



# Information sheet: TEQSA's approach to consultation

August 2022

## Why does TEQSA consult?

TEQSA takes a partnership approach to regulation of the higher education sector. As part of this, 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. It recognises that the sector is diverse and the views and interests of stakeholders may vary depending on their size, nature of operations and location. TEQSA's approach to consultation aims to capture the breadth and diversity of stakeholders affected by any proposed changes, and also considers whether the impact of proposals is likely to differ among providers.

TEQSA may establish and refer to a 'TEQSA Reference Group' as part of its consultation process, where appropriate.

### 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 exercise 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. Clear feedback on outcomes

TEQSA will provide, to the extent possible, clear feedback to participants following each consultation, primarily via an analytical summary of the responses received and an explanation of how the consultation exercise influenced the development of the proposal under consideration. This will be done as soon as practicable after the close of the consultation exercise. In keeping with good practice, TEQSA understands that this approach demonstrates openness and transparency and increases stakeholder trust in the consultation process.



The summary of responses will generally also list those who responded to the consultation exercise, the means by which responses were received (for example, formal responses and other channels such as meetings and online discussion forums) and an indication of the range of responses to each question.

On occasion, TEQSA may publish submissions made to TEQSA. This intention will generally 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 formally evaluate each 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 confidential. While TEQSA has certain 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.

## Phases of consultation

While each TEQSA consultation will be adapted to suit the circumstances of the particular proposal under consideration, it will generally include the main phases of consultation set out in below:

1. TEQSA notifies the sector of its intention to consult via the TEQSA website/formal correspondence/advertisement
2. TEQSA issues documentation, which may include a consultation paper



3. TEQSA may hold briefings or meet with key stakeholders
4. TEQSA receives feedback from stakeholders
5. TEQSA publishes a summary of feedback and responses. This could include any actions/changes that may occur as a result of stakeholder feedback
6. TEQSA issues final paper/policy via the TEQSA website/formal correspondence.