the

revised draft standards will occur in 2014. TEQSA considers that its planned reformed processes should be flexible enough to take into account future directions of the Higher Education Standards Framework. However, at the time any revised standards are made by the Minister, TEQSA's processes and evidence requirements will be reviewed to ensure alignment. An appropriate period to enable transition from one set of standards to another will be important.

4. Next steps

TEQSA will make the identified changes to its regulatory processes with immediate effect.

Updated and focussed process guides, guidance notes and application forms will be prepared to support implementation of the reformed regulatory processes by July 2014, and in the meantime providers should discuss relevant reforms with their Case Manager in the context of any forthcoming regulatory process.

TEQSA will continue to communicate with the sector through the TEQSA website and a range of other channels.