Australian Government
Australian Skills Quality Authority

Australian Government
Tertiary Education Quality and Standards Agency

Dual sector regulatory strategy

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ASQA

TEQSA

Contents

1. Executive summary

Providers regulated by ASQA and TEQSA (dual sector providers) play an important role in Australia's tertiary education ecosystem, in helping ensure a diverse range of opportunities for students and developing novel pathways between vocational and higher education.

Dual sector providers need to satisfy multiple sets of regulatory requirements to ensure they can deliver quality education outcomes for their students.

Demonstrating compliance against these requirements is complex, consumes work effort, and can be duplicative or inefficient. This constitutes a **regulatory burden** for dual sector providers, consisting of various types of **administrative costs** incurred demonstrating compliance, **substantive compliance costs** incurred delivering outcomes sought as part of compliance, and **delay costs** incurred preparing applications and awaiting decisions (see Regulatory Burden Measurement Framework | The Office of Impact Analysis).

Building on existing collaboration across the two agencies, ASQA and TEQSA have identified 3 key opportunities for a harmonisation program that can be commenced with minimal or no lead time and implemented within approximately 3 years, that represents potential reductions in regulatory burden to providers, and is beneficial to risk-based regulation, along with other benefits:

Opportunity 1: Better facilitate information sharing and collaboration in key areas
Implementation • mature existing inter-agency working groups, and where necessary create new working groups to better facilitate data sharing in key areas, including ESOS, risk intelligence, regulation of transnational education, and provider registration and renewal • improve data-sharing protocols between ASQA and TEQSA regarding key regulatory and compliance activities.
Impact Reduction of regulatory burden for providers: • administrative costs (making applications, keeping and providing records) by reducing the need for requests for information (RFIs) • delay costs (approval) of awaiting decisions by increasing assessment efficiency. Benefit to effective risk-based regulation: • improve sharing of risk intelligence and assessment efficiency • open opportunities for the agencies to recognise and/or adopt each other's findings, undertake related regulatory assessments in parallel. Other benefits: • improved approach to inter-agency information sharing and collaboration, which could be extended to other agencies as appropriate • cross-skilling between ASQA and TEQSA.

Opportunity 2: Where practical, optimise the alignment of evidence requirements for similar assessments while maintaining regulatory effectiveness

Implementation

- review and more closely align evidence requirements and application guidance for similar application-based assessments (CRICOS registration, initial registration/market entry, etc.)
- more closely align annual reporting obligations.

Impact

Reduction of regulatory burden for providers:

- administrative costs (making applications, keeping and providing records, notifying regulator) by reducing the need for/complexity of RFIs, reporting
- substantive compliance costs (professional services, training) by simplifying audit/review scoping, improving consistency of requirements
- delay costs (application, approval) by helping providers to more easily and consistently evidence compliance.

Benefit to effective risk-based regulation:

- reduce workload of managing provider enquiries, intensity of regulatory assessment work
- open opportunities for the agencies to recognise and/or adopt each other's findings
- improve information accessibility, simplifying management of provider enquiries, and simplifying training for new regulatory staff.

Other benefits:

- free provider resources for improved service delivery and innovation
- better targeted evidence gathering and regulatory scrutiny of providers
- providers can more efficiently demonstrate maturity in self-assurance and risk management
- help identify where legislative change may be beneficial, pending consultation and consideration of how change may interact across legislative frameworks.

Opportunity 3: Support dual sector providers to mature corporate and academic governance

Implementation

- support dual sector providers to build capability in corporate governance including identifying, managing and controlling risks
- support dual sector providers to build capability in oversight, quality assurance and continuous improvement of academic operations
- develop joint guidance (ASQA and TEQSA) to help dual sector providers mature corporate and academic governance.

Impact

Reduction of regulatory burden for providers:

- administrative costs (making applications) by clarifying regulator expectations, establishing shared guidance on key topics
- substantive compliance costs (operation, training) by helping providers better target improvement, simplifying evidencing of compliance
- delay costs (application, approval) of preparing applications and awaiting decisions by helping providers to more easily and consistently evidence good corporate and academic governance.

Benefit to effective risk-based regulation:

- more consistent advice to providers facilitates more consistent provider understanding, and reduced assessment work effort
- regulators can pool resources to develop guidance on good corporate and academic governance, and related topics
- improved information accessibility reduces workload of managing provider enquiries, and training burden for new regulator staff.

Other benefits:

- support agility and innovation by helping ensure providers have the maturity to maximise opportunities while assuring quality
- help ensure providers have the appropriate corporate governance capability, systems and processes to effectively manage risks
- help ensure providers have the academic governance capability, systems and processes to fully capitalise on opportunities
- help uplift corporate and academic governance practices across all vocational and higher education providers.

2. Introduction

In response to the Australian Universities Accord Final Report, the Government is investing in measures to better harmonise the higher education and vocational education and training (VET) sectors. The Accord recognised that sector misalignment can present a significant barrier to students wanting to navigate between sectors to upskill and build upon qualifications, and that greater efficiencies and innovations to align both sectors would help meet Australia's emerging skills needs. Dual sector providers play an important role in Australia's tertiary education ecosystem, in helping ensure a diverse range of opportunities and pathways for students and developing novel pathways between vocational and higher education.

The Government's 2024-25 budget committed $27.7 million to implement a series of tertiary harmonisation measures, including, improving regulatory approaches for dual sector providers, facilitating better student pathways between VET and higher education, and improving the evidence base of students' movements between sectors through better data collection. These reforms aim to reduce barriers between vocational and academic learning, fostering a more connected tertiary system. A dual sector regulatory strategy is a key component of this approach, enabling institutions to deliver both VET and higher education qualifications with streamlined regulatory requirements.

Currently, the Australian Skills Quality Authority (ASQA) and the Tertiary Education Quality and Standards Agency (TEQSA) share regulatory responsibility with a number of other regulators for approximately 57 Australian dual sector providers. For the purposes of the development of this strategy, a "dual sector provider" is a provider that is regulated by both ASQA and TEQSA.

Feedback from dual sector providers has highlighted that navigating the regulatory requirements of both agencies and the other regulators adds to administrative burden and cost of operation, and can affect providers' prioritisation and allocation of resources, impacting their capacity to innovate and deliver services.

Further feedback also highlighted concerns about overlap and inefficiencies in the current regulatory system. Providers have advocated for streamlined processes and clearer guidelines to support them operating in both the higher education and vocational education sectors.

This strategy recognises the challenges providers face and aims to reduce the regulatory burden resulting from regulation by both ASQA and TEQSA.

The strategy outlines initiatives to address pain points for dual sector providers, while also identifying potential opportunities for greater strategic alignment as part of a longer-term harmonisation vision that would require legislative reform and support from Government, helping ensure a healthily diverse tertiary sector for students.

The strategy's vision is to reduce regulatory burden via the following key objectives:

- foster increased collaboration and coordination between the 2 agencies, including collaboration on sector messaging where appropriate
- seek opportunities to reduce duplication of effort and improve consistency across the 2 agencies
- streamline regulatory approaches where practical and possible under legislation

- enhance engagement with dual sector providers, building greater trust in the regulatory system
- incentivise high performance by dual sector providers to encourage consistently high standards of academic and corporate governance.

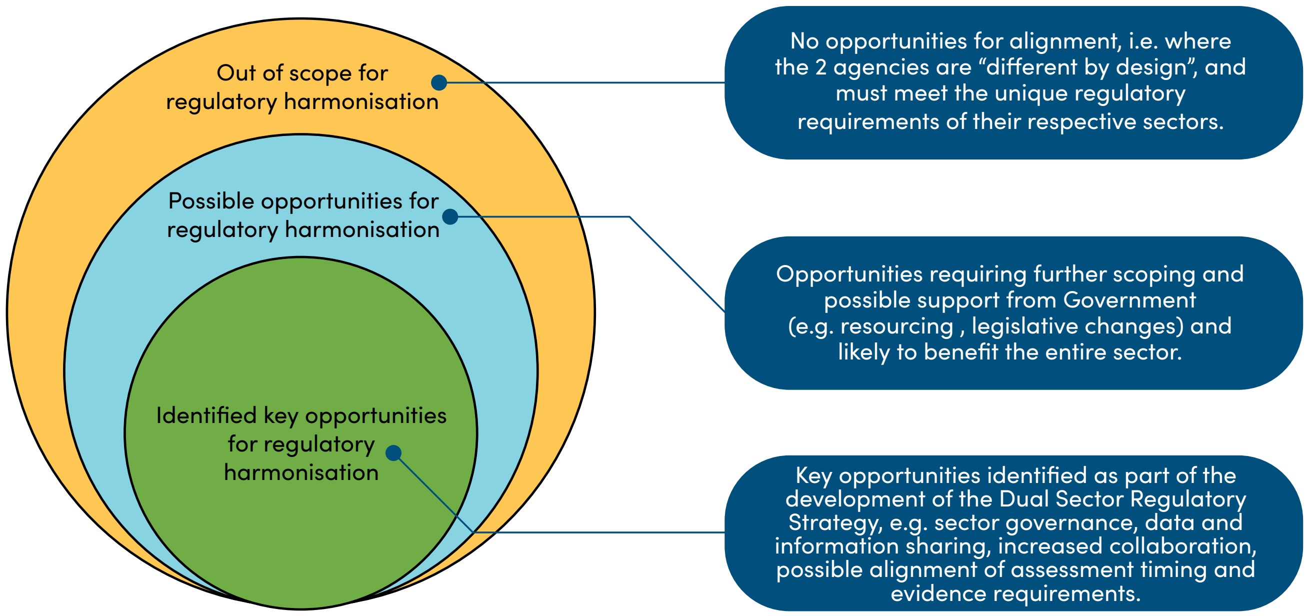
Furthermore, driving maturation of corporate and academic governance across dual sector providers is a key enabling factor to optimise opportunities for them to contribute to broader workforce reforms and sector harmonisation. More mature corporate and academic governance will strengthen dual sector providers' management of strategy, risk, organisational performance and culture, and position them to work effectively with industry, develop and deliver quality education and training with agility in response to emerging needs, and develop novel pathways between VET and higher education.

The purpose of this strategy is not for the regulators to achieve 'convergence'. While ASQA and TEQSA are both risk-based regulators, with common goals related to mitigating risks to quality, students, industry, and the broader community, they are intentionally 'different by design'. Each manage different key risks and pursue different but related regulatory objectives, in ways tailored to their given sectors and the unique roles and purposes of each.

It should also be kept in perspective that the opportunities presented here are part of a larger co-ordinated reform approach between several government departments, tertiary education providers and industry stakeholders.

This strategy intends to achieve the above objectives, while respecting the legislative mandates of both regulators, and complementing the broader work to improve tertiary harmonisation. Figure 1 depicts the strategy scope.

Figure 1: Scope of dual sector regulatory strategy



3. Dual sector provider profile

Dual sector providers may deliver a combination of VET qualifications and courses, undergraduate and postgraduate higher education awards, ELICOS, and Foundation Programs.

These providers are generally registered as registered training organisations (RTOs) and in one of the 4 higher education provider categories (Institute of Higher Education, University College, Australian University, Overseas University), with some possible exceptions for non-higher education providers delivering ELICOS or Foundation Programs with a higher education pathway.

Overall provider registrations

- As of 31 March 2025, according to the *ASQA Regulation Report - Quarters 1 – 3 (July 2024 - March 2025)* (Regulation Report) there are 3,843 ASQA-regulated RTOs.
- As of 11 June 2025, according to the National Register there are 211 TEQSA-registered providers (142 registered, 69 ongoing pending renewal).

CRICOS providers

- As of 31 March 2025, according to the ASQA Regulation Report there are 1,041 ASQA-regulated RTOs registered on CRICOS.
- As of 11 June 2025, according to the Provider Registration and International Student Management System (PRISMS), there are 188 TEQSA-registered providers registered on CRICOS.

Dual sector providers

As of 11 June 2025, according to the National Register and training.gov.au, 57 of these providers are dual sector providers, 52 of which have ASQA and/or TEQSA CRICOS registration, making up:

- 1.5% of ASQA-regulated RTOs or 3.9% (41) of ASQA-regulated RTOs registered on CRICOS.
- 27% of TEQSA-registered providers or 27.7% of TEQSA-registered providers registered on CRICOS.

Students

Considered in terms of how many students these providers deliver to:

- According to NCVER 2024, Total VET students and courses 2023 there were 5.1 million students enrolled in nationally recognised VET (onshore and offshore). Of these, approximately 13.9% (706,791) studied at dual sector providers.

- As of June 2024, according to Tertiary Collection of Student Information (TCSI) there are 1,105,085 (EFTSL) actively studying domestic higher education students in Australia. Of these, approximately 30.6% (338,602) study at dual sector providers.
- As of 11 June 2025, according to PRISMS there are 639,982 overseas VET and higher education students actively studying in Australia (Studying Confirmation of Enrolment (COEs)). Of these, approximately 19.9% (127,180) study at dual sector providers.

While dual sector providers are a relatively small proportion of those regulated by ASQA, they account for a larger proportion of providers regulated by TEQSA, and for a significant proportion of providers delivering to overseas students. The proportion of dual sector providers is also anticipated to grow over time, as more providers diversify their operations and explore offering more flexible pathways to students.

4. Regulatory landscape

Higher education and VET providers operate in a complex, rapidly changing environment. Dual sector providers operating in both spaces, even more so. To operate successfully across both sectors, providers must remain alert to different challenges, risks and opportunities, and ensure they are well placed to respond, strategically and operationally.

TEQSA and ASQA were established as separate regulators to address the distinct needs and regulatory requirements of the higher education and VET sectors respectively, to ensure the consistent delivery of quality educational outcomes within both (see *Appendix A: ASQA and TEQSA: regulator profiles*, p.38).

The separation of the 2 regulators enables specialised oversight that is tailored to the unique characteristics, risks, challenges, and expectations of each sector, ensuring more effective regulation.

VET and ASQA

ASQA oversees the VET sector to maintain high standards of quality and integrity, so that students, industry, governments, and the community have confidence in the integrity of national qualifications issued by training providers. This includes overseeing RTOs and ensuring that vocational education meets industry needs.

Currently, ASQA is responsible for regulating approximately 3,843 providers, representing approximately 90% of Australian VET providers. The remaining VET providers are overseen by state-based regulators in Victoria and Western Australia. The Victoria Registration and Qualification Agency (VRQA) regulates VET providers in Victoria, while the Training Accreditation Council (TAC) oversees providers in Western Australia. These regulators ensure compliance with state-specific standards while working alongside ASQA to maintain national consistency in the VET sector.

ASQA regulated providers deliver:

- VET qualifications and courses to students in Australia or offer Australian qualifications internationally
- VET courses to overseas students – approved on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS) to teach overseas students on student visas in Australia
- English Language Intensive Courses for Overseas Students (ELICOS) – approved on CRICOS.

Higher education and TEQSA

TEQSA is responsible for regulating and ensuring the quality of higher education providers. Its main goal is to protect student interests and Australia's reputation by maintaining academic, research and quality standards.

There are 4 distinct higher education provider categories:

- Institutes of Higher Education
- University Colleges
- Australian Universities
- Overseas Universities.

Differences between VET and higher education

Differing standards, educational outcomes, and risks

ASQA and TEQSA regulate against different standards that manage different risks and have different aims.

VET

The VET system delivers nationally recognised training which comprises 2 elements: training packages and accredited courses and qualifications. Training packages are developed by the Jobs and Skills Councils (JSCs) to meet industry skills and workforce needs. They contain sets of competency standards that define the skills required for specific job roles, providing flexibility for tailored delivery. Accredited courses and qualifications are developed by industry, community, government or training providers to fill niche or emerging areas not covered by training packages.

RTOs are required to ensure VET students attain nationally recognised, industry-related competencies, and to engage with stakeholders to effectively inform the industry relevance of training offered by the RTO (Standards 1.1, 1.2, Standards for Registered Training Organisations (RTOs) 2025 (Standards for RTOs 2025)). These standards ensure consistency in the delivery of training products which reflect current industry practice.

VET providers must manage risks to quality unique to VET delivery, which tend to relate to job-specific training outcomes, including:

- maintaining ongoing industry currency and community engagement
- assuring continuous improvement of effective skills training and technical assessment practices.

ASQA monitors quality outcomes and compliance against the national standards by registered providers, including detecting, preventing, deterring and disrupting fraud, and undertakes regulatory activity where registered providers are not meeting requirements, including acting against unregistered organisations operating illegitimately.

ASQA has been taking a staged approach to promoting maturity across the sector with respect to self-assurance and continuous improvement, to support improved training outcomes.

Higher education

In contrast, higher education providers are required to deliver courses with learning outcomes that encompass discipline-related requirements, are professionally recognised where appropriate, and include broader knowledge and skills outcomes (Standards 1.4.1, 1.4.2 of the *Higher Education Standards Framework (Threshold Standards) 2021*).

This fundamental difference in educational outcomes differentiates the Threshold Standards and their related compliance requirements and risk monitoring.

Higher education providers must manage risks to quality unique to higher education delivery, which tend to relate to knowledge attainment outcomes, including:

- assuring attainment of in-depth theoretical knowledge of a specialist subject and broader academic skills
- managing integrity risks relating to misuse of generative AI, contract cheating services and outsourcing of academic services.

Similarly, TEQSA is taking a staged approach to maturing sector expectations regarding provider self-assurance and risk management, as it develops and implements its Regulatory Risk and Quality Assurance Framework (RQF), to support improved outcomes in the higher education sector.

Differing approaches to course accreditation

The Australian Qualifications Framework (AQF) is the policy for regulated qualifications in the Australian education and training system. ASQA can accredit and reaccredit courses from AQF level 1 to 8, with some exclusions. TEQSA can accredit and reaccredit courses from AQF levels 5 to 10 for higher education providers, with some overlap with ASQA.

VET

In VET, training packages are developed by JSCs in line with standards set by Skills Ministers to improve the quality, speed to market and responsiveness of training products. Additionally, JSCs will partner with training providers and organisations to align workforce planning objectives and national training products with career advice and 'on the ground' training delivery. Once developed, ASQA accredits VET courses, ensuring they meet national standards for quality and industry relevance and do not duplicate training packages.

During 2024, ASQA commenced its Delegation of Course Accreditation Pilot (DOCAP). The purpose of the pilot is to assess the benefits of delegating ASQA's course accreditation function to selected TAFEs that are designing and delivering courses to address existing and emerging skills needs, while safeguarding the quality of VET courses. The pilot will test whether the delegation affords providers greater flexibility and responsiveness and enhances speed to market. Two TAFEs participated in the pilot (Bendigo Kangan Institute and TAFE NSW), along with a dual sector provider (Central Queensland University).

Higher education

In higher education, the *Tertiary Education Quality and Standards Act 2011*, the Threshold Standards and relevant state-based university acts of establishment, allow for providers to obtain partial or full self-accrediting authority (SAA), with differing expectations associated with the different provider categories:

- **Institutes of Higher Education** can apply for partial or full SAA; where a provider does not have SAA, they must submit applications to TEQSA for their courses to be accredited.
- To become a **University College**, when applying to enter the category a provider must already have authority to self-accredit at least 70% of the courses of study it delivers.
- **Australian Universities** and **Overseas Universities** have unlimited authority to self-accredit all their higher education courses.

SAA is related to the maturity and advancement of a provider's academic governance, including their processes for the design, approval, delivery, monitoring, quality assurance, review, and improvement of courses of study, and maintenance of academic integrity. Obtaining SAA demonstrates a provider's ability to more directly respond to ongoing risks to academic integrity, thus supporting integrity and confidence in awards. TEQSA is building sector capacity in academic governance and institutional quality assurance to enable a wider group of providers to achieve SAA.

Table 1: Summary data of dual sector providers' higher education provider category and SAA status

Current dual sector providers: TEQSA provider category and SAA status	Total
Universities (full SAA)	15
University Colleges (full SAA)	1
University Colleges (partial SAA)	1
Institutes of Higher Education (partial SAA)	6
Institutes of Higher Education (no SAA)	34
TOTAL dual sector providers	**57**

Similarities between VET and higher education

Similar challenges

While the VET and higher education sectors differ in many ways, from a provider perspective there are many similarities in the operating environment common to both, including:

- pressures on financial sustainability
- competition for students
- scrutiny of quality of education and student outcomes
- adapting to rapidly evolving technologies and stakeholder expectations
- addressing complex issues related to student mental health, well-being and safety
- responding to complex regulatory ecosystems
- managing risks relating to the provision of international education such as visa integrity
- in recent years, the impact of the COVID-19 pandemic on the enrolment numbers and financial stability of providers across both sectors.

While many of these challenges are inherent, for dual sector providers some are compounded by the need to respond to the regulatory requirements of both the higher education and VET sectors, and due to the nature of their operations, many other Commonwealth, state, and territory regulatory and funding environments.

The ESOS Framework

Unlike the other regulatory and legislative instruments that support ASQA and TEQSA, the Education Services for Overseas Students (ESOS) Framework applies in the same way to both higher education and VET.

The ESOS Framework is a legislative framework that protects the rights of overseas students in Australia. The *Education Services for Overseas Students Act 2000* (ESOS Act) and the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* (National Code 2018) provide guidelines to ensure that overseas students receive quality education and support services, including information on their rights, responsibilities and the conditions of their student visas.

Dual sector providers who wish to deliver both higher education and VET courses to international students must meet both ASQA's and TEQSA's requirements under the ESOS Framework. While this framework and associated reporting is administered by the Department of Education (Education), continuing to work towards greater alignment across the 2 agencies in this space is an obvious opportunity for harmonisation.

Related concepts of corporate and academic governance

Corporate governance is conceptualised similarly in both vocational and higher education, it being the framework of structures, rules, relationships, systems and processes through which a provider:

- sets corporate directions and targets
- delegates authority
- monitors organisational performance
- identifies, manages, and controls risks
- maintains organisational accountability
- develops and influences corporate culture.

Academic governance is conceptualised somewhat differently in vocational and higher education, given the differing emphases of the relevant standards, and the related but differing concepts of:

- teaching and learning leading to the acquisition and creation of knowledge in higher education
- training and assessment leading to the acquisition and demonstration of competencies in vocational education.

In higher education, academic governance is a subset of a provider's governance framework concerned with the integrity and quality of teaching, learning, assessment, research (including research training) and scholarship, including assuring that there are:

- effective systems for developing, approving, reviewing and continuously improving courses of study
- adequate processes and structures for establishing and assigning responsibility for academic oversight, and monitoring of benchmarks for academic quality and academic leadership
- effective systems and processes to manage risks to academic quality, academic integrity, and the integrity of higher education awards.

In vocational education, academic governance is centred on continuous improvement supporting the quality and integrity of VET delivery, including assuring that:

- training and assessment are only delivered by appropriately skilled and credentialed persons
- training and assessment effectively facilitate the acquisition of competencies by students
- student competency against the specifications of a given training product is adequately evidenced
- judgements of competency are valid.

In both contexts, there is a need to ensure that academic and corporate governance functions interact and exchange information appropriately, whilst maintaining independent decision making.

Intersection of VET and higher education

Provider perspective

TEQSA and AQSA have detailed evidence and reporting requirements for provider registration, renewal, and annual reporting obligations.

From a provider point of view, their interactions with TEQSA and ASQA can be clustered into 4 general areas:

- provider registration (initial, renewal, and scope of registration)
- course accreditation and course renewal
- annual reporting or declarations of compliance
- CRICOS/ESOS registration, renewal and changes in registration (delivery or programs).

Providers are also required to:

- lodge material change notifications
- respond to information requests.

The *processes* for these requirements are broadly similar between TEQSA and ASQA but, putting CRICOS/ESOS requirements aside, the evidence and compliance reporting requirements for registration and course-related matters differ. This is due to inherent differences between the Standards for RTOs 2025 and the Threshold Standards and the alignment structures of the applications and evidence tables to the respective standards. This means, from a dual sector provider perspective, *some* documentation may be duplicative, but how and where it is presented in the applications may differ.

Points of intersection between regulatory requirements were identified and explored in consideration of this strategy. Where possible, and within the constraints of legislation, the strategy is working towards aligning these overlapping evidence requirements.

Regulator perspective

From the regulator point of view, the intersection of ASQA's and TEQSA's risk focus areas includes, but is not limited to:

- corporate governance
- institutional integrity
- financial viability and sustainability.

TEQSA and ASQA gather risk intelligence through:

- provider and sector risk assessments
- information from the provider or other agencies
- reported or identified concerns
- other data sources, e.g. PRISMS
- compliance activity and investigations as a source of risk intelligence.

Both regulators assess the risk intelligence information received in conjunction with the provider's regulatory history. Opportunities presented in this strategy will support risk intelligence sharing between the agencies.

Other regulatory requirements

TEQSA and ASQA recognise that the legislative environment for tertiary education providers is complex (see Figure 2: Schematic diagram of Australia's tertiary education regulatory ecosystem). Providers are subject to a range of Commonwealth, state/territory and international legislation and regulation, which all share a common goal of ensuring accountability of providers.

- At the Commonwealth level, providers must adhere to numerous legislative obligations including those relating to overseas students, funding, discrimination, equity, work health and safety, psychosocial hazards, privacy, intellectual property and employment.
- Additionally, each state/territory has a suite of applicable legislation.
- Providers are required to have policies and processes to proactively eliminate or mitigate issues given the requirements across multiple legislative frameworks, and may also have policies and procedures responding to changing risk priorities, for example, to deal with misconduct using generative AI.
- Legislation may also prescribe mandatory annual reporting requirements such as financial reporting, gender equality, and governance operations.
- Mandatory training requirements can add substantive compliance costs.
- Providers who receive research grant funding administered by the National Health and Medical Research Council or the Australian Research Council must comply with the requirements of the Australian Code for the Responsible Conduct of Research.

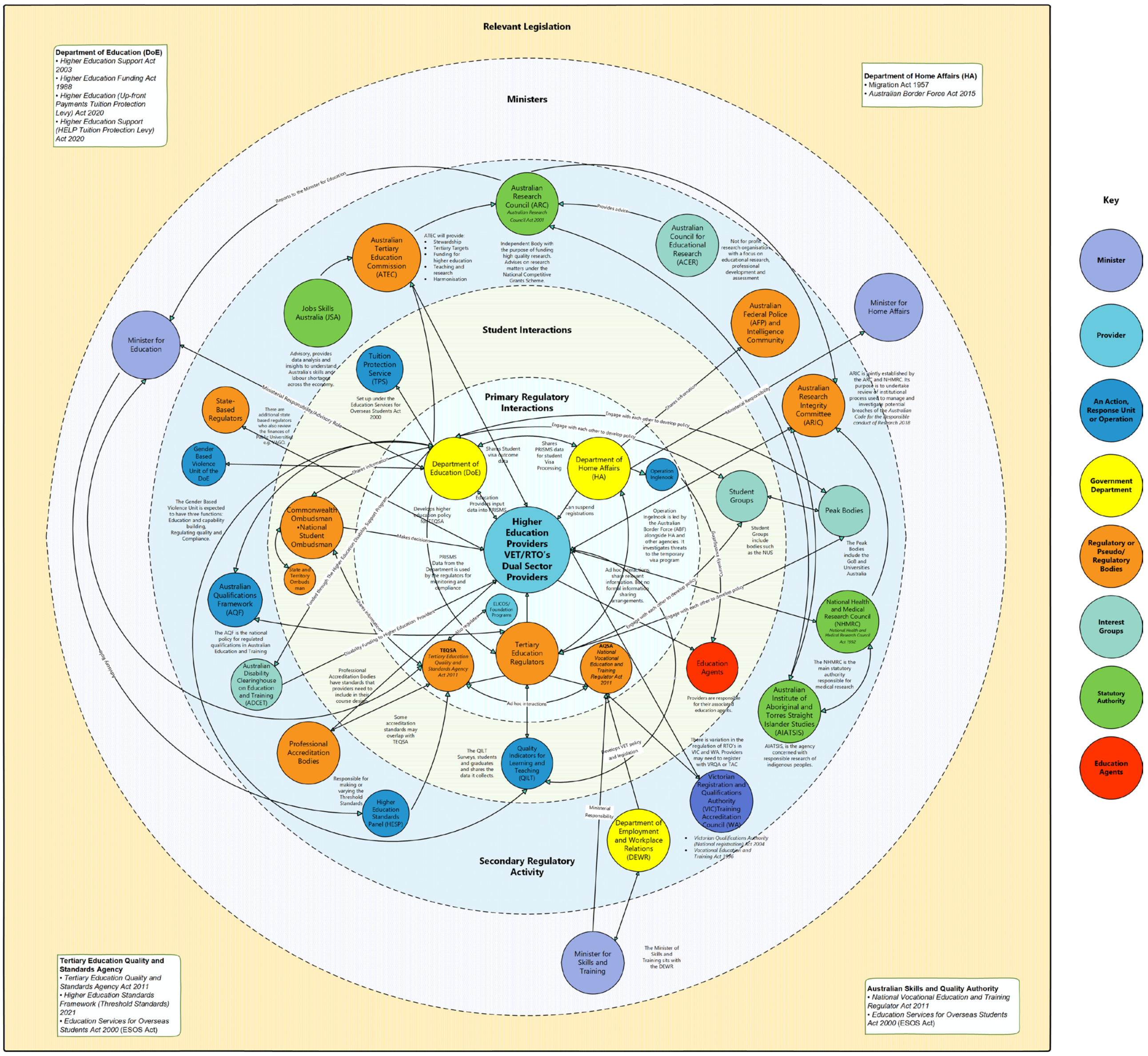
VET training packages have been developed and endorsed by JSCs in consultation and collaboration with industry partners. This collaboration sets nationally endorsed standards in qualifications design to ensure that the qualifications align to the skills and workforce needs identified by industry. There is currently a national network of 10 JSCs, each representing specific industries.

For both sectors, some courses and training packages are subject to accreditation by external bodies or agencies, which in some cases is mandated by legislative or regulatory requirements for graduates to work in a given field:

- accrediting bodies set their own requirements for providers and courses to meet, in addition to those administered by ASQA or TEQSA
- most externally accredited courses or training packages undergo cyclic review and reaccreditation.

Professional accreditation and licensing requirements are crucial for maintaining standards in the workforce, but requirements can potentially be burdensome for students and tertiary education providers.

Figure 2: Schematic diagram of Australia's tertiary education regulatory ecosystem *(please zoom in for more detail)*



5. Regulatory burden on dual sector providers

The problem facing dual sector providers

Dual sector providers need to satisfy multiple sets of regulatory requirements administered by ASQA, TEQSA and other regulators, to ensure they can deliver quality education outcomes for their students.

Demonstrating compliance against these requirements is complex and requires substantial work effort. The complexity of demonstrating compliance impacts providers' ability to innovate, and the required work effort impacts the availability of provider resources for other activities. Some of the work of demonstrating compliance is also duplicative or inefficient, compounding the work effort issue. Together, these factors constitute a significant **regulatory burden**.

Regulatory burden

According to the Office of Impact Analysis' Regulatory Burden Measurement Framework, regulatory burden consists of the costs imposed on businesses, community organisations and individuals by a regulatory framework or frameworks, be they **administrative costs**, **substantive compliance costs** or **delay costs**.

Administrative costs are costs incurred to demonstrate compliance with a regulatory framework, for example, costs of:

- making, keeping, and providing records
- notifying the regulator of certain activities
- making an application
- complying with financial costs (e.g. time taken to pay a fee).

Substantive compliance costs are costs incurred to deliver outcomes sought as part of compliance with a regulatory framework, for example, costs of:

- training employees to meet regulatory requirements
- providing information for third parties, e.g. financial statements to consumers
- operation
- professional services needed to meet regulatory requirements (e.g. legal, tax and accounting advice, governance and course review advice)
- non-government permits or accreditations to meet a particular outcome.

Delay costs are expenses and loss of income incurred through:

- an application delay – the time taken by the provider to complete an application before it can commence intended operations
- an approval delay – the time taken by the regulator to assess and communicate a decision on an application before the provider can commence intended operations.

Evaluation criteria

ASQA and TEQSA have identified key opportunities for harmonising regulation of vocational and higher education. These opportunities have been assessed according to their estimated impact including:

- reduction of regulatory burden
- benefit to effective risk-based regulation
- other benefits to providers, regulation, students, industry and/or the community.

Consideration has also been given to:

- **resource intensity** necessary for implementation
- estimated **timeframe** for implementation
- **dependencies** a given opportunity may be subject to, and **enhancements** that may extend the impact of a given opportunity.

These evaluation criteria are outlined in detail in *Appendix B: Evaluation criteria*, p.41.

6. Key opportunities for regulatory harmonisation

ASQA and TEQSA have identified a program of 3 key opportunities for harmonisation that can be commenced with minimal or no lead time and implemented within approximately 3 years. These opportunities represent significant potential reductions in regulatory burden for providers, and significant potential benefits to the regulators in terms of improved efficiency and efficacy of their work, where common ground or shared objectives exist.

ASQA and TEQSA are of the opinion that these opportunities could be pursued side-by-side and achieved within allocated budget.

Opportunity 1: Better facilitate information sharing and collaboration in key areas

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Timeframe
Moderate	Moderate	Moderate	Moderate	12 months

Providers must submit a significant amount of information to ASQA and TEQSA as part of application-based assessments, cyclic reporting and requests for information. Some of this information is of interest to both agencies, and a provider may submit some information multiple times to one or both agencies as part of multiple processes. In addition, siloing of risk intelligence held by each regulator can result in duplication of effort, unnecessarily extending assessment processing times. Improved information sharing could reduce this burden.

ASQA and TEQSA already share information and collaborate where a need is identified by either agency, with some recurring activity. However, there is an opportunity to better facilitate this activity through a more systematic approach.

Implementation actions

Implementation of this opportunity would involve but not be limited to:

- maturing existing, and where necessary creating new inter-agency working groups between ASQA and TEQSA to better facilitate data and information sharing in key areas, including ESOS, risk intelligence, regulation of transnational education, and provider registration and renewal
- improving data-sharing protocols between ASQA and TEQSA regarding key activities
- reviewing and updating policy, mechanisms and processes for data sharing

- reviewing and updating the Memorandum of Understanding between ASQA and TEQSA
- reviewing and updating the principles for co-regulation of dual sector providers.

Impact

Reduction of regulatory burden

This opportunity would reduce regulatory burden for providers in terms of:

- administrative costs (making applications, keeping and providing records) by improving regulator access to information, thereby reducing the need for RFIs
- delay costs (approval) by improving regulator access to information, thereby increasing assessment efficiency.

Benefit to effective risk-based regulation

With appropriate consideration to legal and privacy risk, this opportunity would benefit ASQA and TEQSA by:

- helping the agencies share risk intelligence and other data more effectively and facilitating collaboration on assessment work thereby improving assessment efficiency
- helping the agencies build a clearer understanding of provider risk by sharing risk intelligence
- opening opportunities for the agencies to recognise and/or adopt each other's findings, thereby reducing regulatory assessment workload
- opening opportunities for the agencies to undertake related regulatory assessments in parallel, thereby reducing regulatory work effort.

Other benefits

Beyond reducing regulatory burden for providers, and the efficiency gains for the regulators, we anticipate better facilitating of information sharing and collaboration would have other benefits including:

- freeing of resources for improved service delivery and innovation, resulting from reduced cost impacts on providers
- an improved approach to inter-agency information sharing and collaboration on the part of ASQA and TEQSA, which can be extended to work with other agencies where necessary
- cross-skilling between ASQA and TEQSA, improving the capability of one agency where the other is more developed.

Resource intensity

Implementing this opportunity would involve formalising, extending upon and maintaining ways of working, with contributions by regulatory operations and IT teams, ongoing.

This opportunity would require the participation of staff across several teams in both agencies; however, this participation would be episodic and therefore represents a moderate commitment of human resources.

We anticipate the material resources needed to implement this opportunity would be low, given its emphasis on ways of working, but coordination of the various implementation activities would likely reduce the time to implement and support the achievement of the desired outcomes.

Timeframe

This opportunity does not require any significant lead time to commence and could be implemented within 12 months. In internal workshops exploring potential tertiary harmonisation initiatives, stakeholders across the agencies have shown appetite to collaborate and communicate more, and more systematically, which may help expedite implementation.

Dependencies and enhancements

This opportunity has no significant dependencies.

This opportunity could be enhanced by:

- optimising the alignment of evidence requirements for similar assessments across ASQA and TEQSA, which could help make shared data sourced from providers more easily consumable across agencies, by making that data more similar in form and content (see *Opportunity 2: Where practical, optimise the alignment of evidence requirements for similar assessments while maintaining regulatory effectiveness*, p.21)
- as an interim measure, leveraging shared government systems such as GovTeams for transfer of files between the agencies, and given both agencies' systems use of Azure Cloud, this may represent another avenue to explore for file transfer. In the longer term, more closely aligning the design of the agencies' IT systems, or parts thereof, or developing shared IT systems could facilitate automation of some types of data sharing (see *More closely align the design of, share, or integrate ASQA's and TEQSA's IT systems*, p.32).

Opportunity 2: Where practical, optimise the alignment of evidence requirements for similar assessments while maintaining regulatory effectiveness

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Timeframe
High	Moderate	High	Moderate	18+

Providers must comply with complex evidence requirements as part of application-based assessments, cyclic reporting and requests for information. While ASQA's and TEQSA's evidence requirements often differ significantly, due to their differing legislative frameworks and differing key sector risks, in some instances the agencies have similar evidence requirements for all or part of a particular assessment type.

Where ASQA's and TEQSA's requirements are similar, there is an opportunity to better align them, supporting providers to find efficiencies in meeting the requirements of assessments in multiple regulatory contexts.

Implementation actions

Implementation of this opportunity would involve but not be limited to:

- reviewing and more closely aligning evidence requirements and application guidance for similar application-based assessments (registration on CRICOS, initial registration/market entry, reregistration, etc.)
- aligning Fit and Proper Person declaration requirements
- more closely aligning requirements for assessment of risk regarding financial viability.

Impact

Reduction of regulatory burden

This opportunity would reduce regulatory burden for providers in terms of:

- administrative costs (making applications, keeping and providing records, notifying regulator) by simplifying application processes and reducing the need for RFIs, reducing reporting load and complexity, and improving regulator access to information
- substantive compliance costs (professional services, training) by simplifying scoping of audits and reviews, improving consistency of requirements thereby simplifying compliance staff training, and by reducing reporting load and complexity
- delay costs (application, approval) by helping providers to more easily and consistently evidence compliance, and by facilitating recognition of decisions and alignment of assessment processes across agencies.

Benefit to effective risk-based regulation

This opportunity would benefit ASQA and TEQSA by:

- simplifying the process of making applications, thereby reducing the workload of managing provider enquiries, improving application consistency and quality, and reducing the intensity of resultant regulatory assessment work
- opening opportunities for the agencies to recognise and/or adopt each other's findings, thereby reducing regulatory assessment workload for application-based and cyclic reporting-based activities
- improving information accessibility by allowing application guidance to be more consistent, simplifying management of provider enquiries, and simplifying training when onboarding new regulatory assessment staff
- improving visibility of the actions required of providers, thereby improving the ability to identify further opportunities to minimise regulatory effort
- facilitating more efficient and meaningful sharing of risk intelligence and application data.

Other benefits

Beyond reducing regulatory burden for providers, and the efficiency gains for the regulators, we anticipate optimising the alignment of evidence requirements for similar assessments would have other benefits including:

- freeing of resources for improved service delivery and innovation, resulting from reduced cost impacts on providers
- evidence gathering and regulatory scrutiny of providers is better targeted and balanced across VET, higher education and ESOS requirements
- enabling providers to more efficiently demonstrate maturity in self-assurance and risk management to the regulators
- enabling ASQA and TEQSA to better track integrity risks across dual sector providers by reducing information gaps, reducing opportunities for providers to hide integrity issues or avoid compliance activity
- helping identify where there is a need for the agencies to address differences through legislative instruments, or where shared objectives (or shared common evidence) may be assisted by changes to Acts or to instruments made by ASQA's and TEQSA's respective ministers, pending appropriate consultation and consideration of how changes may interact across legislative frameworks.

Resource intensity

Implementing this opportunity would necessitate a review of the evidence requirements themselves for similar assessments, changes to the regulators' approach to these where appropriate, followed by a rollout period or periods as changes are applied to external application, notification and reporting processes and guidance, and internal assessment processes.

This would require resource allocation across several teams in both agencies, including regulatory operations teams.

As such, this opportunity represents a high commitment of human resources. We anticipate the material resources needed to implement this opportunity would be moderate to low, depending on impacts to the regulators' information management systems, provider portals and websites (e.g. updating and/or restructuring application forms, webpages, records).

Timeframe

At TEQSA, changes have recently been made to requirements, to start to align with and test the key concepts from the draft RQF. Lead time would be required while the RQF is finalised, to avoid change fatigue in the sector, and internally. It is anticipated this opportunity could be implemented within approximately 18 months.

Dependencies and enhancements

This opportunity has no significant dependencies.

This opportunity could be enhanced by:

- optimising the alignment of ASQA's and TEQSA's regulatory strategies, and regulatory assessment frameworks, which could facilitate closer alignment of requirements by more closely aligning the objectives and methods underpinning them (see *Where practical, optimise alignment of ASQA's and TEQSA's regulatory strategies*, p.28)
- optimising the alignment of terminology and concepts across key legislation and subordinate legislation, including standards for providers, which could facilitate closer alignment of requirements by more closely aligning the legislative basis underpinning them. This would require legislative reform and accordingly is considered a long-term opportunity for Government consideration (see *Optimise the alignment of key legislation*, p.30).

Opportunity 3: Support dual sector providers to mature corporate and academic governance

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Timeframe
High	High	High	High	24+

Providers are expected to demonstrate their maturity via outcomes of their corporate and academic governance systems and structures, as part of application-based assessments, cyclic reporting and requests for information.

Where a provider's governance is less mature, their understanding and implementation of key self-assurance and risk management practices may be lacking. These providers will have difficulty reliably and consistently evidencing compliance in applications, complicating their preparation, and unnecessarily prolonging assessment processing by the regulator where more information is needed.

Improving corporate and academic governance maturity could reduce this burden.

Where ASQA and TEQSA communicate or interact with, or publish guidance for providers, there is an opportunity to better support providers to uplift their governance capabilities. This would help individual providers operate at a higher level, more effectively meet regulatory requirements, and access streamlined application processes, and would help mature the higher education and VET sectors as a whole.

Implementation actions

Implementation of this opportunity would involve but not be limited to:

- supporting dual sector providers to build capability in:
  - identifying, managing, and controlling risks
  - monitoring organisational performance
  - maintaining organisational accountability.
- supporting dual sector providers to build capability in oversight, quality assurance and continuous improvement of:
  - teaching and learning/delivery and assessment
  - academic (and research) integrity
  - staff scholarship
  - course development and internal approval
  - and where applicable, research and research training.

- developing joint guidance to help dual sector providers mature corporate and academic governance, regarding:
  > corporate and academic governance structures and practice
  > key risks in relation to corporate and academic governance
  > good practice in key areas, e.g. work integrated learning, academic integrity, etc.

Impact

Reduction of regulatory burden

This opportunity would reduce regulatory burden for providers in terms of:

- administrative costs (making applications), by clarifying regulator expectations, helping providers to more easily and consistently evidence compliance and continuous improvement, and by establishing shared guidance on key topics across agencies, thereby simplifying application processes
- substantive compliance costs (operation, training) by helping providers better target corporate and academic governance activity and spending, and by simplifying evidencing of compliance, therefore simplifying training required for compliance and course writing staff
- delay costs (application, approval) by clarifying regulator expectations, helping providers to more easily and consistently evidence good corporate and academic governance, and by potentially increasing the number of providers who can accredit their own courses with authority from the regulators, reducing the need for course-related applications and approvals for those providers.

Benefit to effective risk-based regulation

This opportunity would benefit ASQA and TEQSA by:

- helping the regulators be more consistent in their advice to providers regarding corporate and academic governance, thereby facilitating more consistent provider understanding, and reducing work effort in assessing providers' corporate and academic governance
- allowing the regulators to pool resources in developing guidance on good corporate and academic governance, and related topics, facilitating cross-skilling and potential efficiency gains
- improving information accessibility by allowing guidance to be more consistent, reducing the workload of managing provider enquiries, and the training burden for onboarding new regulatory assessment staff.

Other benefits

Beyond reducing regulatory burden for providers, and the efficiency gains for the regulators, we anticipate that supporting providers to mature corporate and academic governance would have other benefits including:

- freeing of resources for improved service delivery and innovation, resulting from reduced cost impacts on providers
- supporting agility and innovation, for example in enabling flexible pathways, by helping ensure providers have the maturity to maximise opportunities while effectively assuring quality

- helping ensure providers have the appropriate corporate governance capability, systems and processes to effectively manage risks, information, finances, compliance, complaints and incidents, and improvement
- helping ensure providers have the academic governance capability, systems and processes to fully capitalise on opportunities that already exist for providers to harmonise their VET and higher education operations and compliance
- helping uplift corporate and academic governance practices across all providers in the VET and higher education sectors
- helping equip providers to more directly respond to ongoing risks to academic integrity, thus supporting integrity and confidence in awards
- further developing the high quality of education delivery and outcomes for VET and higher education providers, supporting outcomes for the economy
- developing readiness and capability for self-accreditation therefore minimising regulatory burden arising from accreditation requirements with respect to higher education courses.

Resource intensity

Given the more strategic nature of this opportunity, it would need to be implemented over an extended period, as policy and joint guidance are developed, and as the regulators work with providers over a series of interactions to support them in uplifting their maturity. This opportunity is consistent with outcomes being sought from providers in the VET sector, with the introduction of the 2025 Outcome Standards.

This opportunity would require the participation of staff across several areas in both agencies, including senior executives, and members of policy, communications and regulatory operations teams. Drafting and review of new content, enquiries management and working with providers would need to be absorbed into BAU, and consideration given to the resourcing implications thereof.

Implementation of any changes to guidance and process would impact external and internal stakeholders as processes are changed.

As such, this opportunity represents a high commitment of resources.

Timeframe

This opportunity does not require significant lead time to commence but is expected to require 24 or more months to implement up to a monitoring state, and longer to start seeing outcomes from dual sector providers and across both sectors more broadly.

Dependencies and enhancements

This opportunity has the following dependencies:

- ASQA and TEQSA have recently undertaken or are currently undertaking renewal of their regulatory strategies and regulatory frameworks, resulting in various changes to guidance and processes. While these are largely complementary to the aims of this opportunity, implementation of other regulatory changes and this opportunity will need to be carefully coordinated.

This opportunity could be enhanced by:

- optimising the alignment of ASQA's and TEQSA's regulatory strategies, and regulatory assessment frameworks, which could help facilitate work around uplifting providers' corporate and academic governance maturity (see *Where practical, optimise alignment of ASQA's and TEQSA's regulatory strategies*, p.28)
- optimising the alignment of terminology and concepts across key legislation and subordinate legislation, including standards for providers, which could facilitate closer alignment of the regulators' expectations of providers' corporate and academic governance by more closely aligning the legislative basis underpinning them. This would require legislative reform and accordingly is considered a long-term opportunity for Government consideration. (see *Optimise the alignment of key legislation*, p.30)
- making further changes to the VET sector regulatory requirements (NVETR Act 2011, RTO Standards, VET Quality Framework) to place greater obligations on RTOs regarding corporate and academic governance, to incentivise improving maturity.

7. Other more complex opportunities

ASQA and TEQSA have also identified other, more complex opportunities for harmonisation. These are not included in the current strategy, as they require significant resourcing, need to effectively articulate with other programs of work, and/or represent policy considerations for Government.

However, these opportunities are attractive in terms of potential reduction of regulatory burden and benefit to effective risk-based regulation across the sector, and worth noting as possible long-term strategic priorities, which ASQA and TEQSA may seek additional resources for, and plan towards.

This list is not exhaustive, but rather a limited selection of high-impact opportunities. Other complex, long-term opportunities for harmonisation that ASQA and TEQSA may pursue include activities such as more closely aligning their approaches to regulating transnational education.

Where practical, optimise alignment of ASQA's and TEQSA's regulatory strategies

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Indicative timeframe
High	High	High	High	4–5 years

The regulatory strategies underpinning ASQA's and TEQSA's work necessarily differ in their regulatory objectives, compliance priorities and approaches to managing key risks due to the unique features of each sector. However, these differences underpin many of the differences in each regulator's evidence requirements, guidance to their sectors, assessment practices and resulting forms of regulatory burden.

There are aspects of ASQA's and TEQSA's regulatory strategies:

- where it is not entirely necessary for them to differ, and it may reduce regulatory burden for them to be more closely aligned (e.g. approach to engagement with providers)
- where it is necessary for them to differ, but it may reduce regulatory burden for them to be designed as complementary of one another (e.g. compliance priorities, key sector risks).

Implementation actions

Implementation of this opportunity would involve but not be limited to:

- coordinated review and revision of both agencies' regulatory strategies, including:
  - > regulatory objectives
  - > roles and responsibilities
  - > regulatory principles
  - > risk and quality assurance frameworks
  - > compliance priorities
  - > regulatory risk appetite
  - > risk assessment frameworks
  - > approaches to engagement
  - > accountability.
- implementing changes to both agencies' regulatory strategies, including:
  - > revising evidence requirements
  - > revising application guidance
  - > revising assessment processes
  - > training regulatory operations staff in applying new assessment processes
  - > communication and change management for dual sector providers, for the sector overall, and for regulatory staff in both agencies.

Impact

Reduction of regulatory burden

This opportunity would reduce regulatory burden for providers in terms of:

- administrative costs (making applications, notifying regulator, making, keeping and providing records)
- substantive compliance costs (training, professional services), by facilitating alignment of application requirements across agencies
- delay costs (application, approval) by facilitating recognition of decisions and alignment of assessment processes across agencies.

Benefit to effective risk-based regulation

This opportunity would benefit ASQA and TEQSA by:

- facilitating better alignment of application requirements, thereby improving application consistency and quality reducing the intensity of regulatory assessment work
- opening opportunities to recognise and/or adopt findings by the other agency, thereby reducing regulatory assessment workload
- open more opportunities to undertake related regulatory assessments in parallel, reducing regulatory work effort further.

Other benefits

Beyond reducing regulatory burden for providers, and the efficiency gains for the regulators, we anticipate optimising the alignment of ASQA's and TEQSA's regulatory strategies would have other benefits including:

- freeing of resources for improved service delivery and innovation, resulting from reduced cost impacts on providers
- better protection of the public interest, including improved protection from harm for students and improved confidence in the integrity of awards and qualifications, through more coordinated consideration and treatment of sector (and cross-sector) risks.

Resource intensity

This opportunity would be highly resource intensive, given the complexity of coordination required, and the scale and complexity of implementation.

Timeframe

This opportunity would have significant lead time, as ASQA and TEQSA are currently in the process of implementing significant changes to their regulatory strategies, including to support the commencement of the 2025 Standards for RTOs. These would need to be bedded down fully before pursuing further change – excessive change in approach could have the opposite to desired effect and exacerbate regulatory burden on providers. Once commenced, this opportunity would take significant time to develop and implement, given the complexity of coordination required, and the scale and complexity of implementation.

Dependencies and enhancements

This opportunity has the following dependencies:

- implementation of the current round of changes to ASQA's and TEQSA's regulatory strategies must be fully bedded down before pursuing more changes of this kind, to avoid exacerbating regulatory burden.

Optimise the alignment of key legislation

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Indicative timeframe
High	High	High	High	4–5 years

The legislative frameworks underpinning ASQA's and TEQSA's work necessarily differ in their structure, language and priorities due to the unique features of each sector. However, these differences underpin many of the differences in each agencies' regulatory strategy, evidence requirements, guidance to their sectors, assessment practices and resulting forms of regulatory burden.

Where it is practical to more closely align the structure, language and priorities of key legislation, or to make pieces of legislation more complementary to one another, there is an opportunity to reduce regulatory burden across the sector, and help increase the efficiency of the regulators.

Implementation actions

There is a current opportunity to align ESOS legislation with NVETR legislation with a Bill introduced to the last Parliament to align integrity provisions.

Implementation of this opportunity, however, would require a wide-ranging and broad review of all associated legislation and ultimately, successful passage of any associated Bills.

Impact

Reduction of regulatory burden

This opportunity would potentially reduce regulatory burden in terms of:

- administrative costs (making applications)
- substantive compliance costs (training)
- delay costs (application, approval).

Benefit to effective risk-based regulation

This opportunity would benefit ASQA and TEQSA by:

- facilitating opportunities for greater alignment of application requirements, assessment processes and guidance, thereby improving application quality
- facilitating further opportunities for collaboration, parallel assessment and data sharing between agencies, thereby improving assessment efficiency and reducing assessment workload.

Resource intensity

This opportunity would be highly resource intensive, given its scale and complexity, and would require resourcing beyond the scope of ASQA's and TEQSA's authority as it requires policy consideration by Government.

Should there be an appetite for regulatory legislative reform more broadly, this should be led by the regulators' portfolio departments, with collaboration and consultation with the regulators as appropriate.

Timeframe

Long term, given the complexity of this opportunity.

Dependencies and enhancements

This opportunity has the following dependencies:

- any legislative change is highly reliant on external factors such as consultation, redrafting and approval by other agencies and departments (Higher Education Standards Panel, DEWR, Education, Home Affairs, Skills and Workforce Ministerial Council (SWMC)).
- TEQSA and ASQA are 2 of many regulators in the sector, and Government may seek to expand the scope of this opportunity to include other regulations and legislation for the benefit of the sector overall.

More closely align the design of, share, or integrate ASQA's and TEQSA's IT systems

Reduction of regulatory burden	Benefit to effective risk-based regulation	Overall benefit	Resource intensity	Indicative timeframe
Moderate	Moderate	Moderate	High	5+ years

ASQA's and TEQSA's IT systems need some level of differentiation to manage the different application types handled by each agency and to meet each agency's different data retention and analysis needs.

However, given the utility of the data held by each agency as risk intelligence for the other, it would be beneficial to the efficiency of both agencies' assessment processes to make that data more easily accessible, through making the systems housing it more similar, connected, or the same, and could reduce regulatory burden associated with assessment delays.

On the provider side, given many providers' sporadic use of the ASQA and TEQSA provider portals, it would be beneficial in terms of usability and information accessibility to make those interfaces more similar, or the same, and could reduce regulatory burden associated with preparing applications.

Implementation actions

Implementation of this opportunity would involve but not be limited to:

- reviewing and revising the design of IT systems, including:
  - provider portals (provider interface, application forms)
  - information management systems (assessment workflows, data structures including record types)
  - underlying system architecture (e.g. facilitating PROTECTED vs. OFFICIAL security levels)
  - other systems (e.g. data analytics dashboards and data integration with PRISMS)
  - aligning hosting and service arrangements with a relevant government department.

Impact

Reduction of regulatory burden

This opportunity would reduce regulatory burden in terms of:

- administrative costs (making applications, keeping and providing records)
- substantive compliance costs (training), by improving consistency of experience and information accessibility in the application process
- delay costs (application, approval), by improving information accessibility thereby improving application quality, and by facilitating improved data sharing.

Benefit to effective risk-based regulation

This opportunity would benefit ASQA and TEQSA by:

- simplifying the process of making applications, improving application consistency and quality, and reducing the intensity of resultant regulatory assessment work
- improving information accessibility, reducing the workload of managing provider enquiries, and training burden for new regulatory assessment staff
- facilitating more efficient data sharing therefore better risk intelligence, and greater collaboration on assessment work resulting in greater efficiency.

Other benefits

Beyond reducing regulatory burden for providers, and the efficiency gains for the regulators, we anticipate more closely aligning the design of, sharing, or integrating of ASQA's and TEQSA's IT systems would have other benefits including:

- freeing of resources for improved service delivery and innovation, resulting from reduced cost impacts on providers
- more secure data-sharing arrangements between the agencies.

Resource intensity

This opportunity would be highly resource intensive, given the complexity of coordination required, and the scale and complexity of implementation, and the general resource intensity of IT renewal projects. Pursuing this opportunity would require substantial additional funding.

Timeframe

This opportunity would take significant time to develop and implement, given the complexity of coordination required, and the scale and complexity of implementation, noting TEQSA does not currently operate in a protected environment as ASQA does.

Dependencies and enhancements

This opportunity has the following dependencies:

- TEQSA also has a project to renew its provider information management system and needs time to complete implementation of that set of changes before further revising its systems.
- Design would need to be consistent with whole-of-government digital principles and security implications would need to be fully scoped, along with platform architecture management considerations (e.g. would platforms be managed by the same department/different departments).
- Australian Government Department of Education (Education) will need to be consulted regarding how any changes to IT systems will interact with access to/use of PRISMS or PRISMS data relating to CRICOS providers.

8. Other initiatives to improve tertiary harmonisation and reduce regulatory burden

While this strategy aims to improve tertiary harmonisation and reduce regulatory burden for providers, it is not the only initiative with these aims. Nor is the regulatory burden on dual sector providers limited to the need to meet ASQA's and TEQSA's requirements. There are several other initiatives ongoing, in government and by providers, to reduce and manage the burden imposed by the complex regulatory environment within which all providers operate.

Other government initiatives

Improving student mobility between vocational and higher education

Modernising pathways to build stronger connections between vocational and higher education will take coordination and collaboration among Commonwealth, state and territory governments, regulatory agencies, providers and industry.

To date, several Commonwealth government tertiary harmonisation measures relate to pathways, including:

- updating the AQF Qualifications Pathways Policy (Education's Tertiary Reform Working Group, in partnership with DEWR)
- committing to deliver a National Skills Taxonomy (Jobs and Skills Australia (JSA))

These measures will support multi-directional pathways between VET and higher education.

Microcredentials

Education has an initiative to support higher education providers to design and deliver microcredentials and a mechanism for students to search for, and compare, microcredentials. It is envisioned that as part of the Government's response to the Universities Accord's Final Report recommendation 5, Education will continue to support this work to 'establish a comprehensive system of modular, stackable and transferable qualifications, including microcredentials'. The outcomes of these initiatives will enable providers to innovate educational offerings and economise their own resources.

Maturing academic governance, as set out in this strategy, would better position dual sector providers to develop and assure the quality of microcredentials.

Data assets

JSA's Roadmap for Tertiary Harmonisation Report includes a recommendation to 'build better data by aligning VET and higher education data sets'. This work is underway as part of the Government's tertiary harmonisation 2024-25 budget measures. The proposed 'tertiary education national data set' will build on the VET National Data Asset and will enable the sector to better understand and support student pathways between providers. Alignment of the forms of data collection and required reporting presents a notable opportunity to reduce administrative burden on dual sector providers. An aligned sector-wide data set will also add value to ASQA's and TEQSA's risk intelligence for sector-wide monitoring.

Provider initiatives

Some dual sector providers have already made headway in reducing regulatory burden themselves, by developing innovations and improved processes to better manage their compliance with the regulatory requirements administered by ASQA and TEQSA. This shows that in reducing regulatory burden, there is a role for providers to play, as well as the regulators.

Case study: Central Queensland University (CQU)

CQU: Innovative integrated education model

A dual sector provider for over 10 years, CQU teaches, delivers VET training and assessment, and undertakes research from a range of locations including regional study hubs, vocational partnership training facilities and international Centres. CQU is also a pioneer in the delivery of distance and online education. CQU's student profile is approximately two-thirds higher education, one-third VET. Students have opportunities to seamlessly transition from VET qualifications to higher education, or the other way around. In this way, CQU integrates educational offerings to support tertiary student mobility.

CQU's integrated education model is supported structurally by their academic governance framework. For example, all of CQU's schools, bar one, integrate VET and higher education. Schools have one Dean who looks after both VET and higher education. The education committee structures bring together teaching and learning leaders who review whole of institution curriculum, including, but not limited to, initial approvals, program reviews, and curriculum enhancements. Consequently, staff cross-skill and can implement both VET and higher education pedagogies and standards. This approach creates opportunities to internally develop new, connected courses and/or training packages with a dual-sector focus. While acknowledging the differences in VET accreditation requirements and the university's self-accrediting authority, CQU strives to work closely as a one-university team in their internal harmonisation efforts.

CQU extends its one-university model to its student support mechanisms. Their 'student success' framework supports students from 'end-to-end'. CQU is currently undertaking a strategic project to put in place an advising model that will support students to traverse their learning journey, whether that is a one-year diploma, a three-year degree or transitioning between VET and higher education courses. CQU is building this whole-of-institution approach to fit the student's requirements and needs. Such innovation will support student participation and success, particularly students from under-represented backgrounds and/or from regional and remote areas.

CQU is well-placed to support staff and students to thrive in a responsive tertiary education environment.

Case study: TAFE South Australia (TAFE SA)

TAFE SA: Effective strategies and approaches to building self-assurance across the whole of institution

In 2024, TAFE SA delivered tertiary education to approximately 40,000 students. TAFE SA's educational offerings include approximately 280 courses including dual-offer course pathway options with partner universities. TAFE SA's quality framework embeds strategies for self-assurance, allowing TAFE SA to be more responsive to student and industry needs. As part of extensive quality improvements across the organisation, TAFE SA mapped their policies, procedures and governance structures, including committees and subcommittees, against both the Threshold Standards and the RTO Standards. In this way, they can assure themselves that compliance against all standards is being met and evidenced as part of ongoing governance activities. Integrated reporting systems record and present whole of organisation data which can then be extracted for VET or higher education activities as required. This enables TAFE SA to monitor for risks and improvements and report to governing bodies, thereby embedding self-assurance.

TAFE SA takes the approach to 'see the best of both sectors and combine where possible'. Where requirements for one set of standards set a higher threshold, TAFE SA complies with those 'higher' requirements across the whole of institution. For example, the Threshold Standards set higher expectations for assurance of academic integrity; TAFE SA takes a whole-of-institution approach with one institutional academic integrity policy and parallel misconduct processes for VET and higher education students. TAFE SA considers that upholding and promoting the same expectations of academic integrity for all students adds value across the whole institution.

Integrating policy efficiencies, structural efficiencies and governance reporting ensure TAFE SA is meeting all regulatory requirements, with the outcome that students across the institution experience quality teaching, training and learning.

9. Conclusion

To best serve students, industry, and the broader community, it is important that Australia's tertiary education regulators foster an environment in which a diverse range of provider types can deliver diverse offerings and a range of lifelong learning opportunities and pathways. At the same time, it is essential that ASQA and TEQSA ensure a regulatory environment that incentivises quality, integrity and maturity, facilitates the effective identification and management of risk, and results in outcomes that meet student, community and industry needs. Dual sector providers are an integral part of this environment and lead the way in offering students flexible learning pathways.

While dual sector providers are required to meet all relevant obligations across VET, higher education and ESOS, best practice regulation principles aim to reduce the burden of regulation where possible. As part of the Australian Government's broader work on improving tertiary harmonisation, the opportunities identified in this strategy will help reduce regulatory burden on dual sector providers, while also yielding benefits to effective risk-based regulation of tertiary education, and to students, industry and the broader community by supporting the sector(s) to mature.

For providers, together as a program of initiatives these opportunities will reduce some regulatory burden and potentially free up some provider resources to focus on quality service delivery and innovation by:

- reducing the demand on providers to supply information to ASQA and TEQSA (Opportunity 1)
- reducing the complexity of preparing applications and satisfying reporting obligations (Opportunity 2)
- uplifting capacity for all providers to self-assure, manage risk, continuously improve and efficiently assure the regulators of their compliance (Opportunity 3).

For ASQA and TEQSA, together as a program of initiatives these opportunities will improve the regulators' ability to identify and manage key sector risks by:

- increasing the flow of risk intelligence between ASQA and TEQSA (Opportunity 1)
- increasing the utility of that risk intelligence by making it more easily consumable by ASQA and TEQSA (Opportunity 2)
- improving the quality of the evidence upon which that risk intelligence is based at the source by uplifting provider practices (Opportunity 3).

10. Appendices

Appendix A: ASQA and TEQSA – regulator profiles

The following table provides a high-level summary of each agency, reflecting the current state.

Agency:	Australian Skills Quality Authority (ASQA)	Tertiary Education and Quality Standards Agency (TEQSA)
Regulatory role:	ASQA is the national regulator for Australia's vocational education and training sector.	TEQSA is responsible for regulating and assuring the quality of all providers of higher education in Australia.
Establishment:	ASQA was established on 1 July 2011 through the enactment of the: • *National Vocational Education and Training Regulator Act 2011* • *National Vocational Education and Training Regulator (Consequential Amendments) Act 2011* • *National Vocational Education and Training Regulator (Transitional Provisions) Act 2011.* Regulatory powers for VET were referred to ASQA by the states when it was established as the national regulator. Victoria and Western Australia chose to retain power to accredit courses, creating jurisdictional and regulatory complexity.	TEQSA was also established in 2011, through the Commonwealth government's corporations powers, and the enactment of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act).
Commonwealth Government Department:	Employment and Workplace Relations	Education
AQF levels regulated:	1 – 8 (with some exclusions)	5 – 10 (some overlap with ASQA)

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Agency:	Australian Skills Quality Authority (ASQA)	Tertiary Education and Quality Standards Agency (TEQSA)
Accreditation:	ASQA accredits VET courses.	TEQSA accredits higher education courses for providers without self-accrediting authority.
Number of employees:	254	109
Number of providers regulated:	3,843	211
Types of providers regulated:	Responsible for regulating approximately 90% of Australian vocational education and training (VET) providers, including: • Training providers that deliver VET qualifications and courses to students in Australia or offer Australian qualifications overseas • Providers that deliver VET courses to overseas students studying in Australia on student visas • Certain providers that deliver English Language Intensive Courses for Overseas Students (ELICOS).	Responsible for regulating and assuring the quality of all providers of higher education in Australia. The Australian higher education sector includes: • Public and private universities • Australian branches of overseas universities • University colleges • Institutes of higher education. TEQSA is also the ESOS agency for: • all higher education providers registered under the TEQSA Act • English Language Intensive Course for Overseas Students (ELICOS) courses delivered by, or in entry arrangements with, registered higher education providers • all providers of Foundation Programs.

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Agency:	Australian Skills Quality Authority (ASQA)	Tertiary Education and Quality Standards Agency (TEQSA)
Does not regulate:	• ELICOS courses that are delivered by a school, a higher education provider or as part of a pathway program for entry into a higher education institution • Training providers in Victoria and Western Australia that do not offer any online course or courses for interstate and overseas students.	
Legislative and Regulatory Frameworks:	• Establishing legislation (above) • Vocational education and training (VET) Quality Framework • Standards for VET accredited courses • Education Services for Overseas Students Framework • Australian Qualifications Framework (AQF).	• *Tertiary Education Quality and Standards Act 2011* • *Higher Education Standards Framework (Threshold Standards) 2021* • Education Services for Overseas Students Framework • Australian Qualifications Framework (AQF).
Key activities:	• Registering providers of VET • Using data, intelligence and complaints to inform regulatory priorities • Monitoring the quality and compliance of services provided by registered providers • Taking compliance action where registered providers are not meeting requirements • Conducting education programs and actively engaging with stakeholders • Collecting, analysing, interpreting and disseminating information about sector and provider performance • Publishing information about registered training organisations in accordance with legislation • Acting against non-registered organisations operating illegitimately • Accrediting courses that may be offered by registered training providers.	• Registering regulated entities as higher education providers and accrediting their courses of study • Conducting compliance and quality assessments • Conducting accreditation assessments of courses developed by providers without self-accrediting authority • Providing advice and making recommendations to the Minister responsible for higher education on matters relating to the quality and regulation of higher education providers • Cooperating with similar agencies in other countries • Collecting, analysing, interpreting and disseminating information relating to higher education • Quality assurance practice and quality improvement in higher education.

Appendix B: Evaluation criteria

Reduction of regulatory burden

In this analysis, 'reduction of regulatory burden' refers to the extent to which a given opportunity is anticipated to reduce **administrative costs**, **substantive compliance costs**, or **delay costs** arising from ASQA's and TEQSA's regulation of dual sector providers.

Issues faced by providers arising from dual sector regulation include but are not limited to:

- audit requirements that assess overlapping but differing business functions
- differing application requirements for similar regulatory assessments
- limited time and resources to navigate multiple sets of regulatory requirements
- limited access to self-accrediting authority.

Reduction of regulatory burden	Description
High	An opportunity with **high reduction of regulatory burden** will significantly alleviate the impact of these issues on providers.
Moderate	An opportunity with **moderate reduction of regulatory burden** will somewhat alleviate the impact of these issues on providers.
Low	An opportunity with **low reduction of regulatory burden** will minimally affect the impact of these issues on providers.

Benefit to effective risk-based regulation

In this analysis, 'benefit to effective risk-based regulation' refers to the extent to which a given opportunity is anticipated to support ASQA and TEQSA in conducting their regulatory work, with particular regard to managing risk in the sector(s) and fostering provider risk management and self-assurance, in line with their regulatory approach(es) (see: Our approach to quality assurance and regulation | TEQSA, Our approach | ASQA).

The 2 agencies' regulatory approaches are similar but with differing emphases arising from their differing sector contexts.

Both agencies' approaches prioritise:

- standards-based, risk-based, proportionate regulation
- monitoring, assessing, and responding to key sector risks
- setting the expectation that providers will identify, prioritise, and manage risks themselves, and actively develop their risk management / self-assurance maturity
- sharing information with providers to clarify key risks and support compliance and continuous improvement
- ongoing monitoring of sector compliance
- taking action to enforce compliance where necessary.

Benefit to effective risk-based regulation	Description
High	An opportunity with **high benefit to effective risk-based regulation** will significantly strengthen ASQA and TEQSA's ability to implement these priorities.
Moderate	An opportunity with **moderate benefit to effective risk-based regulation** will somewhat strengthen ASQA and TEQSA's ability to implement these priorities.
Low	An opportunity with **low benefit to effective risk-based regulation** will minimally affect ASQA and TEQSA's ability to implement these priorities.

Overall benefit

In this analysis, ‘overall benefit’ is a cumulative rating, considering ‘reduction of regulatory burden’ and ‘benefit to effective risk-based regulation’. Where the ‘reduction of regulatory burden’ and ‘benefit to effective risk-based regulation’ ratings differ by one level (for example medium ‘reduction of regulatory burden’ and low ‘benefit to effective risk-based regulation’), preference is given to the ‘reduction of regulatory burden’ rating.

<table>
<tr><th>Reduction of regulatory burden</th><th></th><th>Benefit to effective risk-based regulation</th><th></th><th>Overall benefit</th><th>Description</th></tr>
<tr><td>High</td><td>+</td><td>High</td><td rowspan="2">=</td><td rowspan="2">High</td><td rowspan="2">An opportunity that is of high overall benefit has:
high reduction of regulatory burden and
high or moderate benefit to effective risk-based regulation.</td></tr>
<tr><td>High</td><td>+</td><td>Moderate</td></tr>
<tr><td>Moderate</td><td>+</td><td>Moderate</td><td rowspan="3">=</td><td rowspan="3">Moderate</td><td rowspan="3">An opportunity that is of moderate overall benefit has:
moderate reduction of regulatory burden, and
moderate or high benefit to effective risk-based regulation, or has
high reduction of regulatory burden and low benefit to effective risk-based regulation.</td></tr>
<tr><td>Moderate</td><td>+</td><td>High</td></tr>
<tr><td>High</td><td>+</td><td>Low</td></tr>
<tr><td>Low</td><td>+</td><td>Low</td><td rowspan="2">=</td><td rowspan="2">Low</td><td rowspan="2">An opportunity that is of low overall benefit has:
low reduction of regulatory burden, and
low or moderate benefit to effective risk-based regulation.</td></tr>
<tr><td>Low</td><td>+</td><td>Moderate</td></tr>
</table>

Resource intensity

In this analysis:

Resource intensity	Description
Low	An opportunity with **low resource intensity** is anticipated to require significant work effort by 2-4 staff, and/or a small commitment of material resources.
Moderate	An opportunity with **moderate resource intensity** is anticipated to require significant work effort by 4-12 staff (for example by up to 2 teams across the 2 agencies), and/or a moderate commitment of material resources.
High	An opportunity with **high resource intensity** is anticipated to require significant work effort by over 12 staff (for example by several teams across the 2 agencies), and/or a significant commitment of material resources.

Timeframe

In this analysis, an indicative timeframe for implementation of each opportunity has been estimated, based on the anticipated:

- quantity and complexity of work involved
- availability of people and material resources
- dependency on other government agencies or external stakeholders
- inherent time-related limitations of the work.

In estimating the timeframe, it has been assumed that an opportunity will be treated as a high priority by both agencies and that necessary resources will be made available to implement within the timeframe. Simultaneous implementation of multiple opportunities alongside business as usual (BAU) activity may extend timeframes depending on resourcing.

Consideration has also been given to potential time impacts for providers, where they will also need to contribute to implementation.

Dependencies and enhancements

Some opportunities to reduce regulatory burden may have dependencies that affect the duration and stability of their indicative timeframe. Dependencies may also affect an opportunity's level of resource intensity, depending on how much work effort or material resource commitment is assumed by ASQA and TEQSA versus any external agencies or stakeholders.

Similarly, some opportunities may have potential 'enhancements', where the opportunity can be extended upon or enriched by other activities or related opportunities, or the availability of specialist resources.

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