

3.5 Developments in Australia

3.5.1 Background

In Australia, a formal approach to quality assurance in higher education emerged in 1992, through an initiative of the then Higher Education Council, supported by the Government of the day, which gave rise to three annual rounds of university quality audits and the payment of additional funds for those universities found to be performing at the highest levels. Those quality audits adopted a fitness-for-purpose approach at the whole of institution level, and rewarded relative excellence (relying on broad judgement rather than a systematic basis for comparability) rather than improvement.

Concurrently, the Government was promoting and facilitating trade in education services. Initial problems emerged with the capacity of several providers to deliver the services they had promised. Particular problems arose in respect of the processing of student applications from China. These problems spurred the Australian Government to enact new forms of consumer protection through the Education Services for Overseas Students (Registration Charges) Act 1997 which obliged providers to pay an annual fee to remain registered with a provider number on the Commonwealth Register of Institutions and Courses for Overseas Students (CRICOS). The provisions of that Act tightened provider registration preconditions, and established a tuition assurance scheme for students, in the event that their provider could no longer operate, to continue their studies with another operator or obtain a refund. Public universities were exempted from this requirement.

With growth in the business of international education and the emergence of private providers catering to that market, suspicions were voiced in Senate Estimates hearings about 'diploma mills'. In 1999, an Australian Government review of Greenwich University on Norfolk Island (an external Territory of Australia) developed criteria for contemporary university status which subsequently influenced a set of "National Protocols for Higher Education Approval Processes" adopted by the Australian Federal, State & Territory education ministers in 2000 (Guthrie et al., 2004). That same year, the ministers also agreed to establish the Australian Universities Quality Agency (AUQA) to audit and report on all providers eligible to receive government funding, and the accrediting bodies for all higher education providers. In its first round of audits, AUQA adopted a fitness-for-purpose approach.

In 2002, the Australian Government initiated a review of Higher Education, launching a discussion paper, Higher Education at the Crossroads which, inter alia, raised questions about the standards of Australian qualifications:

"Over the years there have been allegations that university standards are falling. Some critics contend that some universities now offer courses lacking intellectual rigour and that there has been a 'dumbing down' of universities. There are also concerns about a deterioration in the calibre of students entering university but the available evidence does not support this. There have been claims that 'softmarking' has become common practice, and the quality of education has generally been compromised" (Nelson, 2002).

In a subsequent discussion paper focusing on teaching and learning, Striving for Quality, a gap was identified in the national system for assuring higher education quality, viz. a lack of definition of acceptable standards for Australian qualifications:

"There is currently no public statement of what standards of achievement or performance are accepted by the higher education community to be at the threshold or minimum for particular qualifications. At present such standards are the realm of individual institutions, and no attempt has yet been made to articulate them at a systemic or national level."

If articulated academic standards are to be maintained, academics need to share a common understanding of the standards, and fairly and consistently assess student achievement in terms of the standards. To ensure such a common understanding, some form of moderation of assessment and evaluation is necessary... There is not a strong tradition of systematic moderation of assessment and evaluation of performance within Australian universities at undergraduate or post graduate coursework level either between different markers in the same subject, across subjects, across course or across institutions” (DEST, 2002).

The Australian Government’s response to the *Crossroads* review in 2003 focused on arrangements for financing reform rather than quality. Subsequently, there was a surge in the registration of private providers of higher education services and a dramatic increase in the quantity of international fee-paying students in Australia, driven significantly by immigration policy incentives. Meanwhile, the Australian Government focused on matters of university governance and workplace reform.

With a change of government in 2007, the sustainability of the Australian model of higher education financing and quality was addressed as a matter of concern. The Australian Government established a panel to review the condition of higher education and recommend future policy directions. A number of the submissions made to the 2002 *Crossroads* review were revisited by the 2007 panel, notably suggestions for a process for academic development of national standards networks (James et al., 2002).

The 2008 report of the Review of Australian Higher Education proposed a rigorous system of accreditation and quality assurance, in order to:

- ensure that students receive the best possible education.
- provide reliable comparative information to underpin student choice of courses and institutions.
- ensure that employers can have confidence in the quality of education provided to their current or potential employees.
- enhance Australia’s position in international education.
- assure the Australian community that it is getting value for its contribution.
- ensure that standards are maintained in a demand-driven funding system in which higher education providers have the flexibility to set their own entry criteria for students (Bradley et al., 2008).

A narrower set of purposes was articulated by the Australian Government in its response to the Bradley report. The Government focused on the need to:

- underpin our vision for Australia to be one of the most highly educated and skilled nations in the world.
- in a period of expansion, when higher education institutions are attracting students who have not traditionally considered going to university and student pathways are linked to funding, institutions will be required to demonstrate that their graduates have the capabilities that are required for successful engagement in today’s complex world.
- ensure that domestic and international students have better information about how our higher education institutions are performing.

...there was a surge in the registration of private providers of higher education services and a dramatic increase in the quantity of international fee-paying students in Australia, driven significantly by immigration policy incentives.

- that taxpayers can see whether value for money is being delivered and the national interest is being well served (Australian Government, 2009).

Whereas the Bradley panel envisioned a more student-driven system amid diverse service providers and saw the need for consumer protection through tighter standards maintenance and wider information to guide student choice, the Government emphasised accountability for performance, labour market relevance and value for money.

The Review of Australian Higher Education argued that because “the standards required in universities underpin quality across the rest of the higher education system, it is imperative that the Australian community has confidence in the standards of its universities and that there is a transparent, national system in place to assure the same [sic] standards are required of all providers of higher education” (Bradley et al., 2008).

The ambiguity of the argument raises concerns. Is it intended that all providers should deliver, at a minimum, to (typical?) ‘university standards’; or that all providers, including all universities, should deliver at the same standard?

The policy language is obtuse. In outlining the role envisaged for a Tertiary Education Quality and Standards Agency (TEQSA), the Bradley report appears to suggest that institution-specific standards would function within a national standards-based framework, but it is unclear how an “institution’s academic standards” would fit in the adoption of “outcomes and standards-based arrangements”, whatever such arrangements are meant to be:

[TEQSA would] “carry out quality audits of all providers focused on the institution’s academic standards and the processes for setting, monitoring and maintaining them. This would include auditing the adoption of outcomes and standards-based arrangements for assuring the quality of higher education” (Bradley et al., 2008).

There was some further ambiguity in the ambition to adopt tighter standards, and a “standards-based approach” as distinct from a “fitness-for-purpose approach” to quality assurance. The matter was complicated by AUQA issuing in 2009 a discussion paper on setting and monitoring academic standards, with a narrow emphasis on general cognitive achievement, and a standardised approach to measurement and reporting (Woodhouse & Stella, 2009).

The confusion has been augmented by the closed processes for designing the new arrangements for national accreditation and quality assurance for vocational and higher education, and the function and governance of TEQSA:

“Unfortunately, Gillard has chosen to develop these detailed proposals in private. She has not published a proposals paper, the public has not been invited to submit comments and participants’ detailed criticisms and alternative proposals have not been published. So a member of the public can’t judge the merits of the competing claims” (Moodie, 2010).

The then Education Minister indicated subsequently that the Government’s interest was in “minimum quality benchmarks”, but defined aspirationally and with regard to the educational experience, with no reference to standards, but with a vague notion of common expectations of all institutions (see Box 28). The confusion was not removed in a further indication that TEQSA would adopt a risk-based approach to the regulation of quality:

By that stage, sections of the university sector had run out of patience with the constant content-free spin, given no apparent link between the ‘trust-us, we mean well’ rhetoric and the reality of behind-the-scenes development of prescriptive policy measures.

“Our new student-centred system will give institutions more autonomy but will be underpinned by the Tertiary Education Quality Standards Agency to ensure quality. TEQSA’s approach to regulation is based on risk, leaving high-quality providers to flourish without unnecessary regulation.”¹⁴

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*So what is the policy intent? Is it envisaged that TEQSA will focus on minimum acceptable threshold standards, common to all institutions, with diversity envisaged beyond the threshold? Or is there some other model in someone’s mind, perhaps along the lines of the Teaching and Learning Academic Standards Framework of the University of South Australia (see **Attachment C**)? More basically, why has the Government posed the question at Box 28? Why does the Government presume it has to answer it? Why does it ask ‘what should every student expect’ when it is obvious that student expectations vary, and if they did not then there would be a problem? And how can it reconcile raising such a question with the assertion that ‘this does not mean a move to standardization’, when in practice it must? It is understandable that legislators and taxpayers should know that students are actually learning in higher education institutions, but the appropriate question to ask is ‘how does a higher education institution know that the standards and objectives it has set for itself are being met’?*

If the latter question were to be asked then the Government would not take upon itself the assessment function of universities, but rather establish frameworks for institutional assessment to be externally validated in ways that underpin community confidence. Thus TEQSA would function at the level of meta-regulation, verifying the effectiveness of institutional self-regulation of competent institutions in a diverse and dynamic environment, rather than at the level of micro-regulation where all institutions have to comply with central edicts and checklists for “standards-based arrangements” and commonly mandated expectations of outcomes.

Box 28. Australian Government interest in minimum quality benchmarks for higher education

“The question we have to answer as a Government is: what should every university student expect from their studies? This does not mean a move to standardization—we want universities and other higher education providers to continue to diversify and provide potential students with a variety of options for further study.

The answer does lie in establishing minimum quality benchmarks that students and Government should be able to expect of all institutions. This means, at minimum, an experience that is defined by high quality teaching, which challenges students to intellectually engage and develop the skills, and analytic tools, needed for future work and civic participation.

TEQSA will be built around principles that ensure transparency. We want students to make their decisions about where they want to study on the basis of robust information about the quality of education provided at each institution rather than on hearsay, inference from entry requirements or prestige.

In the future Australian universities will be required to publish more information on their courses, campus facilities, support services and, most importantly, the quality of teaching and learning outcomes.”

Deputy Prime Minister and Education Minister, Julia Gillard: Address to the Universities Australia Annual Higher Education Conference, 3 March 2010.

¹⁴ The Hon Julia Gillard, MP, Deputy Prime minister and Minister for Education, quoted in *The Australian*, 4 April, 2010.

3.5.2 Vocational Education and Training Reform

Developments in respect of Higher Education need to be seen alongside concurrent developments in the Schools and Vocational Education and Training (VET) sectors. The Australian and State & Territory governments have signed on to policy goals, attainment targets, and regulatory frameworks that overlap the three sectors. There are also other policy implications flowing from these aspirations, including system steering, financing and structural capacity, although these have not been much discussed.

3.5.2.1 Recent developments

The Council of Australian Governments (COAG) agreed to set the following targets:

- to halve the proportion of Australians aged 20 to 64 years without a certificate level III qualification by 2020;
- to double the number of higher qualification completions (diplomas and advanced diplomas) by 2020;
- to raise the proportion of young people achieving Year 12 or equivalent qualification to 90 per cent by 2015; and
- to halve the gap for indigenous students in Year 12 or equivalent attainment by 2020.

With regard to Higher Education, in 2009 the Australian Government adopted a modification of the targets recommended by the Bradley Review:

- to increase the proportion of 25- to 24- year olds having attained a qualification at bachelor level or above to at least 40% by 2025;
- to have 20% of undergraduate enrolments being people from low socio-economic backgrounds by 2020.

In the light of these goals and other factors, the Bradley panel sensibly saw the need to coordinate policy across the whole of tertiary education and training, improve and share information and research, and “take a long-term and holistic view of the performance of tertiary education and training” (Bradley et al., 2008). However, its own terms of reference required a focus on higher education, such that its consideration of VET was confined mostly to the area of overlapping qualifications at the diploma and advanced levels, and could not be comprehended within a broader view of the changing role of VET.

Subsequently, at its meeting in December 2009, COAG decided to establish a separate national VET regulator and a National Standards Council, and to strengthen licensing arrangements for VET providers serving international students:

“Raising productivity is a key focus of COAG’s agenda, and education and training is critical to increasing the productivity of individual workers and the economy as a whole. Effective regulation of the VET sector acts as a key quality assurance mechanism for the skills base of Australia’s workforce and facilitates labour mobility. COAG today agreed to establish a national regulator for the VET sector. The regulator will be responsible for the registration and audit of registered training providers, and accreditation of courses, and will be established under Commonwealth legislation. A national standards council will also be established to provide advice to the Ministerial Council for Tertiary Education and Employment on national standards for regulation, including registration, quality assurance, performance monitoring, reporting, risk, audit, review and renewal of providers, and accreditation of VET qualifications. COAG also agreed to amend the Australian Quality Training Framework (AQTF) urgently to strengthen the regulatory requirements underpinning the VET sector where weaknesses have become apparent in the international education sector. These amendments

introduce conditions and standards for initial registration of new providers and strengthen the requirements for ongoing registration, including stronger financial viability and fee protection conditions. The revised AQTF will be in place for the re-registration of all international education providers in 2010, and will give greater consumer protection assurance to international students studying in Australia” COAG Communiqué, 7 December 2009.

3.5.2.2 Post-Fordism and the quest for ‘adaptable skills’ and continuous learning

Enlargement and diversification of consumer demand, along with new technological products and processes, particularly from the mid 1960s, gave rise to a shift from the Ford company model of mass production of standardised goods to the niche supply of varied and customised products and services (Scott, 1988). That model of mass production relied on a narrow specialisation of tasks and a strict division of labour, organised along Taylorist principles (Boreham, 2002). In this post-Fordist context, new models of work organisation emerged, involving flatter hierarchies, multi-tasking of multi-skilled teams, and competitive advantage based on flexibility, adaptation and innovation (Boreham, 2002). The need arose for more knowledge-based workers through the flow of new recruits and further skilling of existing workers through continuous learning throughout their working lives (Carter, 1997).

In the mid 1980s, both in Australia and Britain, a competency-based approach to vocational training was brokered between trade union leaders, employer organisations and government. In Australia, as part of an Accord with the trade union movement and the Hawke Labor Government to increase ‘the social wage’ in exchange for money wage restraint, a ‘structural efficiency’ principle of skills-based industrial awards was agreed, viz. that award wage increases should be based on demonstrated improvements in productivity. That agreement gave rise to a ‘national training reform agenda’ for improving Australia’s productivity and international competitiveness, which included the establishment of a more coherent and better articulated national system of vocational education and training (Keating, 2003).

Competency-based training (CBT) in Australia, which had its origins in Victorian and South Australian training improvement initiatives (Guthrie, 2009), was taken up as a major national agenda following the 1987 Australian tripartite mission (ACTU/TDC, 1987) and the Australian Government’s publication of *Industry Training in Australia: The need for change* (Dawkins, 1989a) and *Improving Australia’s Training System* (Dawkins, 1989b). By focusing on what a person can do on the job, CBT was seen to break from previous practices in several respects: moving away from a time-serving approach to a skills demonstration approach; focusing on the results of training rather than inputs to training; training to industry-specific standards rather than an individual’s performance relative to others in a training group (ACCI, 1992); and shifting from a supply-side (provider/educator) approach to an industry-led approach (Misko & Robinson, 2000, cited in Guthrie, 2009).

CBT, within a competence-based approach to qualifications, was seen to provide ‘ladders of opportunity’ for credit accumulation and recognition of informal learning. When skills formation was linked with wage remuneration it was seen as a means of encouraging more employees and job seekers to obtain qualifications as a source of improving productivity—a win-win for employees and employers:

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“The testing of a candidate’s knowledge, understanding and performance of workplace competence through practical observation and provision of evidence of prior learning is another particular feature

of the United Kingdom and Australian systems. This allows existing workers and other individuals to acquire national vocational qualifications without having to attend a specific training course. The value of these pathways will depend on the extent to which they are respected by employers through higher levels of pay, regard and employment” (Misko, 2006).

In Australia, the introduction of CBT was seen as enabling a range of micro-economic reform benefits: increased participation in education and training; wider access to education and training for people from disadvantaged backgrounds; the recognition and certification of the skills of existing workers; greater access to on and off the job training for workers; a breaking down of occupational segregation based on gender divisions or outdated craft divisions; increased private and public investment in training; and improved quality and flexibility of the national training system (Goozee, 2001).

A major feature of the national training arrangements agreed in the early 1990s between the federal, state and territory governments and industry were ‘training packages’. They provide national competency-based qualifications by packaging ‘units of competency’ into meaningful groups in accordance with AQF specifications. Australia’s approach to CBT was adopted from the British ‘functional competency’ model, which was workplace-focused and performance-oriented, with little attention to underpinning knowledge, and with less consideration to holistic skills and personal attributes than in the US and German approaches (Brockmann et al., 2008; Guthrie, 2009). The creation of the AQF in 1995 was triggered and shaped by the formation of these national training arrangements, and the schooling and higher education sectors were bookended onto the framework for VET.

A high-level review of training packages in 2004 recommended, inter alia, that they needed to be reconceptualised, with generic skills “at the front and centre of redevelopment”, noting that “competency is a broader concept than the ability to perform workplace tasks”. The review also recommended that the AQF should be reviewed, including the flexibility of its descriptors in “valuing ‘skill sets’: discrete but cohesive components of learning” (but less than complete qualifications), and to take account of national and international developments in matters relating to qualifications frameworks (Schofield & McDonald, 2004); see Box 29).

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Box 29. Selected findings & recommendations of the 2004 high-level review of training packages

“The challenge of aligning skill outcomes to the changing world of work, new industry and labour market dynamics, and different social circumstances is now even greater than when Australia first embarked on the path of national training reform.

New skills will be needed, underpinned by new knowledge and learning, and promoted by new pedagogies. Employees will be subject to changing employment patterns and organisational changes. And this will need to be supported by new ways in which training providers engage with their clients.

Our research and consultations re-affirm the labour market and educational value of industry-developed statements describing performance expected in the workplace, and of industry-developed, nationally recognised portable qualifications linked to the Australian Qualifications Framework. They also re-affirm the value of bringing them together. As a result, we are convinced that the Training Package model has the potential, with improvements, to facilitate good labour market and educational outcomes for enterprises, industries, individuals and communities. However, changes will be needed to the ways in which Training

Packages are conceptualised, developed and implemented, or the model will struggle to achieve its purposes, and will ultimately fail.

By this we mean ensuring confidence and trust in the capacity of this model to serve diverse clients and to be relevant in a changing labour market, and we mean rebuilding expectations about what it can, and cannot, deliver. This will involve doing more than re-affirming the existing assumptions about competence—we will have to think our way to conceptual and therefore policy clarity. In particular, there is a need to continue to emphasise that competency is a broader concept than the ability to perform workplace tasks. We also see a need for national leadership to involve all stakeholders in considering how processes could be streamlined to avoid unnecessary disputation between endorsing parties.

We believe that the language associated with Training Packages should shift from discussion about ‘rules’ to discussion around ‘design’, and more emphasis should be placed on improving the design of Training Packages than adjusting the rules. The issue of generic skills needs to be ‘front and centre’ in the redevelopment of Training Packages.

If Training Packages are to continue to serve the needs of both industry and learners, the status of full qualifications must not be eroded. At the same time, employers and individuals are increasingly valuing ‘skill sets’: discrete but cohesive components of learning, and we recommend steps to give them greater recognition. Submissions and consultations also suggested that a review of the adequacy of the AQF and the flexibility of its descriptors is also needed, taking account of national and international efforts to achieve a coherent qualifications framework which works for all sectors.

Schofield & McDonald, 2004.

The issue of generic skills needs to be ‘front and centre’ in the redevelopment of Training Packages.

The high level review may be seen as an attempt to bridge the gap between the interests of the industry skills councils and the importance they attach to workplace learning, on the one hand, and the interests of individual learners and institutional providers, on the other hand.

In 2008, Australia participated in a series of OECD country reviews of vocational education and training. The ensuing report found that:

“Australia has a very well developed VET system, which enjoys a high degree of confidence. In particular: the engagement of employers is strong; the national qualification system is well established and understood, and is clear and consistent across the states and territories; the VET system is flexible and allows for a fair amount of local autonomy and innovation to adapt learning to local circumstances” (Hoeckel et al., 2008).

However, the Review noted a number of deficiencies in funding arrangements, inefficiencies in the development and implementation of training packages, and gaps in information about outcomes from training. It recommended, inter alia, that “training packages should be replaced by simple and much briefer statements of skills standards”, and “consistency in standards throughout Australia should be achieved through a common assessment procedure to determine whether the necessary skills have been acquired” (Hoeckel et al., 2008). It urged Australia to consider introducing “a common national assessment” either along the lines of the national exit examinations in Japan and Korea, or the Dutch model of a quasi-independent agency of the central government that is responsible for examinations in all VET schools, or Germany’s combination of local and national assessment methods:

“[The German approach] makes it possible to take account of local variations of VET programmes while securing minimum standards and comparability of certificates by combining three final certificates obtained from the employer, the VET school, and through external national examinations. The employer certificate is a work reference based on what the individual did in the work situation

measured against the relevant occupational and training standards. The school certificate represents continuous assessment of the student by the local educational institution; each state has its own requirements for this certificate. The external national examination, which counts most of the three, is a uniform test developed by the employer associations of each sector, administered to all applicants and aims to assess minimum competencies” (Hoeckel et al., 2008).

There appears not to have been a formal government response to the OECD Review recommendations about training packages and external exams. The national VET regulator, and national standards council, established by COAG, will presumably advise on such matters in due course.

Meanwhile the Australian Government, in its May 2010 Budget, announced a number of initiatives, including:

- “smarter apprenticeships...to support a fundamental shift from a time-served apprenticeship model to a competency-based system”;
- A national entitlement to a quality training place, expanding VET FEE-HELP (access to income-contingent loans from the Government with repayment liability triggered by a set amount of graduate income) for around half a million VET participants at diploma, advanced diploma, graduate certificate and graduate diploma levels;
- A Quality Skills Incentive to “lift the standard and performance of vocational education” in the larger training organisations; and
- A *MySkills* website providing “information about vocational institutes and colleges including student pathways, satisfaction and competencies; employer satisfaction and engagement; levels of commencements and completions; community and social engagement; and the type of training available (Gillard & Albanese, 2010).

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However, a number of underlying policy issues need to be attended to. The most pressing questions are:

- *What is the role of vocational education and training?*
- *To what extent should VET be industry-led or student-driven?*
- *What role should competency-based training play?*
- *How should competence be understood?*
- *Can or should VET be defined as a distinct sector?*
- *Is VET moving in a bifurcated direction?*
- *What should be the future structure of VET provision?*
- *How should VET be financed?*
- *What are the most appropriate steering and governance mechanisms for VET?*
- *How should VET quality be assured?*

To indicate the policy interactions with the questions being addressed for higher education, a number of these questions are explored briefly below.

3.5.2.3 New questions on the VET policy agenda

i. What is the role of vocational education and training?

Should the function of VET be defined in terms of (a) the nature of its providers, or (b) its participating learner groups, or (c) the sources of its learner groups, or (d) the occupational destinations of its graduates, or (e) its responsiveness to employer requirements on an industry sector basis, or (f) the nature of its approach to learning, or (g) the character of its qualifications, or (h) by some combination of the foregoing?

Can VET be simply defined by the nature of its providers? That is, VET is what TAFE institutions and private VET providers offer. The problem with that approach, apart from its hollowness, is that some VET providers offer secondary schooling and higher education, and higher education providers offer VET programs. It does not necessarily follow that the overlap in offerings constitutes sectoral blurring (a university that offers secondary education does not become a school and cease to be a university) but it does focus the definition of difference on other than provider-type factors.

Can VET be simply defined by the nature of its providers?

A longstanding approach has been to define VET in terms of the learner groups for which it especially caters. One approach focuses on those with practical (as distinct from academic) aptitudes, in several countries, through streaming in secondary schooling, with the functional purpose of specialising in the development of trade, craft, technical and other skills. Australian VET differs from arrangements in most other countries, in that “much initial training of young people (primarily ISCED levels 3 and 4) occurs once they have left school and entered the workforce” (Field et al., 2009).

Another approach focuses on VET as “the right vehicle for upskilling those who would otherwise be unskilled and ensuring a smooth transition into the labour market” (Field et al., 2009). In Australia, a major focus has been on second-chance provision for those who have not succeeded in formal schooling, whether because of its alienating environment or overly-academic orientation.

Perhaps these functional and equity purposes sit together uneasily, blurring the objectives for VET, signalling its low status and reducing its attractiveness to those who want to excel technically.

A third approach relates to a more comprehensive lifelong learning agenda, where VET can be a basis for labour market entry, on-the-job skills formation, practical skills development following or concurrent with study for a higher education qualification, training for change of employment, and broader education for citizenship and development of capacities to pursue personal interests.

If VET can serve diverse clients types, several of which are served by other provider types, is the defining character of VET related to its focus on skills formation? Is the role of VET primarily related to technical skills, or low-end abilities, or capacity for lifelong learning? Is VET more appropriate than higher education to some occupations? Is VET distinctive as a mode of learning, particularly through its emphasis on workplace learning and its assessment of units of competence? Or does VET, like higher education, involve a variety of learning modes? Or is VET defined by the nature of its special relations with employers as clients?

ii. To what extent should VET be industry-led or student-driven?

Hart (2010) has argued that employers have lost out in the struggle over VET: “the three tenets of the training system—training packages, user choice, and the AQF—have been undermined to the point of no return” (Hart, 2010). As Hart sees developments, a first blow was struck when the ‘user choice’ agreement introduced in 1997, which had encouraged a direct market relationship between VET providers and employers as purchasers of training delivery for apprentices and trainees, was wound

back in 2000. Another blow was struck when training packages “morphed into a sort of national curriculum” (Hart, 2010). Yet another blow came in the decision of the AQFC to redesign the AQF as a framework of qualifications based on a taxonomy of learning outcomes and explicit reference levels with a measurement of the volume of learning. The final nail in the coffin of an industry-driven system, is funding on the basis of student demand:

“In the absence of employer influence, the system will move to a ‘voucher’ scheme, where trainees receive a blank cheque. The allocation of funds will flow to where trainees want to go. Wooed by the next ‘cool thing’ or the lure of a free ipad, trainees will enrol in courses of their (and their parents’) choice, whether or not jobs will follow” (Hart, 2020).

However, except for the trades and technicians groups, the occupational destinations of VET graduates do not necessarily align with their fields of learning (Karmel et al., 2008). Hence, a narrowly structured approach to VET is inappropriate for those who will need broader capacity to adapt to different job requirements. Additionally, it is suggested that VET providers should offer qualifications not merely of ‘exchange value’ but also of ‘intrinsic value’ (Keating, 2008) to “meet the personal needs and aspirations of learners and the diverse business needs of enterprises” (Noonan, 2010).

In considering these two perspectives on an international scale, the OECD reviews of VET have suggested the need for overall provision “to balance student preference and employer demand”, but they point to a prior question of ‘who pays’:

“If students pay the full costs of provision they may reasonably expect their preferences to play a dominant role. Conversely where employers fund all the training, they will naturally expect to decide what is taught. Between these two extremes, there are many models of mixed support for training from government, students and employers. Efficiency requires these models to reflect the mix of benefit obtained from the training” (Field et al., 2009).

iii. What role should competency-based training play?

■ *Is ‘training’ an intrinsic part of vocational education, an adjunct to it, or separate from it?*

The Australian VET sector serves three quite different clientele: those preparing for workforce entry, whose skills formation is primarily institutionally-based; those in the workforce, whose skills formation is primarily workplace-based; and those who seek to develop skills unrelated to their employment. The middle group has more episodic, if any formal relations with VET institutions, and for them the primary purpose of a VET relationship is recognition of their skills formed on the job.

The skills-based industrial awards model of the early 1990s, as outlined earlier, prioritised persons in work, rather than workforce entrants. The competency-based training (CBT) model, carried into training packages, was derived from analysis of employer-specified on-the-job task requirements. Yet the CBT approach is embedded in the philosophy of all VET qualifications, and thereby all its clients, including those obtaining credentials for workforce entry, and those seeking to re-train for change of employment or for personal purposes, whose participation is unrelated to the needs of their current employer. For those whose purpose is workforce entry or job change, the CBT approach of VET may be limiting. Perhaps CBT has most value as an assessment tool for workplace learning?

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iv. How should competence be understood?

The Australian approach to competence follows the English functional skills approach (Guthrie, 2009). In contrast Germany and some other European countries have adopted a knowledge-based approach (Brockmann et al. 2008). Rauner (cited in Brockmann et al., 2008) has distinguished between 'education for an occupation' and 'education for employability'. In education for an occupation, the German approach to capability development integrates theoretical knowledge in institutional settings and workplace learning. In contrast, the English approach involves "a market of qualifications enabling individuals to enhance their employability through certification of competencies acquired either through work experience or courses in a modularised system" (Brockmann et al., 2008).

Just as the English approach is seen to be too narrowly skills-based, so the German approach is coming to be seen as too tightly linked to specific occupations for contemporary labour markets. Employability is now being seen as a multi-dimensional set of competencies—including cognitive, affective, interactive capabilities and values—and not solely focused on the interests of particular employers (Brockmann et al., 2008).

v. Can or should VET be defined as a distinct sector?

What is 'vocational education', as distinct from 'general education', in a context where, in one view, "occupations (are) becoming less, rather than more delineated and less, rather than more, specialised" (Brockmann et al., 2008)? How different is vocational education in the VET sector from vocational education in the higher education sector?

On the one hand, the Bradley Report considered that "It is no longer helpful to see stark contrasts between higher education and VET in the level and types of qualifications they deliver":

"Traditionally higher education has concentrated on delivering longer study programs with a strong element of general education and adaptable skills largely for professional occupations, whereas VET has focused on more immediate vocational outcomes in trades and paraprofessional occupations. However these differences are shifting. The vocational and professional focus of higher education has grown in recent years and VET has responded to the demands of industry for higher level skills by re-focusing on middle-level and advanced training" (Bradley et al., 2008).

On the other hand, the panel noted that submissions to the review from universities and public VET providers "generally supported continued differentiation in the roles of VET and higher education, but recognised that convergence is occurring". State governments too supported "retaining distinct VET and higher education sectors". Employers argued for "an integrated post-secondary skills environment where the differences between the sectors do not restrict the capacity of individuals to move between them". The panel concluded that "although distinct sectors are important, it is also vital that there should be better connections across tertiary education and training to meet economic and social needs which are dynamic and not readily defined by sectoral boundaries". Bradley, et al., 2008, page 180). But the panel did not say why distinct sectors are important (if it was in agreement that they are). Indeed, the panel went on argue for a major realignment of governmental responsibilities for VET:

"Major employers and providers of education and training operate across state and territory boundaries. No longer are education and skills 'state-specific' or 'state-centred'. In an integrated national economy, education and skills are required to be nationally consistent and certified. It appears too, that some states and territories face major fiscal constraints, which may lead them to reduce their investment in the near future, leading to skewed and uneven investment over time if a demand-based model is adopted for higher education. For these reasons, the panel considers that it is now time for the Australian government to take primary responsibility for the broad tertiary education and training system in Australia. What is needed is not two sectors configured as at present, but a continuum of tertiary skills provision primarily funded by a single level of government and nationally regulated,

which delivers skills development in ways that are efficient, fit for purpose and meet the needs of individuals and the economy” (Bradley et al., 2008, page 183).

vi. Is VET moving in a bifurcated direction?

VET can be seen to focus on “mid-level trade, technical and professional skills alongside those high-level skills associated with university education” (Field et al., 2009). However, dual labour market or ‘hollowing-out’ developments are pushing more occupations up the skills hierarchy, leaving VET to cater proportionately more for the lower end, as “the most skilled jobs are falling outside the aspirations of younger diploma holders (who) will have to settle for a less skilled job...as the basic entry-level qualification for the more skilled occupations is going to be a degree” (Karmel, 2010). The contested market for VET and higher education providers is at the diploma level, which represented some 23% of TAFE activity in 2009 (Karmel, 2010).

The contested market for VET and higher education providers is at the diploma level...

In this context, what will define VET in the future? Should it cater for the lower skills end? Or can it offer something different by virtue of its approach to learning and assessment? Are the teaching, learning and assessment styles of workplace learning similar to those needed for institutional delivery (Shreeve, 2010)?

Many of these and other matters are unsettled in policy terms, yet decisions about underpinning frameworks, such as the adoption of a unified AQF, are being made in anticipation of an integrated model of tertiary education steering, alongside decisions to maintain sectoral separation, such as the adoption of different regulators for higher education and VET. Some of the big questions remain on the table: what should be the future structure of VET provision; how should VET be financed; what are the most appropriate steering and governance mechanisms for VET; and how should VET quality be assured?

Interestingly, the same problem that worried the UK House of Commons and the Spellings Commission in respect of higher education is being raised in Australia about VET, which is built on a standards-based foundation:

“Quality is the biggest immediate issue for VET. Currently there is little public available data to prove that individual providers—public, private or enterprise-based—achieve quality outcomes for their clients and employees. Until assessments are regularly externally moderated and validated across providers, industry and individuals cannot have real confidence that a certificate III issued by one registered training organisation is to the same standard as a certificate III issued by another” (Shreeve, 2010).

So should responses to this challenge in VET be handled separately from that for higher education, or as part of a broad tertiary approach?

3.5.3 The new Quality and Regulatory Arrangements for Australian Higher Education

On the landscape page below is a depiction by the Department of Education, Employment and Workplace Relations (DEEWR) of its understanding of the Australian Government’s proposed new regulatory and quality arrangements for Higher Education. The proposed new arrangements are presented as comprising four elements:

- i. the Tertiary Education Quality and Standards Agency (TEQSA);
- ii. a new National Register of Higher Education Providers;

- iii. a new Higher Education Standards Framework; and
- iv. the My University website.

No explanation has been given for this categorisation which seems to have been derived from various administrative heads of power and political expediency. For instance, it seems that the new National Register is to be an updated version of the CRICOS register. No information is yet available in the public domain about the role and content of the new register, other than the indications given in the four-column schema above, which include but are not limited to accreditation status and provider type.

Several important matters are not yet clear, at least not to the Higher Education community, even if they have been resolved within the forums of the Australian Government. It is also not yet evident that the various elements, especially the role of TEQSA, have been agreed by State and Territory education ministers. Indeed, some matters of the referral of State powers to the Federal Government remain in dispute, and it is not clear how far the Federal Government will seek to act through its Constitutional powers (such as the Corporations power which the High Court has interpreted widely) to override resistance by State & Territory governments to its preferred actions. Additionally, there are many particular details yet to be finalised relating to the implementation of the proposed arrangements.

What is especially unclear is how the four elements will interact, and how aspects of the regulatory and quality arrangements will affect an institution's course offerings and government funding. It appears to have been decided that TEQSA will "oversee" the "new Higher Education Standards Framework" (Nicoll, 2010). Worryingly, on indications to date, as outlined below, Australia appears to be taking a heavy-handed top-down approach of centrally-mandated prescriptions to higher education standards and quality which contrasts markedly with the more consultative, bottom-up and flexible approaches in Britain, Europe and the US. As discussed below in respect of national qualifications frameworks, the available evidence from international experience suggests that gradual, mutually-developed processes of change yield better and more durable policy results.

Australia appears to be taking a heavy-handed top-down approach of centrally-mandated prescriptions to higher education standards and quality which contrasts markedly with the more consultative, bottom-up and flexible approaches in Britain, Europe and the US.

The four elements of the new quality and regulatory arrangements for Australian Higher Education

Students' education

Higher Education Providers

<p>Tertiary Education Quality and Standards Agency</p> <p>Governance TEQSA will be established as an independent body with powers to register university and non-university higher education providers, monitor quality and ensure standards. TEQSA will be a Commonwealth statutory authority established under the Financial Management and Accountability Act 1997.</p> <p>Functions of TEQSA</p> <ul style="list-style-type: none"> • Ensure quality of Australian higher education system • Register and deregister university and non-university higher education providers • Accredite and reaccredit programs of study for those higher education providers that do not have authority to accredit their own programs • Undertake evaluations of the quality providers • Collect and analyse data • Exercise best practise regulation • Provide independent advice on standards, quality and regulation • Provide information about the quality of higher education • Provide information about courses, campuses, facilities, support services • Recognition international accreditation bodies <p>Functions of Standards Panel</p> <ul style="list-style-type: none"> • Overall balance of the Standards Framework ensuring consistency and coherence among 5 domains • Advise on Provider Registration Standards and Provider Category Standards • Monitor the effectiveness of the Standards Framework • Consult with stakeholders to ensure the Standards are meeting the needs of students, employers and others 	<p>National Register</p> <p>All higher education providers operating in Australia will be required to be registered on the National Register of Higher Education Providers</p> <p>The Register will include but not be limited to details of:</p> <ul style="list-style-type: none"> • The provider • The accredited programs they can deliver • Authorisation to accredit programs i.e. makes clear if programs are accredited by the provider or by TEQSA • Date of required progress reports • Date of next re-registration • Category of provider: registered higher education provider, university, university of specialisation, university college, Australian campus of overseas provider 	<p>Higher Education Standards Framework</p> <p>Provider Registration Standards</p> <ul style="list-style-type: none"> • Legal status and standing • Financial viability and safeguards • Governance • Management • Primacy of academic quality and integrity • Responsibilities to students • Human resources and professional development • Physical resources and infrastructure <p>Provider Category Standards</p> <ul style="list-style-type: none"> • Registered higher education provider • University • University of specialisation • University college • Australian campus of overseas provider 	<p>MyUni website</p> <p>A 'My University' website will be established by no later than January 2012 to assist prospective students to make choices about what and where to study. This will be progressed in partnership with the sector but could include:</p> <ul style="list-style-type: none"> • Student to staff ratios • Results of student satisfaction surveys • Measures of graduate skills • Graduate outcomes • Information about fees • Information about access to student services, and most importantly • Quality of teaching and learning outcomes
		<p>Qualification Standards</p> <p>The Australian Qualification Framework</p> <p>Information standards</p> <p>Information that providers should make available to TEQSA for regulatory purposes and to the market to support transparency</p> <p>Teaching and Learning</p> <p>Benchmarks for teaching and learning quality assurance</p> <p>Research standards</p> <p>Benchmarks for research</p>	

3.5.4 The Tertiary Education Quality and Standards Agency (TEQSA)

The proposed roles for TEQSA are unprecedented in scope. Its powers would encompass:

- *accrediting providers*
- *evaluating the performance of institutions and programs*
- *encouraging best practice*
- *establishing objective and comparable benchmarks of quality and performance*
- *monitoring performance in areas such as student selection, retention, exit standards, and graduate employment (Australian Government, 2009).*

In the democratic traditions of countries like Australia, Britain and the US, constitutional arrangements conventionally respect a separation of powers between rule making, and rule interpretation and enforcement. Normally, standards are set by one body and are enforced by another body. Typically, compliance with accountability requirements is separated from incentives for performance improvement. The proposed roles and powers of TEQSA transgress these conventions.

The Bradley report recommended, and the Government accepted, that TEQSA would be formed initially to focus on higher education but it would expand over time to encompass vocational education and training. In July 2010, the Government announced the appointment of Denise Bradley as the interim chair of the body she recommended, TEQSA. An interim chair was also appointed for the separate National Vocational Education and Training Regulator. The chair of the AQF Council, John Dawkins, was appointed in June 2010 also to Chair the VET National Quality Council.

Normally, standards are set by one body and are enforced by another body.

3.5.5 Higher Education Standards Framework

The proposed “higher education standards framework” itself has five “domains” but comprises six elements: (i) provider registration standards; (ii) provider category standards; (iii) information standards; (iv) qualifications standards; (v) benchmarks for teaching and learning quality assurance; and (vi) research standards.

Apart from the bullet points in the chart above, no information is officially available on the public record about the proposals for *provider registration standards*, which would replace the National Protocols for Higher Education Approval Processes. Their main purpose appears to be the removal of inconsistencies among the States and Territories in registration requirements. However, as noted at 4.3.4 below, an early uncirculated draft of the provider registration standards, involving 89 requirements, envisages considerably enlarged and more prescriptive requirements than the national protocols.

Similarly, it is not clear what the *provider category standards* will require. The chart above suggests the categories will include: registered higher education provider; university; university of specialisation; university college; and Australian campus of an overseas provider. It is not clear whether the categories will be limited to those on the chart. The 2008 Review of Higher Education discussed, but did not recommend, “comprehensive universities”, “specialist universities” and “other higher education institutions”, and referred to “university colleges” being established on a pathway to full university status. The Review did recommend (recommendation 22):

“more rigorous criteria for accrediting universities and other higher education providers around strengthening the link between teaching and research as a defining characteristic of university accreditation and reaccreditation. In particular, universities should be required to:

- deliver higher education qualifications including research higher degrees in at least three broad fields of education initially and a larger number over time;

- undertake sufficient research in at least three broad fields initially and over time in all broad fields in which coursework degrees are offered; and
- undertake sufficient research in all narrow fields in which research higher degrees are offered” (Bradley et al, 2008).

Notwithstanding its recommendations for enlarging student participation, the Review gave no serious consideration to structural differentiation in the Australian tertiary education system. In its brief discussion of structural options, it ignored most of the institutional types found elsewhere in the world, such as community colleges, polytechnics, Doctorate-awarding universities, Master’s Colleges and Universities, and Baccalaureate Colleges.¹⁵ The Government’s response to recommendation 22 was simply “to be progressed through TEQSA” (Australian Government, 2009), with no indication of agreement with the insistence that institutions with the title “university” must deliver research higher degrees.

The Review’s recommendation is itself unclear. What is “sufficient” research? Does the research have to be up to any given standard? Would it be sufficient to have one or two people undertaking research in a broad field? How does the ‘teaching/research nexus’ work in a broad field like ‘natural and physical sciences’, where research is being undertaken in geophysics but teaching is provided across the biological sciences? How does it make a difference to the student experience in law when research activity at a university in the broad field of ‘society and culture’ is in sport and recreation? Would a university be registered to offer PhD programs in the fields where it had no research? How is it expected that the ‘research standards’ of the Higher Education Standards Framework will interact with the other ‘standards’ and ‘standards-based arrangements’? And how will the Excellence in Research for Australia (ERA) research assessment exercise inform judgements related to the various standards and performance assessments?

With regard to the *information standards*, there seems to some overlap with the *MyUni* website, and possibly some interaction with other performance funding programs of the Education Department. What is implied by having institutional offerings “tested and assessed in a consistent and transparent way”? What are ‘offerings’ in this context? It is not clear how much additional accountability reporting will be imposed, but the Government’s expectations are extensive:

“We have to know where we are succeeding and where we are failing if our investments are to be effective. A key task will also be to establish objective and comparative benchmarks of quality and performance. Richer data will be collected. Performance in areas such as retention, selection and exit standards, and graduate outcomes will be important. A priority will be to continue to encourage our academics to value teaching as much as their passion for research. Having a national approach is vital so that students in different states and regions can be assured that the offerings of our institutions have been tested and assessed in a consistent and transparent way” (Gillard, 2009).

There is no obvious practical implication of the different ‘domains’ of the ‘higher education standards framework’ being grouped together. For instance, the determination of provider registration standards could be a function of an inter-ministerial council, as at present for the national protocols which they are to replace. Qualifications statements could continue to be developed by the AQF Council, and research standards could be a function of the research funding councils (the Australian Research Council, and the National Health and Medical Research Council). Information standards could continue to be developed by government departments, as for the *MyUni* website, compacts and performance funding reporting requirements. It is good policy practice, consistent with long-standing democratic conventions, to separate standards setting from their enforcement and monitoring.

¹⁵ <http://classifications.carnegiefoundation.org/descriptions/basic/php>.

3.5.6 Benchmarks for teaching and learning quality assurance

The Australian Learning and Teaching Council (ALTC) has been funded by the Australian Government to explore the development of 'academic standards' in a number of fields: history, geography, accounting, creative and performing arts, engineering and ICT, health, and law (see Box 30). The approach is more like the UK's 'Subject Benchmark Statements' than the European Tuning exercise; while the work is being done by the academic community, it is designed to relate to accountability through TEQSA and then be overseen by TEQSA (Nicoll, 2010). However, the ALTC project goes well beyond both Tuning and Subject Benchmark Statements, which are 'mapping' references (AUQA, 2009), by specifying standards for internal assessment and external audit purposes:

"The Australian Government is funding the Australian Learning and Teaching Council to undertake the Learning and Teaching Academic Standards Project. The Academic Standards will then form one element of the new Higher Education Standards Framework. They will provide the Tertiary Education Quality and Standards Agency with ways of assuring that the discipline-based learning outcomes of Australian higher education students are assessed. Learning and teaching academic standards will be based on the identification of threshold learning outcomes for each degree course in each discipline offered in Australia. They will be publicly defensible statements and achievement of them will be assessable. The Academic Standards will also represent a valuable instrument for self-review by institutions and disciplines and will evolve over time as disciplines change. They will represent threshold standards for student and graduate achievement" (DEEWR, 2010, Higher Education Newsletter).

Box 30. ALTC Principles underlying use of academic standards for quality assurance

To ensure that the process of setting academic standards is accepted and supported by the academic community some principles were developed to safeguard the process. A preliminary list of principles follows but may be revised as the project develops.

The process must be transparent, evidence-based, outcomes-based, responsive and feasible:

1. Academic standards will be expressed as assessable learning outcomes. Descriptors of input and process (eg, student/staff ratios, student entry scores, class sizes, teaching methods) may support but are not acceptable substitutes for evidence of achievement of core learning outcomes.
2. Threshold academic standards, defined as minimum learning outcomes, will be defined by each discipline community for each level of qualification.
3. There must be a regular cycle of review of academic standards to maintain currency with advances in knowledge and practice.
4. Minimum academic standards must be comparable with international standards.
5. Processes for using standards for institutional or disciplinary performance improvement must be efficient, transparent and based on peer review.
6. Processes for auditing academic standards must be developed so as not to give rise to perverse consequences, e.g. standardisation of curricula or standardised tests.
7. Diversity and academic autonomy across the sector must be protected:
 - Individual institutions may set their own learning outcome standards beyond the defined threshold academic standards in any or all disciplines and may also choose to submit them for audit.
 - Individual institutions are free to determine the curriculum, teaching methods, resources and assessment methods leading to the achievement of the defined core learning outcomes.

ALTC, 2010.

The ALTC's working definition, which may be refined as the project proceeds, is:

*"Academic standards are learning outcomes described in terms of discipline-specific knowledge, discipline-specific skills including generic skills as applied in the discipline and discipline-specific capabilities. The standards to be defined are **threshold** standards, expressed as the **minimum learning outcomes** that a graduate of any given discipline must have achieved"* (ALTC, 2010, emphasis in original).

By end 2010, there is to be a report:

"which outlines a broadly based view on how the process of defining discipline-based learning outcomes, assessing them, and using them for quality improvement can be sustained and carried into the future in a close relationship with TEQSA" (ALTC, 2010).

The ALTC approach may be a useful means of enabling a structured contemporary dialogue within the academy around expectations of learning objectives from disciplinary perspectives. However, it can be a time-consuming exercise for people who are already over-stretched, and even after exhaustive considerations it may not result in consensus and certainly not of the type that could form a firm basis for external regulatory purposes:

"The essence of the proposal is that the collegial academic and discipline relevant debate and specification of academic standards pursued within institutions, and which are explicitly acknowledged to be appropriate, be writ large nationally. In our view this is not practically feasible unless the focus is diluted to very broad fields and very high level notions of outcomes, and if done at such a level, will not be useful to any institution or other stakeholder. Putting aside for the moment our significant concerns about standardisation and the stifling of diversity and innovation that would result from the proposal, it may be feasible for academics within a narrow discipline field to agree on 'national statements of desired learning outcomes' for very specific elements of curriculum. For example, the accounting discipline (where professional accreditation places some constraint on diversity) might agree on desired outcomes for introductory financial statement analysis. Even here, however, history and experience would suggest that many academics would disagree on at least some of the expected outcomes, due mainly to disagreement about what should be the education goals of specific course units. Repeating such debate and consideration across even one discipline field for the full curriculum of any degree would be a massive undertaking. Even if it could be accomplished, it would likely be out of date by the time it was completed" (ATN, 2009).

"The essence of the proposal is that the collegial academic and discipline relevant debate and specification of academic standards pursued within institutions, and which are explicitly acknowledged to be appropriate, be writ large nationally."

The most serious concern is that the 'products' of the disciplinary standards networks will be appropriated by TEQSA for external regulatory purposes...

A more streamlined approach will be needed if the model of disciplinary standards networks is to be extended across more fields on a sustainable basis, and its purpose will need to be explicitly defined as providing references for internal institutional assessment and performance improvement rather than for external accountability. As an agency that is government funded and whose agenda in this area is being driven by government, the ALTC ought not to arrogate itself some sort of guardian role in respect of teaching and learning in higher education.

The most serious concern is that the 'products' of the disciplinary standards networks will be appropriated by TEQSA for external regulatory purposes rather than seen as guides for institutions in the design of curriculum, teaching and assessment. It would be an unacceptably retrograde step to have an external regulatory and auditing body determine institutional standards:

“One peril in trying to achieve common standards in a subject area across institutions is that this needs objectivity, which quickly becomes synonymous with quantification, with professional judgement dismissed as impressionistic. However, a disciplinary tradition depends on a community of scholars engaged in a common pursuit. The idea of an academic pursuit is scarcely intelligible without there being some sense of what it is to engage in it well or badly. Standards are therefore inherent in the very notion of a discipline” (Woodhouse, 2010).

3.5.7 Teaching Standards Framework

The Australian Government through the ALTC has also funded a Macquarie University led project to test Macquarie’s teaching standards framework in six universities (including Macquarie) for adoption across the Australian higher education sector. The project aims, *inter alia*, to collate information from each participating university “on how it would propose to report on compliance with the Teaching Standards Framework both internally and to government, and the development on this basis of a set of arrangements by which institutions could report on their performance against the Teaching Standards Framework to DEEWR or to TEQSA” (Sachs, 2010). A progress report is expected by end November and a redrafted Framework by December 2010, and a final report by 21 February 2011.

The Macquarie University template for its ‘Teaching Quality Indicators Project Benchmark Statements for the reward and recognition of learning and teaching quality at the Institutional level’ cover standards relating to: academic staff appointment policies and procedures; probation policies and processes; performance, development and review policies and procedures; promotion policies and procedures; study leave and conference leave policies; professional development policies; policies for learning and teaching awards, grants and scholarships; student evaluations of teaching, and peer review of teaching.

There is very little information available other than to the institutions participating in the project, and their impression is that the outcome of the project will be a set of national teaching standards, institutional compliance with which is likely to be audited through TEQSA. That approach would represent an assault on university autonomy as well as being inconsistent with the stated workplace relations policies of the Australian Government.

3.5.8 MyUni website

The *MyUni* website (see Box 31) has been presented as an extension to Higher Education of the *MySchool* website model of providing ‘transparent’ information to parents about the comparative performance of schools on standardised tests of their students. The governments of Australia have agreed to a national curriculum for schooling, as well as, through the National Assessment Program: Literacy and Numeracy (NAPLAN), common testing of students in reading, mathematics and science, in grades 3, 5, 7 and 9. Notwithstanding the considerable problems associated with the application of that approach to schooling, its extension to Higher Education can only be predicated on the contested assertions that contemporary higher education is not much more than a later stage of schooling, that what matters most is the formation of generic skills (there is also a *MySkills* website for VET), that meaningful differences in institutional performance can be revealed by aggregates of individual student performance, that performance information will guide student choice, and that university teaching will improve as a consequence of public reporting of such information. It is ironic that a government which projects itself as committed to ‘evidenced-based policy’ should commit to such heroic but unsubstantiated claims in such an important area of public policy. It would have been beneficial to have prior market research into what students want to know in making their decisions about study options.

It would have been beneficial to have prior market research into what students want to know in making their decisions about study options.

Given the site is likely to include other higher education providers, Universities Australia has sensibly recommended to the Australian Government the name of the website be changed to *My Degree*.

Box 31. The purpose of *MyUni* website

"Informed student choice is particularly important in the new student centred system—because student choice will impact so much on institutional behaviour. We want students to make their decisions about where they want to study on the basis of robust information about the quality of education provided at each institution rather than on hearsay, inference from entry requirements or prestige. In the future Australian universities will be required to publish more information on their courses, campus facilities, support services and, most importantly, the quality of teaching and learning outcomes.

The My School website, which publishes vital information on school activities and achievement, has proved an enormous initial success and there are early indications that it is influencing parental decisions about enrolment and staffroom decisions about teaching strategies. I believe it's now time for us to consider something similar at the university level.

And so today I announce that the Government will implement a complimentary [sic] measure to the My School website a 'My University' website which will help inform students about institutions, courses and pathways. It will showcase the quality of Australia's higher education providers. It will be developed over time in partnership with the sector and it will commence no later than January 2012.

Information will be provided in an easily accessible form for students and parents, universities will be able to learn from the success of their colleagues and the learning outcomes and the quality of teaching of our universities will become better known in the general community. We know this is a major undertaking and the expertise of the sector will be vital in providing students and the public with the best information we can about institutional quality and learning outcomes."

Gillard, 2010.

The *MyUni* website requirements (see chart above) seem closer to the US College Portrait than to the European U-Map. Regrettably, the Government's focus on accountability for performance and outcomes has overshadowed its transparency objective, of providing information for prospective students to see the differences in the opportunities available to them, along with information about services and accessibility, so that they can select the program in the institution that best suits their needs.

3.5.9 An Indicator Framework for Higher Education Performance Funding

In its response to the Bradley Review, the Government committed to a more transparent and more favourable basis for annual indexation of its recurrent payments to higher education institutions. As a quid pro quo, the Government made access to the improved indexation conditional: funding would be provided for those institutions which "agree to sign on to the achievement of institutional performance targets" (Australian Government, 2009). From 2012, institutions would be "rewarded" for their achievement of the targets via a performance funding stream. There was a degree of entrapment in this conditionality, given that the nature of the performance targets had not been determined at the time the 'sign-on' was required for access to the new indexation of base funding, which dwarfs the specific pot for performance funding. In December 2009, the Education Department issued a discussion paper on An Indicator Framework for Higher Education Performance Funding. As at October 2010, there has been no indication from the Government of its intentions in response to the feedback on that discussion paper.

The discussion paper started from the premise that TEQSA and Compacts in combination would provide the regulatory checks:

TEQSA: will “take the lead in establishing minimum standards that higher education providers are required to meet to ensure the overall quality and performance of the sector”, “facilitate discipline-based communities in the development and implementation of discipline specific standards,” and “assess whether universities have met their targets, and its advice will inform the allocation of performance funding”.

Compacts: will provide “a framework for jointly achieving the Government’s reform agenda and institutions’ individual missions”; including “a teaching and learning component, which will include the targets for performance funding” (DEEWR, 2009).

The main proposals in the discussion paper related to the nature and form of the targets set as a basis for performance monitoring and funding. A threshold policy issue, but one which the paper evaded, is the extent to which the performance indicators are common to all institutions or customised for each. In meetings around the issues, Departmental officers gave more weight to national than institutional indicators. The key indicators proposed in the paper are outlined below:

A threshold policy issue, but one which the paper evaded, is the extent to which the performance indicators are common to all institutions or customised for each.

- i. **Student participation:** universities will be required to maintain a base-line number of students for each number of students (based on number of students in 2010), and negotiate a percentage point increase in access share for those groups.
- ii. **Student experience:** percentage point improvement in retention rate; percentage point improvement on student satisfaction score (CEQ scales for ‘Good Teaching’ and ‘Overall Satisfaction’ weighted equally).
- iii. **Student achievement:** percentage point improvement in progress and retention rates.
- iv. **Learning outcomes:** (a) increase in proportion of teaching staff with a Graduate Certificate in Higher Education or equivalent; (b) percentage point improvement in student satisfaction with generic skills (CEQ); (c) percentage point improvement in employment and further study outcomes; (d) use of the Graduate Skills Assessment (GSA) test as an indicator of institutional value added.

The concerns noted above (3.4.4) in relation to standardised tests and value added measures in the US context are also relevant in the Australian context.

3.5.10 Strengthening the Australian Qualifications Framework

The Australian Qualifications Framework Council (AQFC), a committee of the inter-governmental Ministerial Council for Tertiary Education and Employment (MCTEE), was formed in May 2008 with the following objective: “to provide strategic and authoritative advice to ministers on the Australian Qualifications Framework (AQF) to ensure it is nationally and internationally robust and supports flexible cross-sectoral linkages and pathways” (AQFC, 2010). With regard to policy advice, its terms of reference include “strategic strengthening of the AQF required to meet identified needs such as improving national consistency and contemporary relevance, including national and international portability”, and “national and international recognition and comparability of qualification standards and alignment of qualifications/standards frameworks” (AQFC, 2010).

The AQF is a tight-loose framework: it is ‘tight’ (prescriptive) for outcomes-based national VET awards and ‘loose’ (descriptive) for process-based awards of educational institutions, and it has been described as ‘weak’ in its capacity to achieve inter-sectoral seamlessness (Keating, 2003), and for its inability to

provide “external referencing for the standards and relativities of qualifications” (Keating, 2008). The “strengthening” purpose involves bringing the AQF within the new “national quality and regulatory framework”, removing distinctions between the (primarily competency-based) Vocational Education and Training (VET) and (primarily curriculum-based) Higher Education sectors’ qualifications models, prescribing levels of learning outcomes on a consistent basis, tightly mapping the levels to qualifications titles, and assigning study time. Rather than seeing the AQF as a reference tool, i.e. a set of qualifications descriptors, the AQFC envisages it as an instrument of reform.

Rather than seeing the AQF as a reference tool, i.e. a set of qualifications descriptors, the AQFC envisages it as an instrument of reform.

Box 32. Declared objectives of the Australian Qualifications Framework

“The objectives of the AQF are to:

- provide nationally consistent recognition of outcomes achieved in post-compulsory education;
- help with developing flexible pathways which assist people to move more easily between education and training sectors and between those sectors and the labour market by providing the basis for recognition of prior learning, including credit transfer and work and life experience;
- integrate and streamline the requirements of participating providers, employers and employees, individuals and interested organisations;
- offer flexibility to suit the diversity of purposes of education and training;
- encourage individuals to progress through education and training by improving access to qualifications, clearly defining avenues for achievement, and generally contributing to lifelong learning;
- encourage the provision of more and higher quality vocational education and training through qualifications that meet workplace requirements and vocational needs, thus contributing to national economic performance;
- promote national and international recognition of qualifications offered in Australia”

AQFC, 2010.

The agenda for reform relates primarily to an industry-driven, competency-based training system, and the facilitation of lifelong learning through pathways and credit transfer (see Box 32). When this agenda was initially mooted in the early 1990s, it was opposed vigorously by the university sector, and aggressively by the then Vice-Chancellor of the University of Melbourne, David Penington (Penington, 2010). It was seen to be inappropriate to apply to higher education the notion of nationally standardised codified knowledge in the form of units of competency (Bowden & Masters, 1993). As a result, higher education sector qualifications were not absorbed into the competency model developed for the training sector.

The first bullet point in Box 32 confuses expectations and performance, and its ambiguity fuels the fires of concern about the policy intent of the entire new quality and regulatory arrangements. In what way can a qualifications framework “provide nationally consistent recognition of outcomes”? Presumably, it is understood that a qualification at a given level testifies to a set of competences which are common and equivalent, and these competencies will be recognised uniformly throughout Australia. The second bullet refers curiously to education and training sectors, but the proposed new AQF removes sectoral distinctions. The third bullet is unclear: what “requirements”, if any, does the AQF generate? The fourth bullet defines a (desirable) characteristic of qualifications and levels descriptors. The fifth bullet is aspirational but the objectives outlined are not a direct consequence of the AQF.

With regard to these five matters, the appropriateness of their assumptions and the practicality of their application are considered in Part 4.4 below. At this point it can be noted that there are major policy purposes, relationship issues, conceptual dilemmas and change management challenges to be

addressed. One set of issues concerns a singularity of purpose or a balance of different purposes for qualifications (Keating, 2008). A second set of issues concerns the centralisation or distribution in the ownership and management of qualifications (Allais, 2007; Keating, 2008). A third set of issues involves the construct of knowledge and learning within qualifications (Young, 2007; Keating, 2008; Wheelahan, 2009). A fourth set of issues concerns the management of change (Raffe, 2009b; Raffe, 2009c).

The sixth bullet in Box 32 encapsulates the primary purpose of the 'strengthened' AQF. It reflects a predominantly Vocational Education and Training (VET) perspective, which is not surprising in view of the (schools and VET) portfolio responsibilities of the majority (State & Territory) members of MCTEE. Missing is any reference to the role of higher education qualifications, such that one would expect a separate framework along the lines of the English approach outlined above (at 3.2.1). The seventh bullet represents normal expectations of national qualifications frameworks around the world.

Interestingly, there is no reference to the AQF as an instrument for consumer protection. Yet in defending its arbitrary and parochial decision to prohibit qualifications types and titles in the AQF that are offered reputedly internationally and for which there is student demand, and in some cases for which the Australian Government has been funding places, the AQFC has justified its stance on grounds of consumer protection (Doolette, 2010).

3.5.10.1 University concerns

In its July 2010 consultation paper, the AQFC proposed several changes of significant concern to universities (see Box 33). No country in the world has a qualifications framework relating to higher education that is so prescriptive and narrow.

The removal of sectors in the AQF is not a trivial matter, especially given the historical struggle of the university sector to avoid a reduction of higher education to training. In other countries, such a threshold decision is usually subject to extensive consultation (Raffe, 2009b), rather than an assumed starting point. As noted above, England has a totally separate framework for higher education qualifications, Scotland has a 'tracked' comprehensive framework, where higher education is in a distinctive track, Ireland has a 'linked' framework where equivalences are indicated across qualifications on different tracks, and New Zealand has a competency-based approach for its vocational qualifications but not for its higher education qualifications.

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Box 33. Key proposals for strengthening the AQF

- Replacement of current sectoral divisions (e.g. VET, HE) with a single set of award levels, thereby focusing on the qualification as testimony to skills formation, however and wherever achieved
- 10 levels of increasing complexity against which qualification types are located
- Learning outcome-based descriptors for each qualification type "based on a common taxonomy of knowledge, skills and application of the knowledge and skills with embedded generic skills"
- Notional duration of student learning for each qualification type
- Tight mapping of qualifications types and titles to levels of learning outcomes
- Restrictions on the use of qualifications titles
- Automatic learner entitlement to a base level of credit transfer for previously completed awards.

AQFC, 2010b.

The latest version of the strengthened AQF reforms (2010a) reflects the earlier draft with one important expectation, credit transfers entitlements are no longer automatic but are to be negotiated between institutions or between students and institutions around sound educational considerations.

The AQFC is proposing a 'unified' framework with no tracks and a common taxonomy of learning outcome descriptors mainly related to occupational competences. This is a courageous policy proposal, especially in the light of international evidence that "there is practical value in allowing for sector differences within an overall framework" (Tuck, 2007), that "the most successful NQFs appear to be those with the most modest ambitions for system change" (Raffe, 2009a), and concerns about the narrowing impact on education of competency-based assessment and the consequential adverse effects on those most disadvantaged in terms of educational backgrounds (Allais, 2003; Allais, 2007; Wheelahan, 2009).

Perhaps the AQFC seeks to promote the status of VET through parity of esteem of VET credentials with higher education qualifications, and easier access for people with VET qualifications to higher education programs. However worthy that may be, there are several matters that deserve discussion before it is a taken-for-granted good thing to do.

The AQFC is proposing a 'unified' framework with no tracks and a common taxonomy of learning outcome descriptors mainly related to occupational competences.

Why would this approach not lead to a perceived subordination of VET to higher education? To what extent would such an approach devalue VET credentials as worthwhile for ends other than as pathways to higher education, such as direct employment outcomes? How much additional pressure would the approach put on credential inflation? Would the approach encourage 'academic drift' in vocational education? Presumably the status of VET is important for attracting people to develop the skills for important areas of labour market need, but would changing the qualifications framework in the way proposed be a stronger incentive than improved wages and working conditions in the occupations and industries where VET graduates are employed? And what are the risks for higher education in being regarded no differently than vocational education? Would we see greater numbers of graduates more trained but less educated?

It may be true that graduates of all qualification types need a blend of knowledge, knowledge-related skills and generic skills, in order to perform in non-routine jobs, as discussed at 2.4 above, but the nature of the blend does not necessarily follow only a vertical line of increasing complexity. There are also differences in the nature of knowledge and learning, and the relation of learning with people, place and subject matter. This issue is discussed in Part 4 below, with reference to competency-based training and national qualifications frameworks.

A threshold question for any NQF is how many levels of learning outcomes descriptors it should have. No rationale has been advanced by the AQFC for selecting 10 levels rather than 8 (EQF) or more (Scotland). The proposed dilution of the Level 10 descriptor is symptomatic of a deeper problem. The current AQF makes it clear that expected learning outcomes at Doctoral level (the current highest qualification level) are "assessed externally against international standards and produce an output with a high level of originality and quality". The proposed 'strengthened' AQF deletes these characteristics, but that would be to diminish the international reputation of Australia's highest qualification level.

The AQFC is proposing to remove, and effectively prohibit, a range of qualifications titles including commonly used qualifications currently offered by higher education institutions and funded by the Government in Australia, e.g. Bachelors of Law (LLB), Postgraduate Diploma of X, tagged degrees such as Bachelors of Business (Marketing), or Juris Doctors (JD). Many of these titles have an historical basis and/or are internationally recognised. The proposed issuance policy limiting the use of qualifications

titles is inconsistent with the depiction of the structure of the AQF in the draft Framework policy document:

“The structure of levels enables more than one qualification type of similar complexity but different focus to be accommodated at each level” (AQFC, 2010).

A more coherent approach is to permit institutional discretion over the nomenclature of awards, within the bounds of common practice in Australia or internationally. This approach aligns with the Bologna Process where the various qualifications titles of countries are referenced to 8 levels of expected learning outcomes on the European Qualifications Framework (EQF). In Australian practice, some qualifications with similar titles fall into different levels. For instance a Master’s degree that builds upon previous study in a discipline is different from one that introduces the student to a discipline for the first time. Hence it is appropriate to find the ‘Master’ title in either Level 8 or 9, depending on the level of learning outcomes expected. In the case of the Doctor title, similarly, there are doctorates which are 100% or at least two-thirds research based, whereas others, including some professional doctorates involve less than one third research. Thus the sensible approach is to acknowledge that doctorates can be classified at either level 9 or 10 depending on research intensity. Additionally, there are several qualifications of reputable international currency that represent level 9 rather than level 10 learning outcomes, e.g. MD, DVM or VMD. By what reasoning should Australian universities be prohibited from offering Australian students qualifications that give them international mobility, and forbidden from competing in this segment of the international market?

The AQF Council in its July 2010 consultation paper proposed an extraordinary level of prescription over credit transfer. In that paper it specified “base levels of credit transfer for completed AQF qualifications [which] will be awarded to students” (AQF Council, 2010). For qualifications in the same discipline it is specified, for example, that “completed qualifications at levels 5 and 6 will result in 33% credit towards level 7 qualifications”. For completed qualifications in a different discipline it is specified that completed qualifications at levels 5 and 6 will result in 10% credit towards level 7 qualifications.

Such a credit transfer policy is totally arbitrary, too prescriptive, cuts across university autonomy and undermines academic integrity. It assumes equivalence of programs (which may be structured very differently) and does not allow for qualitative differences. Most importantly, it does not acknowledge a university’s responsibility to assess what is best for the student in obtaining the learning outcomes desired. Where an institution does not think a student will effectively complete the course, given prerequisites and progression requirements, if the student must be granted the stipulated AQF credit, the institution may decide not to admit him/her to avoid any review processes. Thus a ‘reform’ designed to open learning pathways may actually block them.

The AQFC’s final advice paper of October 2010 has softened automatic to ‘negotiated’, referring to its July specifications as guidelines reflecting what would be normally expected while having regard to: learning outcomes; volume of learning; program of study, including content; and learning and assessment approaches.

Nevertheless, the AQFC’s credit transfer policy thinking misunderstands the differences in the nature of knowledge and learning between the cultural and human capital traditions (Keating, 2008) and the structure of learning required for different occupations (Muller, 2009).

3.5.10.2 The intended use of the AQF as a regulatory instrument

The closed nature of the policy development process relating to the accountability for quality agenda is of particular concern to Australian universities. The process does not accord with the Council of Australian Government Best Practice Regulation guide

The question arises as to whether ministers can sign off on arrangements which have not been developed in accordance with COAG’s own principles.

(COAG, 2007). See Box 6. In particular the regulatory impact of the strengthened AQF has not been a matter for public discussion. It needs to be. Indeed COAG's own public policy principles stipulate much fuller consideration of options, benefits and costs of different degrees of interventions, and the effects on stakeholders, including education providers. The question arises as to whether ministers can sign off on arrangements which have not been developed in accordance with COAG's own principles.

Box 34. Principles of Best Practice Regulation

COAG has agreed that all governments will ensure that regulatory processes in their jurisdiction are consistent with the following principles:

1. establishing a case for action before addressing a problem;
2. a range of feasible policy options must be considered, including self regulatory, co regulatory and non-regulatory approaches, and their benefits and costs assessed;
3. adopting the option that generates the greatest net benefit for the community;
4. in accordance with the Competition Principles Agreement, legislation should not restrict competition unless it can be demonstrated that:
 - a. the benefits of the restrictions to the community as a whole outweigh the costs, and
 - b. the objectives of the regulation can only be achieved by restricting competition;
5. providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear;
6. ensuring that regulation remains relevant and effective over time;
7. consulting effectively with affected key stakeholders at all stages of the regulatory cycle; and
8. government action should be effective and proportional to the issue being addressed.

COAG, 2007.

In the revealed agenda the dots are not seen to be joined, for instance, between the role envisaged for TEQSA and the elements of the Higher Education Standards Framework, including the role of the AQF, and conditions for provider registration and eligibility for government funding. In the unrevealed agenda they seem to be more congruent than most stakeholders would expect, but contentiously so.

The first Draft Higher Education Provider Registration Standards (DEEWR, 2010) were designed in accordance with a number of principles, one of which was stated as "The Standards and Requirements are consistent with (and make reference to) other requirements and standards for higher education providers in Australia, e.g. standards mandated by the Australian Qualifications Framework" (DEEWR, 2010). The associated draft 'standards for programs' outline the following requirements:

1. *"The titles, durations and workloads and characteristics of learning outcomes for all the provider's higher education programs comply with AQF criteria and accurately reflect the nature and level of the programs"*
2. *"The provider has student admission requirements that are consistent with AQF requirements and ensure that students have adequate prior knowledge and language competency to undertake the program successfully"*
3. *"The provider ensures that credit for previous studies or skills (including credit transfer, articulation and recognition of prior learning) meets AQF criteria and that the amount of credit given preserves the integrity of the AQF qualification to which it applies"* (DEEWR, 2010).

This cross-referencing of the registration standards with AQF 'policies' and 'requirements' signals a major shift in national policy. For universities it is a dramatic and disturbing shift. Universities have conventionally been accorded discretion to determine the criteria and processes relating to student admissions, staffing appointments, curriculum, pedagogy and assessment, and the awarding of qualifications.

In the public view, the AQF has been understood to be, what national qualifications frameworks are elsewhere: a set of descriptors designed to outline the structure of qualifications in a national education system in ways that enable equivalences of qualifications from different countries to be compared. However, as noted at 2.7 above, some interest groups attach their political agenda to this pursuit, whether to reform particular educational processes, or to promote learning pathways and credit transfer. Nevertheless, there is no agreement, anywhere, that the AQF descriptors are binding. Indeed, they are merely guidelines, and they are based on advice from universities and other institutions:

“Australian universities are established by or under relevant state, territory and commonwealth legislation and have authority to accredit their own courses. The AQF guidelines for Higher Education qualifications reflect advice from these institutions, as do the AQF qualification titles used widely by the other self-accrediting institutions (together with a small number of local titles)” (AQF Register, 2010).

Legislation for the establishment and governance of individual universities confers very broad autonomy with regard to courses, awards and academic standards. The university establishment acts do not refer to external quality assurance frameworks. The funding agreements (compacts) between the Commonwealth and individual universities make no mention of the AQF. The AQF has no legal status or power in its own right.

However, there are cross-references to the AQF in the Higher Education Support Act, 2003. That Act (HESA) defines an Australian university as “a body corporate: that (a) meets the requirements set out in the National Protocols for entities referred to in the National Protocols as Australian universities; and (b) whose name is included, or who owns or controls a business name that is included, in the Australian Qualifications Framework Register as an Australian university”. Additionally, HESA makes specific references to VET courses and the requirement that VET courses are accredited by a VET Course Accrediting Body listed in the AQF Register. Self-accrediting institutions also need to be listed on the AQF Register. Hence, to be eligible for Commonwealth funding a university must be listed on the AQF Register. However, listing on the register involves no obligation.

The *National Protocols for Higher Education Approval Processes* constitute an inter-governmental ministerial agreement. The Protocols specify that: “Any institution that offers Australian higher education awards must comply with AQF higher education titles and descriptors” (*Protocol A 3.7*); “A self-accrediting higher education provider (HEP) must have effective and comprehensive structures and processes to set standards for AQF qualifications equivalent to Australian and, where relevant, international standards” (*Protocol C 3.2*); “An overseas HEP that seeks registration/accreditation to operate in Australia will be assessed on its capacity to offer Australian qualifications that comply with the AQF” (*Protocol C 6.6*). Nevertheless, the National Protocols are not legally binding; they do not override the powers of university governing bodies. Any legal requirements relating to the National Protocols derive from legislation passed through the Commonwealth and/or State & Territory parliaments.

The *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students, 2007* is a set of nationally consistent standards that governs the protection of overseas students and delivery of courses to those students by providers registered on *Commonwealth Register of Institutions and Courses for Overseas Students* (CRICOS). The National Code is established under the *Education Services for Overseas Students Act, 2000*. To become CRICOS-registered a provider

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must demonstrate that it complies with the requirements of the National Code. The National Code complements existing national quality assurance frameworks in education and training including the Australian Quality Training Framework (for registered vocational education and training providers offering these courses) and the *National Protocols for Higher Education Approval Processes* (for institutions offering higher education qualifications).

The National Code is legally enforceable and breaches of it by providers can result in enforcement action under the ESOS Act. This includes conditions being imposed on registration and suspension or cancellation of registration of accredited providers, but this does not apply to self-accrediting institutions. Only CRICOS-registered courses can be offered to international students studying in Australia on a student visa. The Code specifies that “A course cannot be registered on CRICOS unless it meets the relevant Australian Qualifications Framework requirements or those of any other appropriate quality or accreditation framework, if an appropriate framework exists”. (*National Code, C.7.1*). In practice, a university, as a self-accrediting institution, provides information to the state/territory CRICOS registering body, including information about the process by which the university authorised the proposed program (e.g. by attaching the minutes of the Academic Board or Education Committee or equivalent). Such information may make no reference to the AQF, because a university is not constrained by the AQF.

However, there are different practices among the states and territories. To comply with migration laws, international students are required to complete a course within its ‘expected duration’. The normal duration of a course may be established by the appropriate quality assurance framework for that sector (e.g. the Australian Qualifications Framework, relevant state and territory government legislation or guidelines). The *NSW Higher Education Act 2003* stipulates that “A course of study may be accredited in relation to an education institution only if the Director-General or institution, as the case requires, is satisfied that the course complies with the requirements of the Australian Qualifications Framework” (*section 7(2)*). Legislation and regulations appear to be less overtly prescriptive in other states and territories. However, state and territory accreditation authorities publish guidelines on their websites which specify that, in order to be accredited, higher education courses (other than those awarded by universities) must comply with AQF requirements. Tasmania’s guidelines require that, in order to be registered, a (new) university’s qualifications must comply with AQF requirements, and universities must provide “details of how course development, approval and review processes take into account AQF requirements and standards within Australian and international universities”.

If the AQF were to be made part of the regulatory regimen, under the Commonwealth statute establishing TEQSA, universities would effectively forfeit their self-accrediting status in respect of all the programs they offer. Additionally, the states and territories would find that an agency established under Commonwealth statute would have powers overriding state laws relating to the authorising of universities to operate. Such fundamental changes to the status of universities and the powers of the states ought not to be surrendered lightly.

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