TEQSA's approach to consultation

Why does TEQSA consult?

TEQSA takes a partnership approach to regulation of the higher education sector. As part of this approach, TEQSA will seek to consult stakeholders when we consider or propose changes that may meaningfully inform or impact regulation of the higher education sector.

TEQSA values feedback from stakeholders and recognises consultation and engagement supports improvements in regulation and providers' capacity for self-assurance.

Principles of consultation

TEQSA's approach to consultation is consistent with its overall regulatory philosophy of partnership with the sector. It is also guided by the principles of reflecting risk, proportionality, and necessity.

1. Broad consultation

TEQSA endeavours to consult with the full range of stakeholders within the Australian higher education system, including providers, students, staff, peak bodies and representative groups such as unions. Our approach to consultation recognises that the sector is diverse and the views and interests of stakeholders may vary. TEQSA's approach to consultation aims to capture the breadth and diversity of views.

2. Clear purpose and scope

TEQSA will clearly explain the objectives of a consultation process. The focus and scope of consultation will be directly linked to meeting the objects of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act). This includes monitoring provider compliance with the *Higher Education Standards Framework (Threshold Standards) 2021*. Consultation documents will clearly set out the consultation process, what is being proposed, the scope to influence and benefits of the proposal.

3. Enough time

TEQSA believes consultation on proposals should start early and continue at key stages in the development of a proposal when there is scope to influence the outcome. TEQSA will aim to put sufficient information in the public domain to allow stakeholders to provide an

informed view. TEQSA will also allow enough time for consideration of the potential outcome of the proposal.

The duration of a consultation process will be appropriate for each proposal's purpose and scope. If a consultation extends over a holiday period, TEQSA will take this into consideration when setting the response cut-off date. If a shorter consultation period is unavoidable, TEQSA will make clear the reasons for this.

4. Accessible

TEQSA is aware of the importance of ensuring consultation processes and documents can be easily accessed by stakeholders. Channels of communication may include direct email, correspondence, website, survey tools, forums, use of reference groups, or a combination of these. If a stakeholder has difficulty accessing any of TEQSA's published documents, TEQSA will address this in a timely manner.

5. Minimal burden

Where possible, TEQSA appreciates that keeping the potential impact of consultation to a minimum is essential to effective consultation. Wherever possible, TEQSA will make best use of existing data and will ask stakeholders to add to or validate this information. Where feasible, TEQSA may 'join up' consultation exercises to reduce the administrative burden associated with multiple consultation processes.

Where possible, TEQSA will consider of the timing of any other consultations with the sector that are being planned by other Australian Government regulatory or policy agencies (e.g. the Department of Education or the Australian Skills Quality Authority). This is to avoid a situation where providers are overloaded with requests to contribute to government consultations or are asked for the same or similar information by different agencies.

6. Trust and transparency

TEQSA recognises the importance of being open and transparent. TEQSA will publish submissions to consultation or a summary of submissions where doing so is appropriate. In some situations, such as when consulting on sensitive issues, TEQSA will not publish submissions or summaries. TEQSA will consider the benefits of transparency against supporting open and frank input from stakeholders and ensuring stakeholder trust in the consultation process. The intention to publish submissions will be made known to stakeholders at the time submissions are sought. If TEQSA decides to publish submissions, permission will be sought prior to publication.

7. Improvement

TEQSA will regularly review the consultation process to identify ways of making future consultations more effective and efficient. This process will consider any views expressed by stakeholders on particular aspects of the process and/or by external experts.

8. Confidentiality

TEQSA will consider all requests to keep information collected during consultation confidential. While TEQSA has statutory obligations of confidentiality under the TEQSA Act, it also operates within a public accountability framework. This includes obligations:

- to provide information to Ministers, the Parliament or Parliamentary Committees
- under the *Freedom of Information Act 1982*, the *Auditor-General Act 1997* and the *Ombudsman Act 1976*
- to provide reasons for TEQSA's decisions or details about TEQSA's activities, including in the context of court or tribunal proceedings.

At times TEQSA may be obliged to share confidential information. In these situations, TEQSA will endeavour to consult with affected stakeholders and afford them an opportunity to make a submission about whether the information should be released. However, in certain cases it may not be possible to consult the affected stakeholders.

9. Privacy

TEQSA is obliged to protect any personal information about individuals in accordance with the provisions of the *Privacy Act 1988*. TEQSA will provide information about the collection, use and disclosure of personal information where it is likely that personal information will be collected in consultations.